

Tuesday, June 6, 2023
Select Board Meeting Minutes
Gala Room, Town Hall, 40 South Street
7:00 p.m.

Members Present:

Mark Elfman, Chair (LG)
Stephanie McGowan, Vice Chair (SM)
Leah Gibson, Clerk (LG)
Seth Ferguson (SF)

Also Present:

John W. Coderre, Town Manager (JC)
Christina Metcalf, Communications Specialist (CM)
Katie Lang*, Exec. 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. 7:00pm - Citizen's Input – Madeline Champagne, 7 Pond Avenue and Sophia Manos, 307 South Street

Ms. Champagne came and spoke about gun violence in the country and spoke about the number of shootings, the most effected population are children and the amount of gun deaths there are. I want to do something for the people in this town to know more about what is going on across the country and stop the trend of increasing violence. Many states are enacting laws for permit less carry. There are 80 gun laws in front of the legislature. Luckily we have Paul Feeney and Jake Auchincloss who are working to ensure the safety of Massachusetts citizens but there is more across the country that I would like to support. I would occasionally would like to put up signs on the common that this is a national crisis and we do have a voice and we can do something.

Ms. Manos said that this would be similar to the opioid flags and something to be a conversation starter.

Mr. Elfman responded that you can speak with Mr. Coderre's office to further discuss.

Arthur Muldoon – I am 47-year resident, veteran and am legally blind. On June 2nd around noon, I was crossing Mechanic Street and was almost hit by a car. This is a safety issue and something should be done to improve safety. I would like the Town to think this through as we head into walking season. Mr. Muldoon asked to be appointed a deputy commissioner of stop walks and stop signs.

Mr. Coderre shared that he was walking the Common earlier today. They were out tonight doing additional enforcement this evening and could continue to do so and was willing to talk with Mr. Muldoon further about this issue.

2. 7:10pm Public Hearing Alteration of Premises Application - Splitsville Alteration

2.1 Review and vote on Alteration of Premises Application for SV Patriots Place LLC d/b/a Splitsville Patriot Place at 220 Patriot Place

Motion to accept the withdrawn Splitsville Alteration of Premises application by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

3. 7:20pm Public Hearing Application for a Wine and Malt Beverage License - Achilito's Taqueria

3.1 Review and vote on Wine and Malt Beverage License for Sol Taquerias Foxborough Inc. d/b/a Achilito's Taqueria at 265 Patriot Place

Margaret Pimentel -

John Acita - She is the general manager and the manager of record. She has had multiple one day licenses in the past. She is an experience operator with 3 locations with a 4th on the way. She is TIPS as well as all of the staff that would be handling the alcohol as well. She has an ID scanner that she would continue to use. She is familiar with the rules and regulations of the Town.

Ms. McGowan noted that she has had one day licenses and is doing well. Ms. Gibson.

Mr. Elfman mentioned that Ms. Pimental should make a connection with Fox Cares

Motion to close the public hearing by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

Motion to approve the Wine and Malt Beverage License for Sol Taquerias Foxborough Inc. d/b/a Achilito's Taqueria at 265 Patriot Place by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

4. 7:30pm Foxboro Cable Access - An Act to Modernize Funding for Community Media

4.1 Executive Director Mike Webber and FCA Board Member Rick Plasmati to present the State House Bill H.74 and S.34 - An Act to Modernize Funding for Community Media and request Select Board support

Mr. Webber asked that the Select Board consider submitting a letter to the state in favor of a Bill H.74/S.34 and why it's important to FCA. This applies to streaming services such as Netflix, YouTube, et. This bill would assess a fee of 5% on their gross annual revenues in Massachusetts for community media. This would address all the cord cutting that is happening right now as there is no fee assessed for something like YouTube or Netflix the same way cable subscribers are assessed. FCA streams most of our content and all of our live content on YouTube. Currently we only get funding from cable subscribers in Foxborough. It is currently sitting in the Joint Committee on Advanced Information Technology. There is some momentum with this bill and this has been the third time it has been in front.

Motion to authorize the Chair to send a letter of support on behalf of the Select Board for House Bill 74 and Senate Bill 34 by L. Gibson 2nd by S. Ferguson. Approved, 3-1, S. Ferguson opposed.

5. 7:40pm Common Victualler Application - Tropical Smoothie Cafe

5.1 Review and vote on Common Victualler Application for JFD & Company, Inc. d/b/a Tropical Smoothie Cafe at 6 Foxborough Boulevard – Owners Kevin and Sandra Jennings

Kevin and Sandra Jennings introduced themselves to the Select Board and stated they would like to open their 2nd location at 6 Foxborough Boulevard. Mr. Jennings stated he has 35 years of restaurant experience. I was lucky to find the first location and are looking to open in a few weeks. Mrs. Jennings stated we have 40 employees in Seekonk. We would have 45 employees with 35 seats and a drive thru at this Foxborough location.

Ms. Gibson clarified that the Jennings' do not own the Tropical Smoothie Cafe at Patriot Place.

Motion to approve the Common Victualler Application for JFD & Company, Inc. d/b/a Tropical Smoothie Cafe at 6 Foxborough Boulevard by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

6. 7:50 OML Meeting Complaint Response

6.1 Addressing Open Meeting Law Complaint pertaining to April 25, 2023 Meeting Minutes

Mr. Coderre stated that we received an OML complaint for our April 25, 2023 minutes stating that we did not include a list of documents on the minutes. Between myself and Christina we are including that list of documents and ensuring compliance. There is a list of documents on these minutes and did reach out letting that individual know they are posted with the minutes on our website. I will send a response and this was brought to you as any OML complaint, this needs to be addressed in an open meeting.

Ms. McGowan asked about the inquiry from the individual regarding the copies of minutes. Mr. Coderre replied that those are on the website and will be forwarding emails so the Board so they are aware.

7. 7:55pm Town Manager's Update

7.1 Update on Town Operations & Business – We have several ongoing recruitments that are not finalized.

8. 8:00pm - Selectmen's Update

8.1 New Business - Fox-in-the-Boro Reveal and Ribbon Cutting – Mr. Elfman said the artists did an amazing job and the Cultural Council did a great job with creating this program.

8.2 Old Business – Founder's Day parade is Saturday at 10:00am and the parade will turn onto Chestnut Street and not go in front of Booth Playground.

9. Action Items

9.1 Block Party Application - Foxhill Road & Pond Avenue on 7/8 from 9:30am - 5:30pm

Motion to approve the Block Party Application for Foxhill Road and Pond Avenue on July 8, from 9:30am - 5:30pm by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

9.2 Block Party Application - Howard Avenue on 6/10 from 11:00am - 10:00pm

No action - application withdrawn

9.3 Foxborough Cultural Council - Accept a donation totaling \$7,750 for Fox-in-the-Boro Sponsorships from Bay Colony Group (\$3,000), Hockomock YMCA (\$3,000), AJT Supplies (\$1,500) and Lisette Neale (\$250)

Motion to Accept a donation totaling \$7,750 for Fox-in-the-Boro Sponsorships from Bay Colony Group (\$3,000), Hockomock YMCA (\$3,000), AJT Supplies (\$1,500) and Lisette Neale (\$250) by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

9.4 Council on Aging/Human Services - Accept donation of \$200 for Senior Tai Chi Classes from the Friends of Foxboro Seniors

Motion to accept a donation of \$200 for Senior Tai Chi Classes from the Friends of Foxboro Seniors by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

10. Adjourn -7:36pm

Motion to adjourn by L. Gibson 2nd by S. Ferguson. Approved, 4-0.

Agenda Packet Documents:

- Town Manager Memo RE: Splitsville Alteration of Premise application withdrawal, Alteration of Premise Application and Public Hearing Notice
- Achilto's Wine and Malt License Application and Public Hearing Notice
- Letter of support from Select Board for Community Media in Programming Bills H.74 and S.34, Digital Streaming One Sheet document
- Tropical Smoothie Café Common Victualler Application
- Foxborough BOS OML Complaint issued May 25 2023
- Foxhill Road Block Party application

- Howard Ave Block Party application
- 2 Foxborough Cultural Council Donation Gift forms (\$1,500 and \$6,250)
- COA Donation Gift form (\$200)