

Tuesday, February 28, 2023
Select Board 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)
Liz Buetow, HR Director (LB)

*Attended remotely

**All Select Board meetings are recorded and broadcast by Foxboro Cable Access
on Government Channel 22/38 and at FCATv.org/live**

1. 7:00pm - Citizen's Input - None

2. 7:05pm HR Update - HR Director Liz Buetow

2.1 Review of Finance Director Hiring process and timeline

Ms. Buetow presented the Select Board with the process for hiring the Town's next Finance Director. She reviewed the timeline, interview team, and had reviewed the position with our Labor Counsel. She asked that the Board appoint someone to the Finance Director Interview team.

Motion to appoint Seth Ferguson to the Finance Director Interview Committee by D. Keefe 2nd by M. Elfman. Approved, 5-0.

2.2 Review of Personnel Board Meeting on 2/15 regarding seasonal pay and Crown Act addition (Anti-Discrimination Policy) to the Personnel Policy Book

Ms. Buetow stated that one of her first tasks when she started was to reviewing the seasonal pay plan in partnership with Human Services Director Marc Craig, DPW Director Chris Gallagher and Library Director Libby O'Neill. As a municipality we do not have to abide by the minimum wage law. Currently seasonal wages are under the minimum wage and reached out not only to comparable towns but local business as well including Dunkin Donuts, McDonald's and Target are paying far more and we are falling behind. In order to be competitive we realized that we need to raise our seasonal rates. The proposed increased seasonal pay plan was approved unanimously by the Personnel Board and we are here to have the Select Board approve as well.

Ms. Gibson stated that this seemed like a no-brainer to remain competitive by raising these rates. Ms. McGowan agreed with the increase as well.

Motion to approve the seasonal pay rates for seasonal Recreation, DPW and Library employees as recommended by the Personnel Board by D. Keefe 2nd by M. Elfman. Approved, 5-0.

Ms. Buetow presented the Town's Anti-Discrimination Policy had been updated to reflect the Crown Act to be in compliance. This was reviewed by Personnel Attorney Jack Dolan and the Personnel Board approved unanimously.

Motion to approve the updated Anti-Discrimination Policy (Crown Act) to the Personnel Policy Book by D. Keefe 2nd by M. Elfman. Approved, 5-0.

3. 7:10pm Change of Manager Application- Showcase Cinema de Lux at Patriot Place

3.1 Select Board to review and vote on a Change of Manager Application for Quincy Amusements, Inc. d/b/a Showcase Cinema de Lux at Patriot Place Shawn Judge (SJ), Area Manager for New England Amusements

SJ – We are here to apply for Alison Machado to be a manager. She came up through the ranks and has been in multiple leadership positions. She was the director most recently she was the Managing Director at our theater in North Attleboro. She's been a manager of record in N. Attleboro with no issues or violations.

Motion to approve the Change of Manager Application for Quincy Amusements, Inc. d/b/a Showcase Cinema de Lux at Patriot Place from Kevin Dybala to Alison Machado by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4. 7:15pm Public Hearing - Class II Auto License Application Jadco Auto Sales

4.1 Select Board to review and vote on Class II Auto License Application for Jadco Auto Sales at 58 Leonard Street

Mahmoud Atwi, Applicant – I am looking for this license so that I may attend auctions and bid online for cars. I will purchase, ship to a port and then export overseas. No cars will be parked on my property.

Ms. Gibson reminded the Board that we have done this before and the license will have the restriction on the license that there will be no cars onsite and no repair work being done either.

Motion to close the public hearing by D. Keefe 2nd by M. Elfman. Approved, 5-0.

Motion to approve a Class II Auto License for Jadco Auto Sales with the restriction that no cars are allowed on premises and no auto body repair work is done at the address listed on the license by D. Keefe 2nd by M. Elfman. Approved, 5-0.

5. 7:20 Public Hearing Class III Auto License Application for Cook's Towing & Transport, Inc.

5.1 Select Board to review and vote on Class III Auto License for Cook's Towing & Transport, Inc. at 24 East Belcher Road

Ms. Gibson stated that we will receive an update from the Town Manager on this application, hear citizens are present for this public hearing and then the hearing will be continued to another meeting.

Mr. Keegan explained that this application is someone who has been operating a salvage yard. It has been reviewed by the Building Commissioner how cited the owner as it was not allowable under zoning and has 30 days to comply with the requirements of the zoning and will be cited each day he is out of compliance. The individual did apply for this license. Upon advice of his counsel he asked for a continuance.

Ms. Gibson asked if this was a business that was new or a business that was operating without a license. Mr. Keegan responded affirmatively and stated that it is also a zoning issue as well that is being addressed by the Building Commissioner.

Bill Cooke, 112 Spring Street. - I have been at this residence since 1967. What he can't fit at his E. Belcher property goes onto his properties on Spring Street. There are old tractors, cars, shipping containers, dumpsters that are full. He's bringing down the property value at spring Street. It has worsened overtime and it does belong on Spring Street or East Belcher Road. Mr. Cooke provided photos for the Board to review and keep. We (the neighborhood) would like to stop this salvage business hat he has disguised as a towing company.

Tom Alexic, 52 Spring Street. How long has this business been in operation? Is this a common problem that we have business unlicensed in the Town? My other question is if this license approved is site specific? (Yes, site specific) Are these annual renewed? Yes, Ms. Gibson stated that's why we are here this meeting and addressing this concern.

Ernest Martins, 61 Spring Street – My concern that his license not be renewed for. This seems to be a free zone for things to be transferred from East Belcher Road to Spring Street. I want to avoid Spring Street having the junk. (I would like to see a speed limit sign posted) I agree with Mr. Cooke, I don't want to see Spring Street having junk put into the yard and have a negative effect on the environment and conservation area.

Joe Stanley, 83 Spring Street – I'm hearing that this would be a salvage yard or junk yard.

Mr. Keegan state that this would be a storage of vehicle not being used and using them for parts.

Mr. Stanley stated that he lives next door to Mr. Cook's property on Spring Street and has tremendous noise and cars at all hours and would like that to be addressed as well.

Arthur Rounds, 141 Cocasset Street – I was a direct abutter for years and sold the property to my son 2 years ago. We both have serious concerns and things have been out of control at that property for a long time and. I hate to speak bad of someone or want conflict with a neighbor. I hope that the zoning would take care of the problem.

Ms. Gibson stated that she drives by the property several times a week and reached out to the Building Commissioner regarding how close the trucks are to the road and issues it could pose to traffic and plowing. I would like to have police weigh in for this meeting and would like to know if I have

Mr. Ferguson asked about residential property being used as a commercial property. Mr. Keegan stated that the matter for Spring Street is in front of the ZBA. How can it be operated if it's illegal?

Mr. Keegan stated that when a person applies for the license, it goes to the Zoning Board of Appeals, which is why we are here know now that the applicant has not been in compliant.

**Motion to continue to the public hearing to March 28th at 7:15pm by D. Keefe 2nd by M. Elfman.
Approved, 5-0.**

6. 7:50pm Department Update - Foxborough Police Department

6.1 Chief Michael Grace, Deputy Chief Richard Noonan, Lt. John Chamberlin and Lt. Ken Fitzgerald to give Police Department update to Select Board

Chief Grace opened by acknowledging his command staff here with him tonight. Chief Grace reviewed his administrative report that includes 277 license to carry applications in 2022 along with 1,296 public records request. Bob Bolger handled 1,296 public record requests, which is about 45% of his work week dedicated to that function. Police is in charge for their billing with over \$3 million dollars in invoices. He reviewed 7 injuries of his officer this year including time lost for some of those injured officers.

Lt. Chamberlin reviewed that he is in charge of 6 Sergeants, 18 Patrol officers, 24 Reserve officers and an Animal Control Officer.

He reviewed that we have 4 School Resource officers (SRO) we cover 5 public schools and the 3 charter schools. The SROs have created safety plans for the schools, threat assessments with the Schools and FBI, trained to protect during incidents. The SROs are involved daily with students to build relationships.

We do traffic surveys and have seen post Covid number decrease from pre-Covid numbers. We've done that by places traffic calming signs that are currently on Oak, Summer, Mechanic, Lakeview, and Beach Street that we purchased through grants. We issued almost 3,000 citations last year, but do not have a quota. It is a warning not a monetary penalty. One concerning trend we've seen is an increase in mental health calls from 35 in 2019 to 130 in 2022. We have a new Community Resources Social Worker that we share with the Fire Department and we are having all officers committing to 40 hours of the "One Mind Campaign Pledge" training.

We are seeing a decrease in opioid overdoses in the past four years. We've been able to decrease that number thought a program where we send plain clothes officers to get them help and we receive every open bed for recovery so we know where we can get people help. All the officers are trained in administering Narcan. We are a part of METRO-LEC and they provide us with several resources.

Mr. Ferguson asked about a new synthetic street drug. Lt. Chamberlin said that we haven't made any run ins with that just yet.

Lt. Fitzgerald takes care of the administrative division and the commander of the detectives as well as the court supervisor, property and evidence officer. He has many administrative responsibilities and roles. With some of the police reform we now have to make sure that our reserve officers have the training that our regular officers which has doubled.

Lt. Fitzgerald review the detective's workload from 2022 including case follow up, incident reports, arrests, arrest warrants/summonses, and search warrants and subpoenas. We have a 48% clearance rate which compared to the national average of 31%. We formed a new alliance with the State Police for our plain clothes police. We partner with outside local, state and federal agencies, including NORPAC Task Force and METRO- LEC ISU. There are several crime labs in the area for forensics as well as technological evidence. We investigated various crimes including robbery, Homeland security, breaking & entering, and larceny to name a few.

Police saw a massive spike in sex crimes during Covid. They have found that all suspects were known to the victim. All Detectives, Domestic Violence office and 3 supervisors (Sgt. Collins and Sgt. Hoffman) are trained to conduct sexual assault investigations. We've found that many cases are disclosed during therapy or a domestic violence follow up visit. FPD follows a victim centered approach, which allows the victim to set the pace and reach out when they are ready. We also work with the Norfolk County Child Advocacy Center to interview a child and its right here in Foxborough. Lt. Fitzgerald reviewed the over \$413,000 in grants that FPD has received over the past 18 months.

Lt. Fitzgerald reviewed the fleet including marked and unmarked vehicles for officers, ACO and detectives as well as several motorcycles. He explained the expected patrol vehicle lifespan is 5 years and for unmarked about 10 years. Vehicle costs have risen nearly 20% on various bid lists

Lt. Fitzgerald explained statutory training mandates including, 40 hours annual in service training, 8 hours firearms' training, 4 hours training, numerous policy revises, instructor development and recertification. Other officers including SROs, Use of Force, Firearms, SWAT, and K9 have specific mandatory requirements. Our training budget is \$80k @ \$66 per hour which funds only 23 officers not including our reserve staff and have to be supplemented by grants and hosting trainings in Foxborough to receive discounts for trainings. He reviewed that all equipment has increased in cost including ammunition, taskers, radios, technology, and office supplies. He reviewed the National Incident Based Reporting Survey (NIBRS) which included crimes, calls for service, citation, crashes, etc.

Deputy Chief Rich Noonan reviewed that we received accreditations in August 2022 by the Mass Police Accreditation Commission. This accreditation provides guidance on how we conduct our operations and this shows that we provide the best police experience and operations and we are committed to excellence. These best practices evolve all the time. The Mass Police Reform Act of 2021 requires certification. We are beyond that with accreditation. For accreditation, we have an internal policy review and meet 326 standards to follow. All standard meeting best policing standards of today, including federal and state laws as well as the 2021 Mass Police Reform Act. The second phase is an external review, which includes the language in our policy meets standards including making sure that we are consistently implementing policies. We went through our assessment in a day and a half. We continually review our policies to keep our accreditations. They are transitioning from quarterly and yearly inspections.

In 2022 our department planned for and provided services for 54 events and 1.2 million people at Gillette Stadium. We have the smallest police department in the country that is responsible for protecting an NFL stadium. We have to fill 200 positions on event days. We rely on our mutual aid agreements throughout Southeastern Massachusetts. When these officers come they are under the command and control of the Foxborough Police Department. The next phase is the event phase when everyone is in the event and have a community policing model. Not every game and every concert is the same with different threats to assess. We want to ensure that fans have an excellent time. Post event we have days when we have to wrap up and it can take several days after the event. We are currently planning for the December 2023 Army Navy Game as well as the 2026 FIFA game

6.2 Police to review their FY24 Additional Position Requests

Chief Grace reviewed the current structure of the department with the open position. I asked the Town manager for 4 positions he cut it to 2. With this we will have to address the staffing shortage in the patrol division and provide the traffic officer that the community is asking for as well. Chief Grace reviewed the staffing of FPD over the 20 years, including the number of officers that a community should have based on population. Mr. Ferguson stated that the patrol staffing page was the most impactful page and Ms. Gibson reiterated that as well. Chief Grace reviewed the call volume over the past year.

Mr. Keefe asked if Gillette factored into the call volume to which Chief Grace responded that it doesn't.

Mrs. McGowan stated her gratefulness and appreciation for the Police Department but has a problem with passing along the cost to the taxpayers. Chief Grace stated that as a department head and resident I have an obligation to present this to the Board of what we need to provide public safety in the community.

The Town of Foxborough has deployed the staffing model of managing by overtime, not adding staff. If we have a critical incident. As a department head I see this as a threat to the agency. No overtime is every spent unless it serves a purpose, it fills a need and meets the minimum staffing.

Mr. Keefe asked about sick time. Chief Grace responded that it was 8 total days including family sick days and it is not abused. We need to get some additional personnel to help with staffing. I cannot force officers to work overtime if they want to take a Friday or Saturday off. We need to have a lieutenant as a liquor control agents as it's a high liability. My job is to present to the Board the needs of my agency with factual, analytical information.

Ms. McGowan stated that she was concerned that the stadium impact is a concern. Ms. Gibson asked Mrs. McGowan if she is asking if we need to be getting more compensation from the Kraft Group for our additional responsibilities. Ms. McGowan said that is what she is questioning if our taxpayers are paying for what is going on up at the stadium. Ms. Gibson stated that we have to balance what we spend and what our department heads need because public safety is one of the most important things that we do here. If we say no to everything, what does that look like?

Chief Grace responded that it looks like the last three years the Board saying no new positions and that we are 3 years behind on growth and needs occurring in the community. To be sustainable and successful long term we need more officers for the department.

Mr. Keegan echoed the Chief sentiments and reiterated the reason for giving 2 budgets as I could no longer recommend a percentage based budget. I didn't give them the 4 positions they were asking for each (Fire and Police) because I was balanced the direction the Board gave me with what the community needed.

Chief Grace continued his presentation addressing other operational budget request. He reviewed CIP requests asking \$91,000 for to replace our 10-year-old transport van that is out of compliance. We need about \$50,000 for Tasers.

Mr. Keefe applauded the Chief's presentation and a very compelling case for his requests. Would there be an offset of overtime if we filled these positions?

Chief Grace replied there is 14,600 hours that have to be covered. You deducted all time they can take off and there is 1,536 hours that police officer works. You multiply that by 5 police officers and that comes out to 10,752 hours meaning 3,848 hours short on every single shift. This means we are 2.5 officers short. We are so far behind in your staffing that we have no cushion. Mr. Ferguson commented that adding 2 police officer will allow for the smaller overtime costs.

Chief Grace stated that we are growing as a community. Ms. Gibson commented there are issues that police and the community hasn't had to deal with before. There's also the mental health of the police staff.

Chief Grace stated that even with all this we are not dropping the ball on anything for the town even as we are understaffed. We don't get to fail or come up short. Mrs. McGowan stated that she had to do her job and ask the questions.

Mr. Keegan stated that we cannot continuously say no, and need to address the needs of the operation and town.

7. 8:20pm Town Manager's Update

7.1 Recruitment Update - New Assistant Treasurer/Collector starting 3/13; New Collections Coordinator started 2/27; Olivia Alves new Procurement Administrator, starting 3/27; Part-time Collections Coordinator to be posted along with Recreation and DPW Seasonal positions

7.2 Fox-in-the-Boro Project Update – I met with the Foxborough Cultural Council members to discuss where the Foxes will be in Uptown and around the community.

7.3 Capital Improvement Planning Committee meeting - Saturday, March 4 at 8:30am most likely remotely and discuss if we will have a follow up meeting to make the final votes.

7.4 General Update on Town operations and business – I will be meeting with the Walnut Street. The Governor and Lt. Governor announced a \$750 million budget including some really interesting features

8. 8:30pm - Selectmen's Update

8.1 New Business - Rabies Clinic April 1, Cats 8:00am-10:00am and Dogs 10:00am - 2:00pm at 70 Elms Street; Hazardous Waste Day April 15, 9:00am-12:00pm at 70 Elm Street

8.2 Old Business - Nominations Papers available until March 13 at 5:00pm. Open Seats include Select Board, Board of Assessors, School Committee, Water & Sewer Commission, Boyden Library Trustees, Planning Board and Housing Authority

Mr. Keegan expressed gratitude to the DPW and Facilities crew for getting the buildings open this morning after a small delay.

Mr. Elfman recapped that we had a ribbon cutting of Banh Mi Oi this past Monday.

9. Action Items

9.1 Historical Commission - Accept a \$150 donation from the Foxborough Historical Society for new Veterans' markers

Motion to accept a \$150 donation to the Historical Commission from the Foxborough Historical Society for new Veterans' markers by D. Keefe 2nd by M. Elfman. Approved, 5-0.

9.2 Foxborough Cultural Council - Accept \$250 donation for the Fox-in-the-Boro Program from the TriBoro Paint Center to the Foxborough Cultural Council

Motion to accept a \$250 donation for the Fox-in-the-Boro Program from the TriBoro Paint Center to the Foxborough Cultural Council by D. Keefe 2nd by M. Elfman. Approved, 5-0.

9.3 Select Board - Approval of minutes from 2/14/24 meeting

Motion to approve the Board of Selectmen Meeting Minutes from February 14, 2023 by D. Keefe 2nd by M. Elfman. Approved, 5-0.

10. Adjourn – 9:30pm

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