

Wednesday, August 16, 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)
Atty Jaime Kenny*, Town Labor Counsel (JK)
* Attended Remotely

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Statement from Select Board Chair Doc Elfman

I'd like to start off by saying the Town is doing fine. Bill Keegan left a great legacy of senior staff and went on to name all town department heads. This team has not skipped a beat. To quote another Bill, Bill Belichick, do your job and work as a team and everyone in Town Hall and the other department are doing just that. Town services have continued without interruption with no gaps in services, whatsoever. Obviously, Mr. Coderre is no longer functioning as the Town Manager. It was determined he was not a good match for the Town. The process was a good one. We had a search committee of fellow townspeople vetted almost 80 applicants and then narrowed it down to four candidates sent to the Select Board. Unfortunately, it just did not work, and that happens every once in a while. It happened in the Town a number of years ago. As for Mr. Coderre, he entered into a service contract with the town, a public document, and modifications were made and that is also online. There will be no other discussion on his leaving. All employee personnel matters are private the public right to know does not trump employee privacy rights and the Board will not comment further on this topic. Tonight we will be discussing several things including an Acting Town Manager, the timeline for hiring a permanent town manager, possibly naming an assistant town manager and human resources director.

1. 7:00pm - Citizen's Input

2. 7:05pm Foxborough Clean Up Day

Mike Marcusella and Nathan Urman representing the committee stated they would like to hold Clean Up Day on Saturday, September 9 from 8:00am to noon, with a pizza party to follow.

2.1 Clean Up Day Committee - Appoint AJ Dooley, Jennifer Riggs, Joe Gerraughty, Nathan Urman, and Michael Marcusella for a term to end 5/31/24

**Motion to appoint AJ Dooley, Jennifer Riggs, Joe Gerraughty, Nathan Urman, Michael Marcusella to the Clean Up Day Committee for a term to end May 31, 2024 by L. Gibson 2nd by S. Ferguson.
Approved, 5-0.**

2.2 Clean Up Day - September 9

3. 7:10pm Town Manager Discussion

3.1 Discussion/Appointment of Acting Town Manager, effective 8/17/23 for a term to end on 2/12/24 or upon the appointment of a permanent Town Manager by the Select Board

Mr. Elfman started the discussion by referencing the Town's by-law that there can be an Acting Town Manager appointment for up to 180 days. We will discuss the hiring of a new town manager, a months long process, but we need someone now at the helm to continue.

Ms. Gibson stated as things have been going well so far and she's working on various projects and committees, and any inquiries I've sent along, have been very responsive and it seems business as usual and Bill left behind a lot of strong department heads. I support moving Paige to the Acting Town Manager role until we figure somethings out. I know we have a lot to discuss.

Mr. Keefe commented he's seen Paige's work for 4 ½ years and was impressed with the presentations. I've seen leadership and management skills and seen you've come up through the ranks. Searches don't always work out and its mostly because of fit and you don't know that until you get until they start. What I've seen so far has been quite good. I'm not sure I would rush to do a search.

Mr. Ferguson stated he's in favor of the appointment and believe Paige is right for the role.

Ms. McGowan said she agreed with the appointment. I'm fine with putting Paige forward as Acting Town Manager, just because things are going well does not mean she should be our next Town Manager. We should be having the search and I don't feel comfortable hiring from within for the role when there is not prior experience. I would hope that we move quickly to the next stage.

Ms. Gibson stated that it sounded like the Board was ready to consider a motion. She also clarified that this is temporary acting town manager appointment tonight.

Deb Stewart – Will this be a decision made by the Board or will there be public input as to whether or not to keep Paige as the interim? I have nothing against Paige and think she has done an amazing job with Planning and Development. I don't believe that the best choice for this position was chosen. I think there needs to be discussion. You should allow resident to come in and express their concerns. You have a manager, the town clerk, Bob Cutler who has done this position before and is very good at it. I think it was a done deal. I believe it should be Bob Cutler.

Mr. Elfman replied that we've heard it and you've said it a second time, we appreciate your opinion. Thank you.

Ms. Stewart asked if you [Select Board] are going to allow the residents to have some say. Mr. Elfman said that she just did and Ms. Stewart wanted to have more residents, not just herself speak on this issue.

Mr. Elfman stated that no resident had come to him beside Ms. Stewart to give their opinion on who should be the Acting Town Manager. Ms. Gibson stated that she hadn't either. Mr. Elfman stated that there was a committee of town's people who brought candidates forward. Without getting into personnel issues and hurting feelings, thank you for your opinion, we are not going any further with that.

Ms. Gibson stated that nobody approached me looking for this position and wanted to their name in the ring for acting town manager.

Motion to appoint Paige Duncan as Acting Town Manager effective August 17, 2023 for a term to end on February 12, 2024 or upon the appointment of a permanent Town Manager by the Select Board by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

Mr. Elfman asked Mr. Morrison to come up and make his comments to the Select Board. He also stated that she was the best person for the job when we needed her and she's done a great job filling in during a very difficult time. We five made the right decision at the right time.

Paul Morrison – Bob Cutler is number two in the town, there is a pecking order.

Mr. Elfman stated that the Clerk is not number two in the town. Mr. Morrison replied that he was and that the Finance Director was probably number three. There is a career ladder, as just as you have an assistant [Vice Chair], it's the same thing. I spoke with Mr. Cutler and he was never approached, why was Bob Cutler was never approached? He should have been approached same as he was with the Paicos deal. Mr. Elfman responded that he was not going to get into that right now that was a different time and different situation. Mr. Morrison claimed he

was hiding something and that the Board should extend an offer of invitation to the 3 candidates to interview one last time. Mr. Ferguson responded that it isn't how it works.

3.2 Discussion of timeline and process for search and appointment of permanent Town Manager

3.3 Discussion of Acting Assistant Town Manager and Human Resources Director appointments

Mr. Elfman said that we have a draft timeline, similar to the one we used prior. We don't have to go out and used a consultant but we could use a Human Resources (HR) person to help us. I'd like to know the Board's opinion.

Ms. McGowan said that I don't think we need to rush a search. I think we need to be outside person so it's not a staff person picking their boss.

Mr. Elfman replied that nobody will come in as an HR Director without knowing who their boss is. I think we could hire an interim HR Director to help us with that process but may not be a permanent hire. Mr. Ferguson asked what would the expected time frame be for that HR role and to find that person. Mr. Elfman said that it would be Paige's responsibility as Acting Town Manager to find that person. Ms. Duncan responded that it would a shorter timeframe because it's not the same as a town manager search. Mr. Keefe stated that there are companies out there to help with these exact situations. I'm seeing hardworking people doing an effective job. Bill Keegan was an effective manager and we have an effective senior management team. I'm not seeing the subterfuge that is being talked about online. Ms. Gibson replied that it's tough being a volunteer and act ethically. You would think that both sides would act civilly to each other and that seems to be deteriorating over time. Everything that we do is with the best interest of the town at heart. That is why we are debating it today. I think it's okay to let things simmer a bit. It's not as simple to go back out to the other candidates and we should go through a normal process. I'm in favor of putting a bit of space in between the process.

Mr. Elfman said need someone in temporarily. We have Mary Beth Bernard coming in 1 day a week for Human Resources.

Ms. Duncan said we do need to work this out fairly quickly and looking to get someone in here full time on an interim basis. She said that we would start the Interim HR Director right away, we'd want full time or at minimum 3-5 days a week. It would be balancing needs versus the services were offering.

Ms. McGowan asked how we would post the job and Ms. Duncan replied that we'd post on Massachusetts Municipal Association, MMHR and look at firms. We would look for someone with local, Massachusetts municipal HR experience. Mr. Ferguson said he is in favor of moving the process forward.

Mr. Elfman started to discuss another appoint to which Mr. Ferguson asked to discuss the Town Manager search process as he wanted that to start right away and not let it simmer. Mr. Elfman said that we needed to decide on the timeline, decide who is going to help us whether it be a consultant or a new Interim HR person. Mr. Ferguson asked if we need to wait until we knew about an Interim HR Director to have this further conversation.

Mr. Keefe stated he didn't see the urgency to move along the process as the town is in good shape. Mr. Ferguson responded without a leader we have spots to fill. That is going to be an extended absence in that role. I do think there is an urgency to get the top most important position filled right away. We have a great team across town but there should be urgency finding our next top person for the town. Ms. Gibson asked Mr. Ferguson if he didn't want an HR person first. Mr. Ferguson responded potentially if we can turn it around very quickly unless the HR person to lead that process. If we think Paige is the person let's let that simmer.

Ms. McGowan replied that we put a person in with no experience. We are going on 5-6 weeks and there could be big problem that Paige would have to deal with.

Ms. Gibson wanted to hear Mary Beth's experience and opinion on this. It's important to have an HR person in here to have our back.

Ms. McGowan said she didn't want to have a town manager for 6 months, then extend it a year. And we also can't hire a permanent HR Director. The other thing to consider is what's going to happen with Paige's Land Use position.

Ms. Duncan said that Gaby Jordan has filled in for me fantastically and is set up to do for several months. I'm not absent from that and support Land Use as they need. I'm doing more with Land Use than Bill or John did and it wouldn't make sense to transfer them over. Ms. Gibson stated that with her work in the community she has the connections and her particular role seems to be working with the interim one.

Ms. Duncan wanted to clarify that she wouldn't expect to be handed this position, I will compete and earn this on my own merits. That is not good for the town. I do not expect this to be handed to me. Mr. Elfman stated that the draft timeline is six months and we can discuss the timeline next timeline. Ms. Duncan stated that if we have a more permanent solution with HR we'll bring that person to that meeting. Mr. Ferguson asked to every extent possible we should be transparent, with the entire process and Ms. Gibson noted that she believes we have always strived to that. Ms. McGowan said the struggle and disconnect with the residents, I'm thrilled with your statement. People don't understand the personnel part and there are things that we can and can't share.

Ms. Gibson said we could get the town sued if we spoke about certain thi

Liz Lynes— I'm a HR profession and working with the town in the senior tax worker program. I'm not hearing anything of lessons learned from the last process. We always did a post mortem. During the last search process, you spent money, time, effort. You spoke about fit. Where have you analyzed about what went wrong. And can you share after you've reviewed it. Did that happen where the five of you discussed it?

Ms. Gibson stated that the Board cannot meet to discuss unless it's at this table. Mr. Keefe agreed with Ms. Lynes that he's done search and have done a lessons learned afterwards whether they went well or not.

Ms. Duncan said that the vote was not based on the fit and was fiscal issues and less on the culture and the team of town hall staff. We feel that was sort of proven.

Ms. McGowan replied it's very hard, I'm not picking fit over experience. The last thing we wanted was to hire someone who didn't fit here. With that being said, I looked at experience. We got it wrong, but that doesn't mean that the process was wrong and we'll do our best to get this right the second time around. Ms. Gibson said we are bound by open meeting law. But this something that we could do with the new process. Mr. Ferguson state that the Interim HR Director could help with that. Mr. Elfman moved to the next discussion item regarding an Acting Assistant Town Manager. This would be someone to help until we get a human resources person here.

Ms. Gibson clarified that this is part of the temporary solution. Ms. Duncan stated that we all know that Bill Keegan had a full time person. I need someone to bounce leadership ideas off of someone so it doesn't look like I'm not favoring one department head over another.

Mr. Ferguson thanked Paige, when he elevated your and Marc Craig roles to oversee other. In my mind, Marc Craig would be a person to elevate to that as well. I think he's willing to support and contribute in that realm of administration. I would talk to other candidates and vet that and what that would entail and the capacity would be.

Mr. Elfman said I wanted to bring that up so this could be a temporary thing. Now that Paige is appointed he makes that appointment. Mike Kelleher is also another department head to consider. This is Paige's appointment as Acting Town Manager but the Board can veto this if they disagree.

Mr. Keefe echoed Mr. Elfman saying Marc Craig and believe that he's liked by the town and has good leadership and management skills and be able to cover a lot of territory on behalf of Paige. I also believe that both the Chiefs run centers of excellence and have a full plate.

Ms. Gibson stated that it's amazing that we have so many great department heads. I do favor the position in the interim and takes the pressure for the interim. I do think it's a good idea.

Ms. Duncan asked the Board how would you want to this process for appointed an acting town manager?

Atty. Jaime Kenny interjected and gave a brief synopsis about the charter. The Board's discussion is giving feedback on whether that appointment should be made. Paige has the right to appoint or give recommendations in a public setting. Paige will set out the process and do the appointment. I would guard against giving recommendations in a public setting as it is personnel information.

Ms. McGowan asked if will there be compensation for this interim Assistant Town Manager?

Atty. Kenny state that the Board is appropriate with the question about finance and can do that. In terms of process and person that is up to Paige as the Acting Town Manager. The discussion on the floor is if you need that position. The charter lays out the foundation and the framework. Your role is to determine yes or no. Mr. Ferguson said he was focusing on adding support but not in an official acting capacity. Ms. Duncan said she had Marie look into finances, because of all the vacancies right now we would be able to stay within the salaried budget.

Ms. McGowan stated she didn't feel there should be extra compensation for an Acting Assistant Town Manager position and Mr. Ferguson added that he would like to have more clarity about what the role would be. Ms. Gibson asked if we needed a motion to fill the interim. Atty. Kenny confirmed that yes.

Motion to authorize the Acting Town Manager to appointment the position of an Acting Assistant Town Manager effective August 17, 2023 for a term to end on February 12, 2024 or upon the appointment of a permanent Town Manager by the Select Board by L. Gibson 2nd by D. Keefe. Approved, 3-2.

4. 7:30pm Sewer Easement - Hamilton Square at Chestnut

4.1 Discussion of and possible vote to approve Easement between the Town and Hamilton Square at Chestnut at 135-147 Chestnut Street – Bill Yukna

BY - We are correcting something that should have been done years ago. We have apartments to tie into sewer at the Ahern. The town was supposed to put together an easement and that didn't happen. There has been multiple ownership. Chris Gallagher and I worked with our town counsel and counsel for the apartments that gives them right to cross the Ahern property where there pipe goes and allows them access down the driveway with the equipment as needed. This easement will be recorded along with the original agreement. We are happy with the size of the easement and its only for use to repair and maintain. This just formalizes their responsibilities and gives them the easement rights.

Motion to approve the Hamilton Square at Chestnut Sewer Easement Agreement as proposed by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

5. 7:40pm Pratt School Disposition

5.1 Discussion of Pratt School and possible vote to dispose and issue RFP (request for proposal) for sale

Ms. Duncan stated that the Town Asset Review Committee (TARC) has reviewed this and at May Town Meeting the Town did vote for the Select Board to dispose the Pratt School. TARC discussed this further and prior to Town Meeting and contacted a few developers to see if this was a lot that would have interest. TARC voted to put out an RFP for the Pratt School to the highest bidder with no conditions. TARC was intending for it to be a single family home. Zoning is included in the packet. The Historical Commission wanted TARC to discuss preserving the façade. The Pratt School is neat looking but it would be challenging to build around the façade and would diminish the value of the property. The Town Assessor stated that if this lot were to go to auction he would expect the bidding to start somewhere around \$180,000. We intended and was voted by TARC to do a RFP. We are asking the Board to authorize the sale of this property through an RFP.

Ms. McGowan confirmed with Ms. Duncan that there is not current value with the building.

Ms. Duncan stated depending on the cost of demo, whether septic could be place on the lot, sewer is probably to be able to run. We do think it will be able to be developed and any cost of septic and demolition offset the cost if it were just raw land. I'd hope we get a couple hundred but there is no guarantee.

Ms. Gibson asked do we have to accept requests for proposals (RFPs) and Ms. Duncan responded that yes, if you want to put a minimum. Mr. Keefe asked what the square footage of the lot is and Ms. Duncan responded it is .43 of an acre and non-conforming. Ms. McGowan asked if she would suggest a minimum, something that is fair? Ms. Duncan stated I want to respect TARC and they asked to put no minimum. I think there is value there. Mr. Ferguson added that it's been sitting for years adding no value.

Motion to declare the Pratt School Property at 14 Community Way available for disposition and to issue an RFP for the Pratt School to be sold to the highest bidder without conditions by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

6. 8:00pm Board and Committee Appointments/Reappointments

6.1 ZBA Appointment - Select Board to appoint Lorraine Brue as a regular ZBA member for a term to end 5/31/26

Motion to appoint Lorraine Brue as a regular ZBA member for a term to end May 31, 2026 by L. Gibson 2nd by S. Ferguson.

Discussion: SF – I was going to vote for Lorraine as I believe she brought the experience for this position.

Approved, 5-0.

6.2 Foxborough Commission on Disability (FCOD) - Appoint David DelPizzo, Margaret Chaisson, David Foscaldo to the FCOD for a term to end 5/31/26

Motion to reappoint David DelPizzo, Margaret Chaisson, David Foscaldo to the Foxborough Commission on Disability for a term to end 5/31/26 by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

6.3 Town Clerk - Re/appoint Election workers from 9/1/23 - 8/31/24

Motion to appoint Town Election Workers from September 1, 2023 through August 31, 2024 as listed on the agenda by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

6.4 Conservation Commission - Appointment of Taunya Orlando to the Conservation Commission for a term to end 5/31/25

Motion to appoint Taunya Orlando to the Conservation Commission for a term to end May 31, 2025 by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

7. 8:10pm Acting Assistant Town Manager's Update

7.1 Beyoncé Concert Recap; - that concert went overtime and we received the fine for within the next few days. It was over \$24,000. Bruce Springsteen may have that happen as well, in the past if they have done that, we've received a check the next day.

Power Outage Issues – Chief Kelleher has reached out to National Grid. The reliability in East Foxborough has been very solid recently, with the exception of one underground cable fault, followed by a lightning strike. The customers affected by the underground cable fault would have seen both outages. We will also check with the OH Supervisor for the area when he returns from vacation later this week. This area has had very good reliability since last year when we met with the Fire Chief and a customer at the end of Morse Street to address issues they were

having with reliability and power quality. Since that time we have performed numerous feeder patrols and did a bunch of spot tree trimming in that area and on the 23kV sub transmission line that feeds the Foxboro #2 Substation. It should be noted towns like Mansfield and North Attleboro have their own power company which owns all the utilities. It is important to note that a municipal electric light is far superior to National Grid in terms of quality and response.

We receive a report of power outage at Fairway Lane and Chief Kelleher is looking into that as well.

The Government Finance Officer's Association Budget Book Submission; that was posted. Mr. Ferguson was thankful that it was posted and it was a great effort by Marie and the Finance team.

131 Morse Street – We are working on this and we are working with town counsel to get legislative assistance for cleanup. We can do certain things under tax title to take on a certain burden. Sen. Feeney's office has been in touch with DEP and will be planning a site walk in September to figure out next steps.

DPW Projects Update including Sidewalk Strategic Survey: West St – All new water main work has been completed. Old water main has been abandoned in place. All asphalt trench work should be completed today. General site cleanup, old hydrant removal, loam and seed will occur over the remainder of this week and into early next week before being 100% complete.

East St/Cocasset St – After several delays, the contractor has stated they will be on site Monday August 21st to begin the intersection reconstruction and is estimating 4 weeks for completion. Only a couple days are anticipated where detours will be in place.

South St & Rt. 106. Raw Water Main – PJ Hayes is scheduled to start work next week on Sprague Rd and work on South St towards Rt. 106. The contract duration is for 1.5 years. The majority of construction will result in a one lane closure during daily construction.

Eversource Gas is scheduled to begin a gas main replacement project in the Linda/Connie/Carmines neighborhood this upcoming week. Eversource has sent notification to each resident in the neighborhood. At this time, we do not have an estimated project duration but will provide additional information when we have it.

Walnut street – We got another 500k and we are up to \$5.5 million for the project.

I've been accepted into the fall MMA Finance Program.

Today I attended an HR Boot camp hosted by Clifford and Kenny. I was at the YMCA Splash park dedication. Greg and Kathy Spier went down the slide and it was a really great event. The Town Code has been update to officially Select Board.

The Sidewalk Survey only had 229 responses which was disappointing considering the conversation at Annual Town Meeting.

7.2 HR Update: Boyden Library Department Administrator position, there is also an open water position.

HR Software changes – Our systems are cumbersome so we are going back to basics for now, posting directly to our website and to professional organization as needed.

7.3 Town Property Use: 8/19 Stakes are High, 10:00am on the Common, 8/31 Cars 2 - Movie on the Common, 8:00-9:30pm, 9/9 FHS Science Honor Society Car Wash at Town Hall, 9:00am - 2:00pm, 9/13 Crustaceans on the Common from 4:30-6:00pm hosted by Foxborough Human Services, 9/16 FHS Girls Volleyball Car Wash at Town Hall from 9:00am-1:00pm, 10/21 Jaycees Fall Craft/Vendor Fair on the Common, 7:00am-4:00pm, 10/25 Taylor Elementary Trunk or Treat (invite only) 5:00-6:00pm

8. 8:25pm - Selectmen's Update

8.1 New Business – The Select Board had a tour of the North End Zone and it was impressive.

8.2 Old Business

9. Action Items

9.1 Recreation - Accept donation of \$27,705.90 for the Foxborough Skate Park improvements and renovations from Foxboro Skate Park Fundraiser Inc.

**Motion to accept a donation of \$27,705.90 for the Foxborough Skate Park improvements and renovations from Foxboro Skate Park Fundraiser Inc. by L. Gibson 2nd by S. Ferguson.
Approved, 5-0.**

9.2 Extended Hours Request - Jake n' Joes at 25 Foxborough Boulevard and Saga Hibachi Steakhouse and Sushi Bar at 295 Patriot Place to open and serve alcohol at starting at 11:00am on 10/8, 10/22, 11/5 and 12/3

**Motion to approve the Extended Hours Request for Jake n' Joes at 25 Foxborough Boulevard and Saga Hibachi Steakhouse and Sushi Bar at 295 Patriot Place to open and serve alcohol at starting at 11:00am on October 8, October 22, November 5 and December 3 by L. Gibson 2nd by S. Ferguson.
Approved, 5-0.**

9.3 Select Board - Approval of 7/18/23 Meeting Minutes

**Motion to approve the July 18, 2023 Select Board Meeting Minutes by L. Gibson 2nd by S. Ferguson.
Approved, 5-0.**

10. Adjournment – 8:55pm

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

Agenda Documents

Hamilton Easement final execution.pdf (150 KB)

1989 Chestnut St. Sewer Easement Agreement.pdf (589 KB)

Revised Easement plan.pdf (305 KB)

Memo RE -Hamilton Easement -135 Chestnut St - Access Easement.pdf (283 KB)

Pratt School Assessment.pdf (201 KB)

Zoning By-Law Table 3.1 Use Regulations R40 excerpt (1).pdf (64 KB)

Pratt School Memo from P. Duncan on behalf of TARC 8.7.23.pdf (190 KB)

K Yeghian ZBA letter 08-03-2023.pdf (27 KB)

L. Brue - ZBA letter Select Board 2023.pdf (123 KB)

2023-2024 Election Worker appointments.pdf (201 KB)

T. Orlando Request for Committee Appointment Con Comm 2023.pdf (3,045 KB)

Conservation Commission Appointment 8.16.23.pdf (209 KB)

Crustaceans on the Common License 9.13.23.pdf (143 KB)

FHS Girls Volleyball Car Wash License 9.16.23.pdf (143 KB)

Trunk or Treat Taylor School 102523.pdf (143 KB)

Honor Society Car Wash License 090923.pdf (142 KB)

Stakes are High License 081923.pdf (143 KB)

Jaycees Fall Vendor Fair License 102123.pdf (143 KB)

Movie on the Common License 083123.pdf (140 KB)

Skate Park Donation Rec 7.18.23 \$27705.90.pdf (335 KB)

Jake N Joes Extended Hours Request 8.16.23.pdf (4,420 KB)

Saga Hibachi Extended Hours request 8.16.23.pdf (189 KB)

Draft Minutes 7.18.23.pdf (338 KB)