

Tuesday, July 18, 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:

Paige Duncan, Acting Assistant Town Manager (PD)
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**

Chair Mark Elfman gives a joint statement from the Select Board – Mr. Coderre and the Town have mutually agreed to end Mr. Coderre's employment with the Town of Foxborough. The Town would like to thank Mr. Coderre for the service to the Town.

1. 7:00pm - Citizen's Input

2. 7:05pm One Day Beer & Wine Licenses Application - Wormtown Brewery for Patriot Place Dog in the Bog Events

2.1 Four (4) One Day Beer & Wine Licenses for 7/20, 8/3, 8/17 and 8/31 from 4pm to 7pm at 1 Bass Pro Drive for Patriot Place Dog in the Bog event hosted by Wormtown Brewery – Kimberly Golinski

Ms. Golinski we were asked to do an event last year and it worked out well last year. We are looking to get 4 licenses for 4 dates, we would offer full 16 ounce pours, all of our servers are TIPS certified and checking IDs and ensure customers are consuming responsibly. The event would set up at 3:00pm and run from 4:00pm – 7:00pm. We are looking to spread awareness about where the brewery is in Patriot Place and work with Bass Pro again. They will be doing a bunch of other events along with Dog in the Bog. The event will be behind Bass Pro around the cranberry bog.

Mr. Elfman wanted to have you come in to promote your event and you hit all the questions we'd normally ask with liquor licenses.

Motion to approve the application for Four (4) One-Day Beer and Wine Licenses for July 20, August 3, August 17 and August 31 from 4pm to 7pm at 1 Bass Pro Drive for Patriot Place Dog in the Bog event hosted by Wormtown Brewery. The license shall include the 24-hour period immediately before and after the event in order to allow for the proper delivery and disposal of all alcoholic beverages prior to and immediately following the event by L. Gibson 2nd by S. Ferguson

Discussion: Ms. Gibson stated that this is something new that we as a board we have not done before but in looking at the ABCC regulation it suggests to include the day before and day after which is why we are doing it this way.

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

3. 7:10pm One Day All Alcohol License and One Day Entertainment License Application - Travis Manion Foundation (TMF)

3.1 Review application for a One Day All Alcohol and One Day Entertainment License for the Travis Manion Foundation on 12/9 from 10:00am - 6:30pm at 45 Washington Street – Senior Director of Special Events Krista Foy, Special Events Manager Shelby Hahn, Deputy Chief Rich Noonan

Ms. Hahn told the Select Board that the TMF is a national veteran service organization that is led and empowered by veterans and families of the fallen. Our foundations namesake was First Lieutenant Travis Manion was a Marine and Naval academy graduate who was killed in Iraq in 2007. Travis and his fellow marines were ambushed during a patrol and while leading a counter attack Travis had made the ultimate sacrifice that day to draw fire away from his wounded teammates and allowed

every member from his patrol to return home safely to their families. Before his final deployment his brother in law asked him why he needed to go back to Iraq and he responded “if not me then who?” and that is the mantra that our organization lives by and is a constant reminder to live with character and put the interests’ others before our own and further our mission of creating a nation of purpose-driven individuals, to develop character in future generations and above all else we are a community. Our annual tailgate surrounding Army/Navy is exactly that, a community coming together to celebrate and honor our nations heroes and raise funds to support our organization. This is a family event that we have hosted for the past 5 years. We are dedicated to the safety of our attendees and have several protocols in place for event security and also following all the rules and regulations we need to adhere by. This is a ticketed event, we have 21+ ticket and wristband and we also have an under 21+ wristband as well. We have a large security team of volunteers that consist of a group of 10-20 people who are retired and off duty law enforcement agents and all of our alcohol is served by TIPS certified bartenders. We are looking to host the tailgate from 10:30 to 2:30pm and then have a viewing party until 6:30pm with alcohol stopped being served around halftime.

Deputy Chief Rich Noonan stated that we spoke with Shelby and Krista about this event. They have robust security, wristbands for those under and over 21. Every city they’ve hosted in they’ve been able to come back to host again. They will be working with Katie Lang to make sure they have all they need for each events.

Ms. Foy thanked the Select Board for the opportunity to join to night. I’ve been with the TMF for 15 years. It has been hosted in Philly and Met Life Stadium in New York. It will be a really great opportunity for some local businesses to come out and support what we are doing. Ms. McGowan applauded the TMF for having the wristbands. Shelby stated that for reentry for anyone over 21 will have to provide ID again.

Move to approve the application for a One-Day All Alcohol License for the Travis Manion Foundation on December 9, from 10:00am to 6:30pm at 45 Washington Street. The license shall include the 24-hour period immediately before and after the event in order to allow for the proper delivery and disposal of all alcoholic beverages prior to and immediately following the event by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

Motion to approve the One Day Entertainment License for the Travis Manion Foundation on December 9, from 10:00am to 6:30pm at 45 Washington Street by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

4. 7:20pm Personnel Board - Proposed Grade 11 Step Increases and Grade Change for Police Chief Administrative Assistant, Chief Michael Grace and Chief Michael Kelleher

4.1 Discuss and vote on increasing the Grade 11 steps and move the Police Chief Administrative Assistant (T201) from a Grade 5 to a Grade 6

Chief Grace stated that both matters we are discussing have been brought in front of the Personnel Board has weighed in on and supports both of them.

The first is adjusting the deputy police chief position Grade 11 and also the assistant fire chief. That position dates back to 2012 when any of the adjustments were made and those were to the lieutenant positions only and that was after a wage study that was done for the police union. At the time the position was unfilled by police and fire until 2019. The separation between the Lieutenant and Deputy Chief was 5.7%. Our goal is to increase the total separation by 13%. We looked at comps from other departments. This closes the gap and remains competitive for our number 2 positions in both the police and fire department.

Mr. Elfman stated that there was a letter of support from Gary who is the Chair of the Personnel Board.

Motion to approve the increase of Grade 11 Steps on the Non-Union pay scale effective July 1, 2023 by L. Gibson 2nd by S. Ferguson.

Discussion: Mr. Elfman stated that the increases would be a part of the existing FY24 budget.

Approved, 5-0.

Chief Grace stated that the previous person in this position didn’t work for the accreditation, license to carry and all others and detail work. They are at a Grade 5 and want to move it to a Grade 6. When you have key personnel and after 6-7 months

of strategic planning identifying your key players in your agency and making sure you're addressing retainability this clearly stood out as something that should be addressed and it is only fair. Ms. Gibson stated that again it could be absorbed into the existing FY24 budget.

Motion to approve the change of Grade of the Police Chief Administrative Assistant from a Grade 5 to a Grade 6 on the Non-Union Pay Scale effective July 1, 2023 by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

5. 7:35pm Stadium and Satellite Parking Study Discussion

5.1 Chief Grace and Acting ATM Paige Duncan to present and discuss need for Stadium and Satellite Parking Study and possible vote on funding source

Chief Grace said we've received new application for satellite parking. There are 3 elements to why the town would issue a permit, there exists a public demand for the lot, the commercial lot is necessary to protect the public convenience or welfare or the lot is necessary for stadium events.

We've come to a point where we are asking if we need additional satellite parking. The Kraft Group has indicated they have enough parking. I'm not stating I want to eliminate the current satellite lots. The town needs to decide if we want to issue permits to lots that are outside the traffic management plan. I could give you my option but I believe the town needs to do a study and have it presented to the Select Board on how we should proceed.

Paige Duncan stated we have a few lots that would require special permits that can be costly to apply and be reviewed. We would hate to be in a position where we approve the special permit and but the Board could be asking if its needed within the Town. We haven't studied this as a town, the Kraft Group is willing to work with us and provide us information going forward. We could also evaluate the lots and their effects on traffic management.

We have a traffic consultant on call that has already been through procurement. I reached out to them and have a scope that is included in the memo. This is something they have not seen before. It is recommended that we do this study. One option to pay for this is free cash, which would take time. We spoke with our Finance Director Marie Almodovar and she suggested that we used the Economic Development Fund that has 69,242. Since this is funded by a lot of business at Patriot Place there is a nexus there. Since there were never clear guidelines on this fund, it would be a good way to draw down the account and this looks at the need for parking and an independent study.

Ms. Gibson asked what we could with the other \$9,000. Marie Almodovar stated that we could use it for Uptown or have it go under the general fund and then create an appropriation to go to the Select Board or Planning Budget. Ms. Gibson stated there is a lot of different projects that we can use it for and want to make sure we still have the ability to after this \$60k is spent. Mr. Keefe asked about the procurement process. Ms. Almodovar responded that we have on-call engineers that we can work with that we've already done the RFP (request for proposal) process to obtain.

Ms. McGowan asked what the study would cover, just parking spaces or is there more. Chief Grace stated that it will tell us more than just spots, it will provide other data including sidewalk width to factor into the traffic management plan. Ms. Gibson commented that we have to consider if there is a need with a new lot when its applied for. Ms. Duncan, stated we can compile the numbers, this would look at the flow, demand and how it's operating. The satellite lots have never been factored into the traffic management plan.

Mr. Ferguson asked where are the license requests coming from and what is the risk of too many spots?

Ms. Duncan replied there is on off of Lincoln Road and one on Route 1. The Chief responded if anyone on Route 1 applied for a permit and there are no guidelines from this Board and you deny a permit the applicant will ask why they are denied. If the infrastructure doesn't support the ability to get patrons to those lots further and further out and thins out resources from the Town.

Mr. Keefe asked what is the offset for providing those services to the licensed lots. Chief Grace stated we could mandate a police detail for a lot but that 1 officer for 600 spots won't be able to impact the situation. When you look at the Mass Highway traffic management plan it doesn't have designation in there for the satellite lots to interfere with the contra lane flow for crossovers. We've got it down to a science with all of our current lots but I couldn't imagine expanding and how we are

going to get there and end up with jersey barriers. It's so big and dynamic, we need to start somewhere and have a foundation to build off of.

Ms. McGowan asked if there is an additional fee for a police detail for a busy satellite lot and if the study would say that we have enough parking?

Ms. Gibson to read the licensing regulation - before granting a commercial parking license the Board of Selectmen may find the following and reiterated the 3 reasons the Chief stated earlier. Ms. Duncan stated we have been holding those parking lot license applications back for a bit since we don't know the demand and impact. Mr. Elfman stated that this will also help with the World Cup in 2026, which is like 8 Superbowls and Chief Grace responded that this is providing a variety of different challenges.

Mr. Keefe asked what a parking permit cost. The cost is \$7 per spot to the town and then a fee goes to the State based on a calculation they've predetermined which this year was \$23 a spot.

Mr. Ferguson asked what the cost of parking at Gillette? It's free if you park at the stadium or if about \$50 for a satellite lot spot. I agree with safety first, but I'm not sure that we should gather that information at the cost of \$50-60k. Mr. Elfman said that it is not just counting spots but information gathering.

Ms. McGowan asked about how much it cost to park. The Chief replied the stadium side you can pay to premium park on the non-stadium side it is free to park. Mr. Keefe asked if revenue comes in and the town incurs expenses and when you're looking at doing the study, does that offset the revenue to the town. Ms. Duncan stated that would be a different consultant, it would be a financial consultant. We would also ask that we would suspend/discourage new applications until the parking study is done.

Motion to approve up to \$60,000 from the Economic Development Fund for a Stadium and Satellite Parking Study with the caveat to pause new applications until the study is complete or reversed by the Select Board by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

6. 7:50pm Zoning Board of Appeals - Vacancy/Appointment Discussion

Ms. Duncan stated that we did ask the two associate ZBA members, Kurt and Lorraine to submit a letter to why they would like to be a full ZBA member.

Mr. Keefe asked why wouldn't we do it by seniority. Mr. Elfman said they are both great candidates and it is our appointment. Mr. Elfman asked if we just want the letter or do we want to have them come in. The Board agreed that we will have them write a letter and then submit.

7. 7:55pm FY2024 Town Goals

7.1 Select Board to review and set FY24 Town Goals to be included with the GFOA Budget Book Award Submission

Ms. Almodovar state these goals are for the GFOA budget book. These are the last piece for us to finish. These are town wide goals. The Town Manager goals can be updated later on. Ms. Gibson stated we are in transition and these are placeholder goals.

Ms. Duncan said we are in transition but we are continuing to work towards those goals. We will be continuing to work on grants, finances, and the communications plan. It is a challenging time but we have our eye on the prize and continuing to work on these overarching goals. These are good goals to have to help me and Marie and they are valid goals. We took Seth's input and added the GFOA award back in, added the MBTA communities as well. We got a \$20k grant for MBTA communities and will use it for outreach and education.

Motion to approve FY2024 Town Goals by L. Gibson 2nd by S. Ferguson.

Mr. Ferguson wanted to point out the importance of these goals and this is one of the critical things we do on an annual basis. This is what the Town is aiming to achieve over the next year and is a living document.

Approved, 5-0.

8. 8:05pm FY23 Year End Transfers

8.1 Review and vote on FY23 Year End Transfers

Mr. Elfman said that it had been the policy of the Select Board for years for the Town Manager to mention the Year End Transfers. That is not necessarily true and our bylaws state that we do have to approve them. We have a letter going out explaining about the complaint and going forward we will approve them as a Board.

Motion to approve the FY23 Year End Transfers by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

9. 8:10pm OML Complaint

9.1 Addressing Open Meeting Law Complaint pertaining to June 20, 2023 Meeting – A letter will be sent to the complainant and we will be listing and approving the Year End Transfers in accordance with our bylaw.

10. 8:15pm Town Manager's Update

11. 8:20pm Acting Assistant Town Manager Update

11.1 Central Street Parking Lot Update was paved with the help from \$50k from Barrows and Feeney, there is remaining work and the DPW will finish up that work. We will be striping it more as well and tweak a few spaces and the location of the dumpsters.

East & Cocasset Street Project is beginning tomorrow, 7/19, it will be 4 weeks of construction. The roadway will be closed for only 2 or 3 days will have a detour and there will be a police detail from seven to four when the road is down to one lane. The road will be reopened to two lanes at the end of the day. There is a story map that will be going up as well. The DPW has lessons learned from the West Street Dam project.

West Street Dam Project (according to Chris Gallagher) is projected to be complete by August 8, currently projecting to be completed by August 18, if not the 11th. They completed the water main installation today up to the existing 8" ductile line near Konet Rd. They need to pressure test, chlorinate, flush and get a clean bacteria sample prior to making all the service and side street connections. It should take about 10 days to complete the house connections along with the campground and Daniels St. We are also scheduled to be doing some more paving this week to try and complete the trench repair.

Walnut Street is moving along, Conservation Commission issued order of conditions for the signal work. This allows the DPW to go out to bid. It's 200 units of housing. There is preliminary approval for state funding of Phase 1 and expected to receive additional funding as well this summer. The financing closing and commencement of construction in early 2024. We are making progress. They are not ready to take applications right now.

Veteran's Office moved to Senior Center and new Senior Center Hours, open until 6:00pm Tuesdays starting week of July 24.

Chief and Paige started a date with Mass DOT to discuss World Cup in 2026. With did this so we can be in early on the conversation and this might be able to secure us funding for infrastructure improvements.

11.2 HR Update - HR Director Departure, last day was July 5, and we have a consultant filling in the meantime.

New Assistant Finance Director Brandon Roberts from Concord, was a budget analyst and then was promoted to Senior Budget and Operations analyst, his areas of expertise are procurement, financial analysis and budgeting, including developing and monitoring several multi-million dollar budgets. New VSO Scott Blake, will start on August 7, will have a meet and greet on Tuesday, August 8 at 10:00am. We have open DPW Positions: Laborer/Driver for Highway and Tree & Park, Water Technician, DPW Department Administrator, Water & Sewer Account Coordinator.

11.3 Sidewalk Strategic Plan Survey – available on the Town website, closed July 28

Log Cabin RFP/Application Process for 72 Mill Street and that bid opening is on Friday at 10:00am.

11.4 Town Property Use Permits - Filming Uptown and on Recreation Properties on 8/21-8/23 after 3:30pm

We are working with the Jaycees to discuss vehicles on the Common.

12. 8:30pm - Selectmen's Update

12.1 New Business - New Flashing Crosswalks Installed on

Farmstand opened 7/14

12.2 Old Business - Congratulations to Primo's Owner Chris and Linda Gunn on 35 years

Mr. Ferguson said he received an email from a resident about a car show complaint as the signage was lacking and maybe it could be done another way.

Ms. Gibson said there would be a conversation with Jaycees conversation regarding their musical acts driving on the common.

13. Action Items

Mr. Elfman asked if the requirement was to have food available but it's not required to order a drink

13.1 Kraft Sports & Entertainment Group - Approve additional events of the New England Patriots 2023 Season, a 2nd Luke Combs concert on 7/21, Premier Lacrosse League Quarterfinals on 9/4, and a Karol G Concert on 9/28 to the Kraft Sports and Entertainment 2023 Annual Entertainment Licenses

Ms. Gibson stated that I hope we can get the data sheets sooner in the future.

Motion to approve the additional events of the New England Patriots 2023 Season beginning August 10 through December 31, a 2nd Luke Combs concert on 7/21, Premier Lacrosse League Quarterfinals on 9/4, and a Karol G Concert on 9/28 to the Kraft Sports and Entertainment 2023 Annual Entertainment License by L. Gibson 2nd by S. Ferguson.

Mr. Elfman said it's frustrating as a Board member, to see a concert is sold out before it comes to us.

Ms. Gibson said if we could have the dates that these data sheets were submitted would be helpful.

Approved, 5-0.

13.2 Extended Hours Request - Davio's Northern Italian Steakhouse at 236 Patriots Place to serve alcohol starting at 10:00am on all Sundays in 2023, starting 9/10

Motion to approve the Extended Hours Request for Davio's Northern Italian Steakhouse at 236 Patriot Place to serve alcohol starting at 10:00am on all Sundays in 2023, starting September 10 by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

13.3 Extended Hours Request - Skipjack's at 226 Patriot Place to serve alcohol starting at 10:00am on all Sundays in 2023, starting 8/6

Motion to approve the extended hours request for Skipjack's at 226 Patriot Place to serve alcohol starting at 10:00am on all Sundays in 2023, starting August 6 by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

13.4 Extended Hours Request - Foxborough VFW Post 2626 at 337 Cocasset Street to serve alcohol starting at 10:00am on 9/4, 10/8, 10/22, 11/5, 11/11, 11/23 and 12/3

Motion to approve the extended hours request for Foxborough VFW Post 2626 at 337 Cocasset Street to serve alcohol starting at 1:00pm on September 4, October 8, October 22, November 5, and December 3 by L. Gibson 2nd by S. Ferguson.

Ms. McGowan said that we usually do this for business that are at Patriot Place that would be affected by those games.

Approved, 5-0.

13.5 Extended Hours Request - Bar Louie Tavern & Grille at 232 Patriot Place, Red Robin at 201 Patriot Place, Scorpion Bar at 253 Patriot Place, Six String Grill & Stage at 275 Patriot Place, Splitsville at 220 Patriot Place, and Axel & Byrne at 267 Patriot Place to open and serve alcohol at starting at 10:00am on 10/8, 10/22, 11/5 and 12/3

Motion to approve the Extended Hours Request for Bar Louie Tavern & Grille at 232 Patriot Place, Red Robin at 201 Patriot Place, Scorpion Bar at 253 Patriot Place, Six String Grill & Stage at 275, Splitsville at 220 Patriot Place, and Axel & Byrne at 267 Patriot Place to open and serve alcohol at starting at 10:00am on October 8, October 22, November 5 and December 3 by L. Gibson 2nd by S. Ferguson.

Discussion: Mr. Keefe said this seems to be a requirement for food by us. Ms. Gibson stated our requirement is for us to have the option to serve food and that Katie had misused the requirement language in her letter to the applicants.

Approved, 5-0.

13.6 Use of Public Way Application - Review and vote on application for the Sharon Triathlon on 8/13 from 8:00am - 10:00am at the corner of Willow and East Street hosted by Max Performance

Motion to approve the use of public way application for the Sharon Triathlon on August 13 from 8:00am - 10:00am at the corner of Willow and East Street hosted by Max Performance by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

13.7 Use of Public Way Application - Review and vote on application for Low Rider Depot LRD x NEU Summer Showdown Event on 8/20 from 12:00pm - 4:00pm at 10 Annette Road

Motion to approve the use of public way application for the Low Rider Depot LRD x NEU Summer Showdown Event on 8/20 from 12:00pm - 4:00pm at 10 Annette Road by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

13.8 Select Board - Approve 6/20/23 Meeting Minutes

Motion to approve the June 20, 2023 Select Board Meeting Minutes by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

14. Adjourn – 8:53pm

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

Agenda Packet Documents:

Wormtown 4 One Day Beer and Wine License application and Dog in the Bog Memo

Travis Manion Foundation Army/Navy event application

Personnel Board Memo to Select Board for Grade 11 Change

Deputy Chief & Assistant Fire Chief Comps to Personnel Board

Proposed FY21-24 Non Union Pay Plan

Personnel Board Memo re Grade 11 and Police Chief Admin Asst. changes

Memo for Route 1 Traffic Study need

Commercial Procedure and Regulations

2023-2024 Commercial Parking License Holders

FY23 Year End Transfer Memo and Details

Higgins OML Complaint Response

Foxborough BOS OML Complaint June 20 2023 meeting issued June 22 2023

ZBA letter from B. Ovrut re ZBA vacancy-appointment

Draft Town Goals FY24 for GFOA Budget book

Additional Data Sheets Select Board Memo

KSE Additional Data Sheets

Extended Hours Request for: Davio's, Skipjack's, VFW, Axel & Byrne, Scorpion Bar, Six String, Splitsville, Red Robin, Bar Louie

Town Property Use Permit for Juri Love Filming on Uptown and Recreation properties

Sharon Triathlon Application including map of route

Lowrider Car Show Application

Draft Select Board Minutes for 6.20.23