

Tuesday, April 11, 2023
Select Board Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present:

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

Also Present:

John W. Coderre, Town Manager, (JC)
William Keegan Jr., Interim Town Manager (BK)
Christina Metcalf, Communications Specialist (CM)
Katie Lang*, Executive Assistant (KL)
*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. 6:30pm - Executive Session

1.1 To conduct strategy sessions regarding Collective Bargaining Negotiations with Foxborough Police Union Local 379-MCOP AFL-CIO regarding implementation of body cameras and to reconvene in Open Session

Motion to convene in executive session to conduct strategy sessions regarding Collective Bargaining Negotiations with Foxborough Police Union Local 379-MCOP AFL-CIO to reconvene in Open Session by D. Keefe 2nd by M. Elfman.

Roll Call Vote: ME – Yes, DK – Yes, LG – Yes. Approved, 4-0.

2. 7:00pm - Citizen's Input – None

3. 7:02pm - New Town Manager Introduction and Transition - New Town Manager John Coderre

Mr. Coderre started off by saying that his transition as probably been the most orderly transition that a manager could ask. Bill and his team have been fantastic in setting up meetings and the welcome has been wonderful. Everything I looked when I applied here and everything I hoped it would be, is lining up. It's a community I feel lucky to be in and I'm looking forward to being here for a long time.

4. 7:05pm Finance Director Interview and Vote – HR Director Liz Buetow

Ms. Buetow stated that it was a privilege to work on the recruitment process for the Finance Director/Town Account position. Through that process myself and Bill Keegan reviewed resumes and then conducted phone screens and nominated 2 people to come and interview in front of our interview panel. This panel consisted of Foxborough School Business Administrator William Yukna, Select Board member Seth Ferguson, Town Manager Bill Keegan, myself and Mansfield Assistant Town Manager and Finance Director Barry Lacasse. During that process we interviewed two very impressive candidates and from there we unanimously decided to present Marie Almodovar as the finalist for the Finance Director/Town Accountant to the Select Board. I would like to invite Marie up and turn it over to Seth to ask a final series of questions.

Ms. Gibson reviewed for all watching that this is the last step in the process and much like the town manager position the Finance Director is a Select Board appointed position. There is only one candidate put forward for this position and then would go to contract negotiations.

Mr. Ferguson's first question asked was, what do you consider to be the most valuable or unique or knowledge base skill set that the Director of Finance holds and how will you gather that knowledge and in turn share it with your team.

Ms. Almodovar replied that you have to love numbers to do this work. Not only understanding it, but having certifications and taking courses and then translating into a final product, the budget book, so that anyone can understand. It's having the constant communication with the Finance team that you are all on the same page, meeting deadlines and having trust within the team. My approach has always been an open door policy, with the Finance team, Select Board, and residents.

Mr. Ferguson asked what will you do you as the Finance Director to promote a healthy attainable budget and how will you hold yourself and your team accountable meeting the Town's financial expectations and obligations.

Ms. Almodovar responded that we've maintained a conservative budget process and would look to see that continue. I have a several ideas to proposes to improve the next budget cycle. We have monthly and weekly meetings and my staff knows that they will never hear a no from me when it comes to professional development. When you develop your staff not only helps the staff but the town overall. It's maintaining the good practices and financial policies and then making suggestions for improvement when appropriate and getting buy-in for the process.

Mr. Keefe stated that you've been here for 4 years, and it's an excellent process. He asked if there is one area to prioritize for improvement what would that be.

Ms. Almodovar responded that having more community engagement such as Lexington with a priority based budget. I would want to engage the community in the very beginning and look to see what we can make work as we go through the budget process. We are currently working on the GFOA budget book award. Through that process we are seeing strategic plans and how to tie it into the budget process.

Mr. Ferguson added that he would like to see that we could build out a plan with projections, ideas and investment opportunities that may not be approved and build a holistic view without being constrained by what has actually been approved.

Ms. Almodovar replied that shes sat into today with several colleagues and it ClearPlans has a new goal module and can create different plans and attach goals with several contributors on it and has a dashboard can track the goal process.

Mr. Ferguson's last question is what are your core values as a leader within the Town of Foxborough and how to do you ensure these values are upheld by your team to encourage a positive and collaborative working environment.

Ms. Almodovar responded that she believes as a public servant, overall in having a high level of trust and integrity. There is a lot that flows through finance. When you trust and develop your staff, you have the mutual goal and understanding. We've come a long way and we've been building a team-oriented work environment.

Ms. Gibson commented that Ms. Almodovar improved a number of things and are very responsive and proactive. I think you'll be able to improve and take on this control

Ms. Almodovar replied that we have a great team and it's great to get the full picture and to see the direct results of your work. I think what keeps a lot of people here is the great team environment that we have. We love what we do and we are proud to work in this town.

Mr. Elfman said that he's been here since you have and was told by Bill that he knew from the beginning that you would be a Finance Director somewhere.

Motion to appoint Marie Almodovar as Finance Director effective June 30, 2023, subject to a negotiated contract by D. Keefe 2nd by M. Elfman. Approved 4-0.

5. 7:20pm Liquor Violation Hearing - Foxborough VFW Post 2626 – Chief Michael Grace, Lt. Ken Fitzgerald, Angelina Ford, Manager of Foxboro VFW Post 2626, Commander Warren Wright
5.1 Review Foxborough VFW Post 2626 (337 Cocasset Street) Liquor violation on 2/21/23

Chief Grace stated and Lt. Ken Fitzgerald were before the Select Board to speak about 6 liquor violations on February 23rd, 2023 at the Foxboro VFW Post 2626. The violations are as follows:

- 1) General violations: License Conditions: violation of certification that employees of the license holder are trained and certified in the proper service and handling of alcoholic beverages. Foxborough Rules and Regulations- Section II.8: Licensee failing to take efforts to prevent illegal activity in, or upon the licensed premises and to takes steps to cease such activity; Section II.11 and 15: failure to enforce Rules and Regulations of the Local Licensing Authority and ABCC pertaining to operation of an establishment possessing an alcoholic beverage license; Suspension, revocation, forfeiture of license for breach of License conditions. G.L: c. 138, §64: violation of a license condition and laws of the Commonwealth.
- 2) Employees/members of VFW Post consuming liquor at premises bar prior to normal operating hours: Foxborough Rules and Regulation Section II.14: Sale/delivery (including self-serving) of alcohol to/by patrons is prohibited for persons without Responsible Beverage Service training and certification.
- 3) Non-TIPS trained person serving liquor at bar: License certification that employees of the license holder are trained and certified in the proper service and handling of alcoholic beverages; Foxborough Rules and Regulations: Section 11.10 and 14.
- 4) Manager's TIPS certification expired on 1-20-23: License certification that employees of the license holder are trained and certified in the proper service and handling of alcoholic beverages; Foxborough Rules and Regulations: Section 11.10 and 14.
- 5) Free drinks being consumed at the bar by VFW Post members and/or officers: ABCC Regulations: 204CMR 2.04(1); 204CMR4.03(1)(a); Foxborough Rules and Regulations: Section 11.24.A and C.
- 6) Failure to properly secure bar/ liquor: See "General violations", Item #1 above.

Lt. Fitzgerald reviewed the circumstances of discovering the violations. He stated a medical emergency occurred at the VFW that appeared to be a crime scene. Part of the investigation was to determine if there was any foul play. During the course of the investigation, we obtained CC TV footage. This gentleman was an elected officer, opened the bar, poured himself a drink, another officer came in and poured themselves a drink as well. These two were drinking for another hour or so before the TIPS certified bartender comes to open the bar. The first gentleman had 4 drinks, the second gentleman had 2. I was told that these gentleman were officers. Because they were officers they were allowed to come in early. The first gentleman was served 5 drinks in 80 minutes, after consuming the 4 he previously had before the bartender arrived. Ms. Maloof's TIPS certification was expired as of January 20, 2023.

I went back to follow up and spoke with Ms. Ford and Ms. Maloof, they acknowledged that this is the practice with the club. Members and officers have keys and can come in early. I told them they need to make changes to be in compliance before this hearing and gave instruction and advice to remedy the situation. This seems to be a system thing that people have access and not paying for drinks and serving themselves.

Mr. Keefe asked if the persons death was related to the state of his sobriety or a medical issue. Lt. Fitzgerald responded that it seemed to be a major medical event that caused his collapse and we don't know if the alcohol was an issue. Mr. Elfman asked if the TIPS certification is an annual renewal to which Ms. Ford responded it is a 3 year renewal for TIPS certification.

Ms. Gibson stated that Ms. Ford is in front of us as we are the Local Licensing Authority (LLA) and what happens as a result of the violations and asked Atty. Costello for his thoughts. Town Counsel Pat Costello stated the role of the board as the LLA is to determine an appropriate sanction for the violations. In the Town's liquor rules and regulations, you do have a schedule of sanctions for violations, for the first violation you can suggest a letter of reprimand and/or a suspension of license or closing the establishment earlier. We will proceed to hear from the manager and go from there.

Ms. Ford stated that she has an updated TIPS certification and did that immediately after the incident with and that all other employees are current with their TIPS certification. After we spoke with Lt. Fitzgerald who was very helpful and spoke at length with us, we held a meeting with our members of the VFW board. We immediately implemented the changes that were given so we would be in compliance with our liquor license so there were no more violations. We took back all keys except for 4 members and the bartenders. We went over all the violations and made it clear that it was unacceptable to have drinks not served by the bartender. The bartenders were informed that they could not serve before the bar was open.

Ms. Gibson asked if Ms. Ford was comfortable establishing and enforcing these rules. Ms. Ford responded that because of the situation and how serious it is and that we could lose our liquor license, that members took it very seriously and there was a lot of clarity brought forth as well. Mr. Wright stated that he takes responsibility for the free drinks.

Mr. Keefe asked if the members have read the rules and regulations and do they know they can lose their membership if they violate the rules. Ms. Ford replied that we met with the bartenders to establish the new rules and procedures. Mr. Keegan followed up asking if have you put this in writing for your members. Mr. Wright responded that yes, only the key holders got the rules and regulations. Ms. Gibson stated it would be a good idea to roll it out to the whole membership and I do appreciate you being so forth coming everyone was.

Mr. Wright stated that the VFW has come a long way in the last 15 years and the culture has changed. Chief Grace stated that the calls for service at the VFW have been minimal over the years and they police themselves. Mr. Ferguson asked how many members and how many members frequent the establishment. Mr. Wright responded that we have 46 members and 10 come on a regular basis.

Atty. Costello stated this is a first violation but a significant violation. With that in mind and severity of the event preceding this I do think the range for the first violation would be appropriate. The primary purpose is not to be punitive, but to incentivize ownership to follow the rules. The Board can do a letter of reprimand or a 3-day suspension; it is up to the Board. Mr. Ferguson stated it's important to change the culture and temporary suspension would send a message.

Mr. Keefe commented if there is a suspension that is a consequence and will reinforce the seriousness of the violation. Mr. Elfman agreed, and commended the owners for immediately taking the suggestions from the Chief and Lt. Fitzgerald. Ms. Gibson stated that she would recommend a letter of reprimand and 2-day suspension of license. Chief Grace concurred with the letter and 2-day suspension of license is a good recommendation

Motion to close the hearing by D. Keefe 2nd by M. Elfman. Approved 4-0.

Motion to issue a letter of reprimand and to suspend the liquor license of Foxborough VFW Post 2626 for 2 days, April 13th and 14th for their violation of ABCC regulations by D. Keefe 2nd by M. Elfman. Approved 4-0.

6. 7:40pm - Public Hearing - Gillette Stadium Annual Entertainment License – Jess Enos, Gillette Stadium and

Kraft Sports and Entertainment, George Bell, Stadium Advisory Committee (SAC) Chair, Blair Crane SAC

6.1 2023 Annual Entertainment License for all Kraft Sports and Entertainment Group Events at Gillette Stadium

Ms. Enos began stating that this will be the busiest summer the Stadium has seen as artists are making up for lost time since Covid. It does present challenges across the board for us and the community at large. Every event we've announced is contained in the license, the actual dates for the Patriots season will be added as a data sheet. We are in the middle of our construction and we are hoping to have the North End Zone project by the Army Navy Game in December. We start the season with Monster Jam, we start concert season with Taylor Swift and then closing with Billy Joel and Stevie Nicks. Moving forward parking is being included in the price of our tickets. That announcement rolled out to our season ticket holders. Parking has been free for Revolution and Monster Jam and the free parking will be on the stadium side. We are expanding our delayed exit lots parking. We have worked extensively with the MBTA for Patriot games. We haven't been able to provide trains for concerts, and we will be providing that for all but one of our concerts and we'll have service from Boston and Providence.

Mr. Keefe asked if there were any changes for Foxborough residents. Ms. Enos said there will be no changes, the lot that Foxborough residents park in for Hobby Lobby will look different.

George Bell said we had a great meeting with all town board as part of our review meeting. The annual license parameters are easy and eye opening. We have total cooperation from Police and Fire. The Luke Combs concert will have 2 stages outside the stadium but will be accessed by going in the stadium.

Ms. Gibson asked the Chief if he had everything you need for his department. Chief Grace responded as the licensing process is evolving it's getting better and better. Team Ops and Game day security are fantastic. We have taken on some challenges with the parking and it's a big change. We don't have to adjust the traffic management fan. I don't think they'll all be in Gillette as some fans will park in the satellite lots. We are building an incident command spot in the stadium. We will be operating out of a temporary command. We have multiple meetings before we discuss these events. It's a good team. Ms. Gibson commented that John Flarety's new role has been extremely helpful.

Motion to close the public hearing by D. Keefe 2nd by M. Elfman. Approved 4-0.

Motion to approve the 2023 Annual Entertainment License for Kraft Sports and Entertainment Group Gillette Stadium subject to the terms and conditions of the license contained therein by D. Keefe 2nd by M. Elfman. Approved 4-0.

7. 8:10pm Application for Transfer of All Alcohol Liquor License and new Common Victualler and Entertainment - Mai Pearl – Andrew Upton, Applicant Attorney, Henry Cheng proposed Manager of Record

Mr. Upton stated that Mr. Cheng is 100% the owner. Mr. Cheng plans to operate the restaurant as is along with doing some cleaning and adding some of his dishes. The hours the floor plan and façade will remain the same. Mr. Cheng has 40 years of experience running restaurants and how his our restaurant in Malden, owned a restaurant in Lexington and both those liquor licenses were approved by the ABCC with no liquor violations in 40 years. He and his wife, and bartender are TIPS trained and will be TIPS training all his staff. He has reached out to Tom Perruna of Fox Cares.

7.1 Review application to transfer liquor license from Harvest Group Inc. to S Dream Enterprise for Mai Pearl

Motion to close the public hearing by D. Keefe 2nd by S. Ferguson Approved, 3-0-1. (M. Elfman absent for vote).

Motion to approve the transfer of All Alcohol Liquor License from Harvest Group Inc. to S Dream Enterprise for Mai Pearl Restaurant by D. Keefe 2nd by S. Ferguson Approved, 4-0.

7.2 Review and vote on Common Victualler and Entertainment License for S Dream Enterprise d/b/a Mai Pearl

Motion to approve the Common Victualler and Entertainment License for S Dream Enterprise d/b/a Mai Pearl by D. Keefe 2nd by M. Elfman. Approved 4-0.

8. 8:25pm Annual Town Meeting Warrant

8.1 Article 21 - Change town by-law regarding meeting place and time – Discussion

Ms. Gibson started the discussion stating that the current by-law for town meeting is very specific and with the pandemic we've learned that we need some flexibility. And would have the bylaw changes to be set forth by a time and place by the Selectman. It seemed to be approved by the Advisory Committee and Rafaella, who was assigned this article, had no issues. I had heard that Mr. Spillane had come to the last meeting to voice concerns that I was unable to attend that last Advisory Committee hearing. I do feel passionate about this article.

Town Moderator Frank Spillane stated the meeting start time has always been 7:30pm. One of my major concerns is that the board could pick anytime, 2:00pm, for instance. I believe it should be a time certain in the by-law.

Ms. Gibson responded that the intent is not having it set at 2:00pm. I do think flexibility is good. I looked at surrounding towns and they are at 7:00pm. We don't do many meetings starting after 7:00pm. As a Board I'm trying to catch up with the changing the demographic. I've heard now that the Advisory Committee is scared of the flexibility and now worried if the Board does not put a time certain it could fail. If the worry is that the Advisory Committee thinks the Board would schedule a meeting at 2:00pm to not get people to go, we have much bigger issues and it seems like a scare tactic to make this seem like it not a good idea.

Mr. Spillane asked what are you trying to fix as Town Meetings are done in one night. Ms. Gibson responded that she believes we'd have a problem that we start late and would get a better quorum if we start earlier. I'd like to have some flexibility. Mr. Ferguson stated that seniors would appreciate the time change as well. Mr. Spillane said that some parents want a later meeting. Mr. Ferguson responded anecdotally that might be true. Ms. Gibson asked Mr. Spillane to confirm that he wants the time to remain at 7:30pm. Mr. Spillane responded that he wanted a time certain and that if that time was 7:00pm that he would be okay with that.

Mr. Spillane continued to say that in the past the Board has played games with the warrant and put articles in certain places in the order. There have been games where articles have been put in the front or back for reasons.

Mr. Ferguson asked if anyone objected to 7:00pm which nobody on the Board did object. Ms. Gibson agreed that we should move it to 7:00pm and there already the flexibility to have it at the High School or other locations per the bylaw.

Ms. Gibson asked that Mr. Spillane or anyone that had an issue with a warrant article come to the Board earlier in the process as this had already been through Advisory Committee once and now it's through a second time.

Motion to change Article 21 to a time certain to 7:00pm and to remove the language that the Board can select any time by D. Keefe 2nd by M. Elfman. Approved 4-0.

8.2 Review and vote on finalized May 8, 2023 Annual Town Meeting Warrant

Motion to approve and sign the May 8, 2023 Annual Town Meeting Warrant by D. Keefe 2nd by M. Elfman. Approved 4-0.

May 3rd will be the Town Warrant Review

9. 8:35pm FY23 Norfolk County COLA Pension Change

9.1 Review and vote on Additional 2% Retiree COLA for FY23

Ms. Gibson stated that we've talked about this before and asked for more information regarding the finances. Ms. Gibson added it will go from 3% to 5% as one time increase that will become permanent. Mr. Keegan stated it is a \$360 impact per person and that every town in the county system is being asked to vote on this. Ms. Gibson said she thinks this one-time COLA is warranted. Mr. Keefe stated it's a one-time increase and built into the base and future would be based on the new dollar amount. Mr. Keegan stated it wouldn't affect the Town until FY26

Motion to approve the FY23 additional 2% Retiree COLA by D. Keefe 2nd by M. Elfman. Approved 4-0.

10. 8:45pm Town Manager's Update

10.1 General Update on Town Operations and business – I will be meeting with all of you and looking to set up meetings and please let me know if there are any other people or groups you believe I should be meeting with.

10.2 Town Property Use – On 4/29, from 10am-3pm, is the Foxboro Softball Car Wash at Town Hall, On 7/20, from 11am-1pm, is the Teddy Bear Picnic on the Common; The Jaycees Concerts on the Common, from 7pm-9pm will be on the following dates. 6/8, 6/15, 6/22, 6/29, 7/6, 7/13, 7/20, 7/27, 8/3/23, and 8/10

Mr. Keegan closed the Town Manager's update saying that everyone has been truly supportive in lots of ways. Thank you to my wife. I'm looking forward to a new chapter. Thanks for a great run here in Foxborough.

Ms. Gibson thanked Mr. Keegan for everything he's done and commented that he had really become a friend.

11. 8:55pm - Selectmen's Update

11.1 New Business - 2022 Annual Town Report is at the printers and will be available soon.

11.2 Old Business - Hazardous Waste Day 4/15, 9:00am - 12:00pm at the DPW on 70 Elm Street

12. Action Items

12.1 Town Manager Appointment - Appoint John Coderre as the Municipal Hearings Officer, Capital Improvement Planning Committee, SEMRECC Board of Directors, Town Asset Review Committee and MBTA Advisory Board as an Alternate Member

Motion to appoint John Coderre as the Municipal Hearings Officer and to the Capital Improvement Planning Committee, SEMRECC Board of Directors, Town Asset Review Committee and MBTA Advisory Board as an Alternate Member by D. Keefe 2nd by M. Elfman. Approved 4-0.

12.2 Historical Commission - Accept \$395 in donations for Veterans Markers and House Plaques for the Historical Commission from Joan Gallivan (\$100), Garrett Peloquin (\$100) Nancy Peppard (\$70) and Tom and Lucille Sabin (\$125)

Motion to accept \$395 in donations for Veterans Markers and House Plaques for the Historical Commission from Joan Gallivan (\$100), Garrett Peloquin (\$100) Nancy Peppard (\$70) and Tom and Lucille Sabin (\$125) by D. Keefe 2nd by M. Elfman. Approved 4-0.

13. Adjourn – 8:52pm

Motion to adjourn by D. Keefe 2nd by M. Elfman. Approved 4-0.