

Tuesday, June 20, 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)
Dennis Keefe

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. 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 L. Gibson. Roll Call Vote: DK- Yes, LG – Yes, ME- Yes, SF – Yes.

Approved, 4-0-1. S. McGowan not present for vote.

2. 7:00pm - Citizen's Input

3. 7:05pm Common Victualler Application -Fox Cafe Inc. Lidia and Sergei Panfilova

3.1 Review and vote on a Common Victualler Application for Fox Cafe Inc. d/b/a Fox Cafe at 6 Mechanic Street

Ms. Gibson recused herself as she is a direct abutter.

Lydia worked in restaurant before and wanted to work in the restaurant business again. She said that they will keep the Primo's menu for the time being and add different dishes and see what the people of Foxborough like. We will adjust as we go as well as computerize and upgrade the building as we go. We will shut down in July and hope to be open in the end of July. We are optimistic to open around then.

Ms. McGowan asked about the hours of operation Lidia responded affirmatively and that we will be open for breakfast and lunch and leave the dinner hours to the nearby restaurant. We want to be a great coffee shop with great sandwiches. Lydia believes they will close on Tuesday but will remain flexible. We have 5 space and have the 15-minute parking spot as well.

Motion to approve the Common Victualler Application for Fox Cafe Inc. d/b/a Fox Cafe at 6 Mechanic Street by D. Keefe, 2nd by S. Ferguson. Approved, 4-0-1. L. Gibson abstained.

4. 7:10pm Use of Public Way and 1 Day Beer & Wine License Applications - Rodman Ride for Kids

4.1 Review and vote on Use of Public Way Application for the Rodman Ride for Kids on 9/23 from 7:00am - 4:00pm

Marisa Collins I am the operations manager for Rodman for Kids. This will be our 33rd annual Rodman Ride and have raised over \$150 million dollars and the 2nd year we will be starting and finishing at 38 Neponset Street.

Beer and wine will arriving the day before, being stored securely in a large refrigerated truck and then be moved to the coolers. We do not have anyone who is TIPS certified, but they are over the age of 25, have served in the beer

tent before and will have extra volunteers. The Select Board expressed the necessity for someone who is TIPS certified and will approve the application based on that stipulation

The route changed a bit and FPD was great. We are expecting on the high side maybe 900 riders and 400 volunteers. Everyone is back at the BBQ area by 5pm. The BBQ is at 38 Neponset. This is where the riders start and the parking is across the street from the YMCA. I've also worked with Police to figure out where the details should be as well.

Motion to approve the Use of Public Way Application for the Rodman Ride for Kids on September 23 from 7:00am - 4:00pm by L. Gibson, 2nd by S. Ferguson.

Ms. Gibson clarified the route that would be taken.

Approved, 5-0.

4.2 Review and vote on 2 One-Day Beer and Wine License for the Rodman Ride for Kids on 9/22 -9/23 for service from 11:00am - 4:00pm

Motion to approve the 2 One-Day Beer and Wine License for the Rodman Ride for Kids on 9/22 - 9/23 for alcohol service from 11:00am - 4:00pm contingent on proof of TIPS certification of one lead volunteer before the event L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

5. 7:20pm Sewer Service Agreement - Review and Potential vote to approve the following sewer service agreements:

5.1 Amended and Restated Inter-Municipal Agreement (IMA) by and between the Town of Foxborough and the Town of Sharon for Municipal Sewer Service – Chris Gallagher, DPW Director

Chris Gallagher Before you tonight to discuss the IMA for sewer between us and Sharon. We have been working through special town counsel. Stephen to draft the amended to the IMA that was drafted in 2018. We did that as we bought capacity from Skanko. The document didn't give us a way to sell to other properties and move it through the existing IMA. When Sharon Gallery project came forward about 2 years ago looking for sewer capacity opened up the IMA. The project stalled due to a few factors and finally over the last 8 months with the amended document and how to move forward. You have an Amended and Restated IMA for sewer service between Sharon and Foxborough. This keeps the original in document in place. We also wanted a way to add in future properties, which is addressed by Addendum No. 1. If we have additional properties, we would add as an addendum. The 3rd agreement is between the town and Ninety-Five LLC, this document formalized the agreement and outlines the upgrades that need to be done by them.

We are selling them 34,800 gallons per day (GPD), this is less than what we bought back from the Skanko properties in 2018, we are just reallocated that back to the area is where it was coming from. There is one last step with the Quail Ridge and Cannon Forge/Summerfield Association. We have been billing them to one lump sum. This will bill each individual water user in Sharon for flow. They will then turn that revenue over to the town of Foxborough. Same as Mansfield.

Ms. McGowan asked how the billing will change going forward with those associations and if there any issues what happens. Mr. Gallagher responded that each individual unit/house will have pay for their sewer. If there are any main breaks or future upgrades this agreement clearly states what we are responsible. When the developer is looking at different pipes, we'd have the conversation with the Canon Forge IFA to facilitate those repairs.

Mr. Keefe asked if there are any longer term impacts on Foxborough residents available to water. Mr. Gallagher responded that 34,000 gallons is a small amount for what we produce. When we expand the MFN treatment plant we gain 170,000 per day and added 60,000 from the Skanko properties per day. We also gained 110,000 of Title 5 capacity. When we sell sewer we sell it at 65,000 per bedroom. My predecessor did the math and we did gain a lot back and we gained that capacity back. We have about 300-400,000 of available sewer flow per day.

There is debt from the plant expansion of \$5.25 million and that selling of capacity takes care of \$1.5 million that doesn't fall back on the rate payers.

Motion to approve the InterMunicipal Agreement, as approved by the Foxborough Board of Water & Sewer Commissioners, entitled: Amended and Restated InterMunicipal Agreement by and between the Town of Foxborough and the Town of Sharon for Municipal Sewer Service as presented, including Addendum No. 1 thereto and authorize the Town Manager to execute said agreement on behalf of the Town of Foxborough by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

5.2 Addendum Number 1 to the IMA

5.3 The Agreement between the Town of Foxborough and Ninety-Five LLC concerning Sharon Gallery for Conveyance of Wastewater to the Mansfield-Foxborough-Norton (MFN) Wastewater Treatment Plant

Motion to approve the Agreement entered into by the Foxborough Board of Water & Sewer Commissioners and Ninety-Five, LLC, entitled: Agreement for the Conveyance of WasteWater to the MFN WasteWater Treatment Plant as presented and authorize the Town Manager to execute said Agreement on behalf of the Town of Foxborough by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

Mr. Gallagher gave a few updates regarding ongoing DPW projects, stating that the Central Street parking lot was going to be paved and tenants will need to remove their cars from the lot. The striping to be determined as the pavement needs to settle for about a week. It will be the same configuration as before and there is potential for future work.

West Street has finally moved past the campground and the water main work from the South Street end is complete. The water main work will continue up the hill to the town line and hoping to get the water main done before school busses start running again. It will be a 7:00am – 4:00pm closure.

Ms. Gibson asked how the campers will know where to go. Mr. Gallagher said there will be a detail there and I'm working with Google maps to update the road closure. There are road signs closer posted to Route 1. I'm asking to have Google Maps and Waze to deter them from coming in that way. Normandy Farms to South street is now open.

6. 7:40pm Town Manager's Update

6.1 Update on Town Operations & Business

6.2 Review of Town Manager's FY23 Year End Transfers

Fiscal 2023 Year-end Transfers to close out the budget and go from personnel to expense or expense to personnel. With the overall budget we will come in the black. These transfers are needed to make sure that individual lines are not over expended. We are not using any available funds, no trust or special reserve. There is a \$3,000 transfer for the Town Manager's Office for payout for the Town Manager and Assistant Town Manager.

As the Fire Department does more runs and the ambulance service is billing us more and this takes care of the ambulance fees. There are modifications to the town clerk works and elections budget due to the increase in minimum wage. There was a buding and there was a position that went out on disability and took a disability retirement and also had to backfill the position there is also a diesel gas as those prices rose. The budget has been adjusted.

The Fire Department has a \$140,000 for recent contract, stipends and extraordinary repairs to a fire apparatus. There was also a transfer for the Community Resource Social Worker.

Overage in this street lighting budget and that has been modified in FY24. There was a transfer in the Library to do the carpet. This proposal went to the Capital Improvement Planning committee and authorized and this is the

transfer. In total \$410,000 in transfers. This does not need approval but to close out the fiscal year and be transparent.

Ms. McGowan asked if this came from free cash. Mr. Coderre responded that this was an inter departmental transfers. Most transfers are personnel related and other are done and adjusted for the next year. Transferring in budget and allows us to close out these lines so they accurately reflect what is spent in that line.

Mr. Keefe asked about the fire apparatus that was damaged. Mr. Coderre responded that they are working with our insurance company to get expenses back. This is a unique situation, and will be 4-6 months before it's fixed. We are looking at borrowing a ladder truck or pursuing a rental.

7. 7:50pm - Selectmen's Update

7.1 New Business - Founders Day Recap – It was great day and great weather, kudos to the Founders Day committee for doing a great job, yet again.

We are going to have a Fox-in-the-Boro Installation Celebration this Friday, 6/23

Dave Brown of the ZBA passed away over the weekend, our condolences to his family.

7.2 Old Business - None

8. Action Items

8.1 Council on Aging - Accept Donation of \$668 for Senior Olympic t-shirts from the Friends of Foxboro Seniors

Motion to accept the \$668 donation for Senior Olympic t-shirts from the Friends of Foxboro Seniors by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

8.2 Massachusetts Electric Company - Earth Removal Permit 1-Year Extension for 63 Elm Street

Motion to approve the one year Earth Removal Permit Extension to July 19, 2024 for Massachusetts Electric Company at the 63 Elm Street site by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

8.3 Select Board - Planning Board Alternate Thomas Murphy Reappointment

Motion to appoint Thomas Murphy as the Planning Board Alternate for a term to end 5/31/24 by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

8.4 Select Board - FY24 Commercial Parking Licenses Renewals - List attached at this end of this agenda

Motion to approve the 31 Commercial Parking Licenses for Fiscal Year 2024 as more particularly described on the posted June 20, 2023 agenda by L. Gibson, 2nd by S. Ferguson.

Discussion - Ms. Gibson asked Ms. Lang if it was all set, to which she responded that everyone was on board and she spoke with Finance. There is only one outstanding water bill that needs to be paid before the license is released and six lots of have special permitting.

Approved, 5-0.

8.5 Select Board - Approval of Select Board Meeting Minutes from 5/23/23 and 6/6/23

Motion to approve the May 23, 2023 Select Board Meeting Minutes by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

Motion to approve the June 6, 2023 Select Board Meeting Minutes by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

9. Adjourn – 8:03pm

Motion to adjourn by L. Gibson, 2nd by S. Ferguson. Approved, 5-0.

Agenda Packet Documents:

Fox Cafe Common Victualler Application

2023 Rodman Ride for Kids, Use of Public Way and (2) One Day Beer and Wine Applications

Amended and Restated IMA - Foxborough and Sharon

Addendum No. 1 to Amended and Restated IMA for Municipal Sewer Service

Town of Foxborough and Ninety-Five LLC Agreement - Sharon Gallery Conveyance for MF

Memo for Year End Transfer FY23

Year End Transfer Details

Council on Aging \$668 donation form

Select Board - Earth Permit Removal extension request MEC + Bowditch 6.1.23

DPW Memo - Earth Removal at 63 Elm St - Extension Request

FY2024 Commercial Parking License Renewal List

Draft Select Board Minutes 6.6.23

Draft Select Board Minutes 5.23.23