

Tuesday, January 31, 2023
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present:

Leah Gibson, Chair (LG)
Stephanie McGowan, Vice Chair (SM)
Dennis Keefe, Clerk (DK)
Seth Ferguson (SF)
Mark S. Elfman (ME)

Also Present:

William Keegan Jr. Town Manager (BK)
Christina Metcalf, Communications Specialist (CM)
Katie Lang*, Executive Assistant (KL)
*Attended remotely

1. 6:00pm Executive Session - To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel regarding the contract for the appointed Town Manager, John Coderre

Motion to enter into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel regarding the contract for the appointed Town Manager, John Coderre by D. Keefe 2nd by M. Elfman.

Roll Call Vote: ME – Yes, DK – Yes, LG – Yes, SM – Yes, SF – Yes. Approved, 5-0.

2. 7:00pm - Citizen's Input – No Input

3. 7:05pm Approval of New Town Manager Contract

3.1 Select Board to possibly vote on the contract for new Town Manager John Coderre

LG – We are thrilled and excited to announce we have come to terms with John Coderre who will be starting April 10, 2023 as the new Town Manager for Foxborough.

Motion to approve the Town Manager Contract for John Coderre beginning April 10, 2023 to June 30, 2026 by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4. 7:10pm Alcohol Compliance Hearings - Chief Michael Grace (MG) and Lt. Ken Fitzgerald (KF)

4.1 Review of Liquor Compliance Operation

MG - Here tonight for a liquor compliance check that was done by the FPD. Under regulation Section 2.15 it says that the police will conduct regular compliance checks during the year. This wasn't a random act and Covid did put restrictions on compliance checks. This should be done regularly. We drafted and hand delivered a letter explaining that we would be doing a compliance check during the year. We also made it public on social media. We are here to enhance and support business owners but want them to follow the rules. We have a policy that is designed and accepted by the ABCC and in compliance with our regulations and an accredited police department. This particular compliance was just a no ID compliance check. Lt. Fitzgerald oversaw this operation and he will give you the details of this compliance check.

KF – This was a non-identification check. We used college students from Bridgewater. We verified ID (20 years old), we checked to make sure they haven't been drinking beforehand, we ensured that the two females had their phone and money provided by the drug trust fund. Their basic guideline was to go inside, order a drink – if you get asked for ID, then you leave. If they are not asked for ID, they cash out and if they are asked for ID then leave. Each time they took a photo of the drink. They reported to the officer outside if they were served or if they were asked for ID. The police officer would make the notes and then I would go back and let them know what the

violation was and the circumstances surrounding it. We'd go back an hour or so later and talk to the manager of the establishment who did not ask for ID.

MG – We picked a Thursday night so we wouldn't put them at a disadvantage by doing it on a busy Friday or Saturday night.

ME - How many establishments did you go to?

KF – I think about 48. We had some establishments that were closed or needed a ticket to get into.

4.2 Review of Foxboro House of Pizza liquor violation on 12/15/22 and disciplinary recommendation to the Select Board – Sam Labib, Owner

Lt. Fitzgerald gave the details on the Foxboro House of Pizza Violation. On December 15, around 7:00pm underage Caroline sat at the bar and ordered a White Claw, and the bartender did not ask for ID and we returned later to speak with the owner Mr. Labib. Mr. Labib explained it was a busy night, a patron asked to put Megan's drink and the bartender was confused and thought the patron knew Caroline and it was okay. Sam explained that he spoke with all his staff to make sure that IDs are checked by everyone. Chair Gibson explained to Sam and the rest of the establishments present that the Board would review each incident and make a vote on sanctions. We can vote for a letter of reprimand, as this is a first infraction for all establishments, and/or close the establishment from 3-10 days. Ms. Gibson asked Mr. Labib if he was TIPS trained. He responded yes as well as all his staff is TIPS trained as well. Ms. Gibson said the Board will focus on the TIPS training for all establishments in the future. Ms. Gibson moved that the Select Board issue a letter of reprimand.

Motion to issue a letter of reprimand to Foxboro House of Pizza for their violation of ABCC regulation 204CMR 2.05(2) by allowing an illegality to take places in the licensed premises by having an employee violate MGL. 138 sec. 34 - selling alcohol to a minor and failure to ask for ID by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4.3 Review of Jake N Joes liquor violation on 12/15/22 and disciplinary recommendation to the Select Board – Jeff Reddington, Manager on Record, Frank Rokes, Director of Operations

Lt. Fitzgerald established that Jake N' Joes was served the letter in October, informing them of the compliance check. Their compliance check was on December 15, underage Sarah ordered a White Claw, was not asked for ID and checked out after receiving the drink. Lt. Fitzgerald went back later to speak with the manager Mr. Carreiro and was able to identify the employee who did not ask for the ID. He told Lt. Fitzgerald that they check all ID through a scanner to which the Lt. replied that Sarah had no ID on her to be scanned. Chair Gibson pointed out there was another person who was served and not carded but was not part of the compliance check.

Mr. Reddington addressed the bartender who did not ask for ID and stated it was a complete lapse in judgement on her end. He was astonished by this behavior from this senior bartender. She has been notorious for checking ID and had even refused service a week prior to someone in their 30s who did not have ID. Mr. Rokes stated that the bartender was suspended for a week and was retrained in TIPS and address the entire Jake N' Joes group about this incident. Nobody hits the floor without this training. Mrs. McGowan commented to the Jake N' Joes representatives the action you took was commendable. Mr. Ferguson asked about the other incident in the report. Lt. Fitzgerald clarified the situation as there was a group of what appeared to be college age males and another one entered the establishment, high-fived the server, asked for a "Bud" (Budweiser beer) and was served without being carded. Mr. Reddington responded that it was the staff knowing the guest and knowing they were of age. Regardless of knowing that, the establishment must ask for ID or take responsibility for the violation.

Ms. Gibson recommended that the Select Board issue a letter of reprimand for Jake N' Joes.

Motion to issue a letter of reprimand to Jake N Joes for their violation of ABCC regulation 204CMR 2.05(2) by allowing an illegality to take places in the licensed premises by having an employee

violate MGL. 138 sec. 34 - selling alcohol to a minor and failure to ask for ID by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4.4 Review of Mai Pearl liquor violation on 11/10/22 with the Select Board and disciplinary recommendation to the Select Board – Attorney Christian B. Akers and Jean Mar, Mai Pearl Owner

Attorney Akers recapped the incident. It occurred when it got a little busy on November 10, Peter Mai was the bartender who served. My client did receive a letter and staff were informed. Peter was upset with the mistake he made. I spoke with my client and told them there are no defense or safe harbor when. She is apologetic and understands the intent of this operation and that it is done to protect the minors in this state. She has the notice up by the bar. She doesn't intend on this happening again and made sure everyone was up to date with their TIPS certifications as well. Lt. Fitzgerald added that it was November 10 at 6:30pm and underage Sarah ordered a vodka cranberry, was served without having her ID checked and then left after paying. Lt. Fitzgerald also noted when he confronted the server with this information that he said "No" and sort of ran off and went back to work. Mr. Elfman noted that Attorney Akers painted it as he was remorseful I read the report as he avoided it. Attorney Akers read it differently. Ms. Gibson asked if the owner and servers TIPS certification up to date before this. Ms. Mar replied that they were TIPS but not her part-time. Ms. Gibson stated any staff cannot work just part time if they are not TIPS certified. She also recommended the Select Board issue a letter of reprimand.

Motion to issue a letter of reprimand to Mai Pearl for their violation of ABCC regulation 204CMR 2.05(2) by allowing an illegality to take places in the licensed premises by having an employee violate MGL. 138 sec. 34 - selling alcohol to a minor and failure to ask for ID by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4.5 Review of Saga Hibachi Steakhouse liquor violation on 11/10/22 and disciplinary recommendation to the Select Board – Attorney Mark Stopa, Steven – Owner and manager on record for Saga

Lt. Fitzgerald stated that Saga was served the compliance check notice on October 17 at 7:00pm. Underage Caroline ordered and was served a White Claw, was not asked for ID, cashed out and left Saga. We returned after and spoke with the bartender and owner. Attorney Stopa spoke for his client, it's the same story for all these cases. These folks know that anyone looking under 30 should be carded. He's the only bar tender. He was understanding, apologetic and professional. They have talked to the bartender and staff and have had him go through ServSafe training. They had people call out that night and was understaffed, it is not an excuse but explanation. Every server is ServSafe trained. Ms. Gibson recommended that the Select Board issue a letter of reprimand.

Motion to issue a letter of reprimand to Saga Hibachi Steakhouse for their violation of ABCC regulation 204CMR 2.05(2) by allowing an illegality to take places in the licensed premises by having an employee violate MGL. 138 sec. 34 - selling alcohol to a minor and failure to ask for ID by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4.6 Review of Renaissance Hotel at Patriot Place liquor violation on 11/10/22 and disciplinary recommendation to the Select Board – John Aieta, Counsel for Colwen Management Inc., Kenneth Lavigne, General Manager for the Renaissance

Lt. Fitzgerald stated the Renaissance was given the compliance check letter on October 17, at 4:40pm. On November 10, underage Caroline went to Saga, ordered a White Claw, Saga didn't have that and was suggested a Bud Light Seltzer instead, Caroline accepted but was never ID. I returned later and spoke with bartender and a manager about the violation. Attorney Aieta stated that we aren't her to dispute the facts as presented. Mr. Demers was the manager of record and just retired at the beginning of this year. The server was suspended and then resigned. There was a TIPS training the following day after the compliance check. There are trainings on site as well as internal trainings. Mr. Lavigne stated it was unfortunate that this happened. The bartender who served was a career bar tender and was embarrassed by her mistake and decided not to return to staff. We trained and retrained

and we did receive and talk about the letter. She saw someone walk over and she just didn't do her job. Ms. Gibson recommended the Select Board issue a letter of reprimand.

Motion to issue a letter of reprimand to Renaissance Hotel at Patriot Place for their violation of ABCC regulation 204CMR 2.05(2) by allowing an illegality to take places in the licensed premises by having an employee violate MGL. 138 sec. 34 - selling alcohol to a minor and failure to ask for ID by D. Keefe 2nd by M. Elfman. Approved, 5-0.

5. 8:30pm Application for a Change of Manager - Renaissance Hotel at Patriot Place

5.1 Select Board to review and vote on the Change of Manager Application for the Renaissance Hotel at Patriot Place - John Aieta, (JA) Counsel for Colwen Management Inc., Kenneth Lavigne (Ken L.), General Manager for the Renaissance

JA – Mr. Lavigne has been in the industry for 30 years prior was at Marriot International has extensive experience in all aspects. He will be overseeing the alcohol service and is familiar with the ABCC regulation. His experience will be helpful here and got his feet wet on this one. He meets regularly with staff to review policies as well.

Ken L. – Resident of Mansfield. I've been involved in food and beverage my entire career. Started in the culinary and then moved to the restaurant and hotel management degree. I've worked in Boston and Newport. I'm very familiar with the law. I've been in charge but haven't not had my name on the liquor license. I find myself here with this opportunity and will be developing and training our teams to properly serve.

LG – This is for both the Renaissance and Hilton?

Ken L. - Yes, we have 8 seats in the bar and then we have a banquet space.

JA – Both licenses covering both spaces.

Motion to approve a change of manager for Colwen Management, Inc. d/b/a Renaissance Hotel at Patriot Place and Hilton Garden Inn from Norm Demers to Kenneth Lavigne by D. Keefe 2nd by M. Elfman. Approved, 5-0.

6. 8:40pm Open Meeting Law Complaint Response

6.1 Addressing Open Meeting Law complaint from the December 20, 2022 meeting

LG – We received an Open Meeting Law complaint from our December 20, 2022 that we did not state that the meeting was going to be recorded and televised. Secondly, we did not list and read the name of every licensee when we did license renewals on December 20, 2022.

6.2 Listing of all 2023 Licensees and License Renewals

Motion to reaffirm the action taken on December 20, 2022 to approve the following licensees and licenses (list read by Select Board and attached and end of minutes) by D. Keefe 2nd by M. Elfman. Approved, 5-0.

6.3 Chair will announce that all meetings will be recorded at the beginning of each Select Board meeting

7. 8:50pm Town Manager's Update

BK – Congratulations to the Board and to John Coderre who will do a great job for the Town. We'll do everything we can to make a smooth transition.

7.1 General Update on Town Business – We went to the MMA Annual Conference and it was a great opportunity to get together and learn about local government. The Fire Department and SEMRECC were acknowledged at the conference for winning the Kenneth Pickard Innovation Award.

7.2 New Hires and Recruitment - New Senior Youth Services Librarian Emma Brelsford starting in February. Recreation and Seasonal Jobs to be posted soon. Assistant Treasurer/Collector position to be posted as well. Community Resource Social Worker and Collections Coordinator positions close to being hired. Veronica Harvey was our Assistant Treasurer/Collector and will now be the Treasurer/Collector for the Town of Needham

8. 9:00pm - Selectmen's Update

8.1 New Business - Recap of Special Town Meeting – All articles passed at Special Town Meeting last night

8.2 New Business - Ribbon cutting at Everything Bagel at 9:00am on Wednesday February 22nd.

8.3 Old Business - Annual Town Meeting Warrant to close on February 14. I want to see if we can adjust some of the bylaw language regarding Annual/Special Town Meeting process.

8.4 Old Business - Elected and Appointed Board & Committees Informational Night - February 7, 6:00pm in the 1st Floor Conference Room in Town Hall.

8.5 Old Business - Rescheduled Central Street Veterans Parking Lot Stakeholder meeting on Thursday, 2/2 at 7:00pm in Gala Room

8.6 Old Business - Southeastern Regional School District Representative Search – The School Committee sent out a letter and will be taking the lead on finding the representative

SF – I wanted to take a moment to commend George and Marie and the Finance team on all their great work putting together the budget book. The work they that have done on the financial trend and analysis. I feel that this is the right team to continue this forward.

BK – Regarding the budget, I did a different approach than past year. We've had a lean budget and been under 3% in the last few years. The direction was to get 3% and we did that. I will also present a budget that includes the needs that I've seen in Public Safety and Public Works. I think you are in a better position to do that this year.

9. Action Items

9.1 Veteran Services Advisory Committee - Appoint Mark and Naomi Boucher to the Veteran Services Advisory Committee for a term to end 5/31/25

Motion to appoint Mark Boucher and Naomi Boucher to the Veteran Services Advisory Committee for a term to end 5/31/25 by D. Keefe 2nd by M. Elfman. Approved, 5-0.

9.2 Historical Commission - Accept \$220 Donation from Emelie Bonin for new Veteran's markers

Motion to accept a \$220 donation from Emelie Bonin for new Veteran's markers by D. Keefe 2nd by M. Elfman. Approved, 5-0.

9.3 Extended Hours Request - Suffolk Construction, North End Zone Construction at Gillette Stadium, 1 Patriot Place

Motion to approve the Extended Outdoor Off Hours Work Request for the Gillette Stadium North End Zone under the conditions set forth by the Foxborough Police Chief and Select Board by D. Keefe 2nd by M. Elfman.

LG – Are the hours staying the same but the date is changing?

CM –Yes, they will be doing it until May 31st, they asked for October 31st but the Building Commissioner asked for it to be May 31st. There have been no noise complaints to the police or building department.

Approved, 5-0.

9.4 BOS - Approval of Select Board Minutes from 12/20/22 and 1/17/23 meetings

Motion to approve the December 20, 2022 Board of Selectmen Meeting Minutes by D. Keefe 2nd by M. Elfman. Approved, 5-0.

Motion to approve the January 17, 2023 Board of Selectmen Meeting Minutes by D. Keefe 2nd by M. Elfman. Approved, 5-0.

10. Adjourn -8:34pm

Motion to adjourn by D. Keefe 2nd by M. Elfman. Approved, 5-0.