

Tuesday, September 26, 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 (DK)

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**

1. 7:00pm - Citizen's Input – Joan Gallivan, 9 Canon Forge Drive

Ms. Gallivan thinks that the town has been in a crisis and have multiple changes including the Town Manager and Finance Director and have had no Assistant Town Manager. The structure of departments has changed with the new reorganization of the Human Services and Land Use departments. I also saw an article in the paper about a possible debt exclusion and we have a capital improvement plan all the projects that are coming up including the DPW renovations, Taylor School and Community Center. We've looked ahead 5-10 years to plan. I'm asking you wait for the debt exclusion until we have a Town Manager.

2. 7:05pm Moment of Silence for the Passing of Jack Authelet

3. 7:10pm Introduction of New Veteran Services Officer (VSO) Scott Blake

Scott Blake – I'm the new VSO for Foxborough. I am 27 year retired Army Veterans. I started in Taunton then to Raynham and now I'm here. I've been welcomed with open arms from everyone in the Town. Being in the Senior Center with Marc is phenomenal and there is such positive energy. The veterans keep me busy. We just did the POW/MIA Vigil and was moved inside because of the weather. This community here is behind everything and so supportive. I've done a lot of peace keeping missions and now I'm at the point where I want to give back to the community.

Ms. Duncan added through Marc Craig's leadership, he built an office for Veterans and is an example of how the restructure benefited the community and a positive a result of the departments working together.

4. 7:15pm Use of Public Way & Town Property Application - Halloween Parade

4.1 Review and vote on Use of Public Way Application/Use of Town Property for Foxborough Recreation's Halloween Parade on 10/28, 2:30pm - 4:00pm

Renee Tocci – The Halloween Parade is October 28 and is going back to starting at Town Hall starting at 2:30pm, starting the parade at 3:00pm then trick or treating on to the Common.

Motion to approve the Use of Public Way Application and Use of Town Property for Foxborough Recreation's Halloween Parade on October 28 from 2:30pm to 4:00pm by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

5. 7:20pm Special Town Meeting Warrant

Mr. Elfman opened the discussion by informing the Board that a few more articles had been added to the draft warrant. Ms. Duncan said the addition of a few more articles is a positive thing and will hopefully bring enough people for a quorum at Special Town Meeting. There are five articles including the prior DPW project funding article and the Council on Aging/Human Services revolving fund. In addition we have 2 street acceptances and the

Planning office is sending out postcards to the residents on those streets in an effort to have them attend the meeting. Special Town Meetings now start at 7:00pm. In addition to those we have the personal property threshold exemption and Chief Assessor Thom Welch to explain the proposed amendment. We do have the Special Town Meeting Warrant Review, tomorrow at 12:30pm in the Gala Room and it will be broadcast and recorded by Foxboro Cable Access.

5.1 Review and Discuss Board of Assessor's article regarding minimum fair cash value requirement for personal property accounts – Thom Welch, Chief Assessor, Marie Almodovar, Finance Director

Mr. Welch stated that this is a tax break and if adopted will be an expanded tax break for the small businesses. The Board of Assessors (BOA) approved a \$5,000 exemption up from \$750, which is really low. Other communities are \$5,000-10,000 range. This helps with our uncollectable bills. We average about \$28,000 in uncollected and we have no way of collecting that, the exemption will help with that.

Ms. Gibson asked for Mr. Welch to give an example of personal property taxations. He replied anything like a desk, chair computer or huge machinery for a manufacturer. This \$5,000 will help 200 businesses from getting a tax bill. We believe it's a good idea to give people a break.

Mr. Elfman asked a question as a business owner to if he had to request a waiver to get the tax break. Mr. Welch stated that he shouldn't have to and the Assessor's office send out a form to report business equipment and assets and that determines the tax bill.

5.2 Review and discuss articles to Accept Public Ways: Souza Avenue and Barros Lane – We will be sending post cards to those residents to come out and tell them. Both of the roads were approved under the Sub Division

Ms. Duncan stated that we have Souza Avenue and Barros Lane that are in the River Ridge Subdivision off of Belcher Road. Both of those were approved under the subdivision control law by the Planning Board. DPW has reviewed and are recommending those streets been accepted at the Special Town Meeting. The warrant once closed will be posted tomorrow.

5.3 Select Board to close the October 16, 2023 Special Town Meeting Warrant

**Motion to close the October 16, 2023 Special Town Meeting Warrant by L. Gibson 2nd by D. Keefe.
Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.**

Approved, 5-0.

6. 7:35pm Schneider Electric Municipal License Agreement Amendment - Uptown Schneider Parking Lot

6.1 Review and vote on the Amendment to the Municipal License Agreement for the Uptown Schneider Municipal Parking Lot

We increased to the number of spaces at the Uptown Schneider lot to 104 spaces. We hadn't finalized the agreement so we have the revised agreement. It increases the number of spaces, allows us to operate a lighting system and the new light will be adding another light to the entrance. We are improving the entrance by cutting back brush, add a planter pot and add more signage. We formalized the ability to have special use events for the Town. We did add temporary overnight parking. If we have overflow parking from the Wall Street lot instead of Central and this will allow overnight parking.

Motion to approve the Amendment to the Municipal License Agreement with Schneider Electric Systems USA, Inc. for the Uptown Schneider Municipal Parking lot and to authorize Acting Town Manager Paige Duncan to execute any documents necessary for the purposes of this vote by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

7. 7:40pm Town Manager Search

7.1 Review of and possible vote on Town Manager Search timeline

Mr. Elfman thanked everyone who participated in the search. We appreciate the feedback we received to improve the process going forward. The committee was comprised of some of the most respected people in Town and that is why they were chosen. Nowhere along this process is there to be blame for anything, the process worked but unfortunately we are at the blackboard again. We are committed to and encourage transparency, stakeholder input and a process of improvement for the next search. Hindsight is always 20/20, and there are things that we would likely all choose to do a little bit different with all the information we have now. When discussing the information of John's departure in executive session, it was natural that his temporary replacement was discussed. Any conversation that was done at that time was done without any intent or malice and there were no decisions made during that meeting. The appointment of the acting replacement, assistant town manager and subsequent town manager, was done in open session. We are steadfast in our commitment to do what is right for the Town and hire the best person for the job. We ask for the community's grace and trust to allow us to move forward with confidence that we have the town's best interest in mind, which we all do, and allow the process to move forward. We're all in this together, we all want the best leader for the future of Foxborough, let's come together and move forward.

Now we going to discuss the Town Manager Search, we will be updating the new position statement and discuss the timeline.

Bernie Lynch greeted the board and stated he is happy to help and want to get the best leader for Foxborough. There have been a few changes to the position statement including budget updates and a few other items to have it updates.

I have seen the post mortem survey results and there were some ideas that we could address. One of the ideas that we do in other communities and have a department head meeting to get some feedback and to be able to be able to speak to candidates authoritatively with what is going on. My goal is to post this in mid-October and applications due middle November and then conduct interview in the beginning of December. Background checks done by legal counsel and do the interviews in early January.

Ms. McGowan thought this timeline is in the middle and satisfies us all. Mr. Keefe said the references were to be provide by the candidates and asked if the Select Board can have the option to solicit other people for references.

Mr. Lynch responded that with candidates, usually during the screening committee process, we provide information about the candidates based on information we have and our knowledge of the candidates. There were candidates that applied who had backgrounds and issues and flagged and those candidates were set aside. When it gets to the finalist. We do ask the candidates for reference and speak to all those reference and spend quite a bit of time. One of my colleagues how is trained in interview techniques and they get quite a bit of information.

I will find the candidates, work with the screening committee. I will give back ground to the Town Manager Search Screening Committee and after it reaches the finalists then your legal counsel will be involved in the background check. I did make that option available to the board for phone calls and discussion about the candidates. I'm happy to circle back to help interview the finalists.

Mr. Keefe and Mr. Ferguson are both satisfied with the scope of involvement that is offered by Mr. Lynch.

**Motion to approve the Town Manager Search Timeline as proposed by L. Gibson 2nd by D. Keefe.
Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.**

Approved, 5-0.

7.2 Discuss next steps of Town Manager Search – Mr. Elfman stated that we are still seeking applications for the screening committee and that closes next Monday at 4:00pm.

Mr. Lynch also stated that he is happy to help with the Selection of the screening committee.

Ms. Gibson and Ms. McGowan thanked Bernie for coming back to us with the position statement and timeline and helping the Select Board a second time around.

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

8.1 131 Morse Street Update – Attended a site walk with a group of more than 15 people including all 3 members of the Board of Health, Department of Environmental Protection (DEP) members, Senator Paul Feeney, Representative Jay Barrows, Mark Elfman, Scott Shippey, Gaby Jordan. Brownfields funding available. Recommend taking in tax title to clean up. Very limited liability to town. Owner passed and left Foxborough the Summit Casting property in her will. Question as to whether the Town owns, the property is in tax title. It is a dangerous space and we are going to work with facilities to board it up. The contamination out there is from a fuel oil that was spilled. There are a few things that also need to be addressed. DEP has done up to a phase 4 site assessment. The Town has limited liability. The town should get ownership of it so they can clean it up and the federal government has money to help and then sell it once we can. We would have to go a Town Meeting for a vote. We'll probably do some community outreach on why this is good for the town. Running through and under the building is a dam. The dam is a major issue and has been ordered be removed. There is grant funding to remove and needs to be removed soon. When the dam goes away so does glue pond. There is a lot to and we need to get to it quickly. Many communities have been in this situation and many communities have taken then

Mr. Elfman stated there is a lot of federal and state money to help with this property. We are going to look into this but as far as we know no communities who have done it don't regret it.

Ms. Duncan said that a lot of us have heard stories that we don't want to be the last one holding this. If it was hazardous materials, there would be funding to help with the learn. Being under the control of the town will help us get money for the cleanup.

Mr. Elfman said he was impressed with the DEP team. Ms. Duncan stated the property would be tax title or going to town meeting and going to town meeting to accept. This site is so complicated, the best bet is to get the building down and the dam down as well. We should aim to make it safe and then pause. She gave thanks for Senator Feeney and Rep Barrows for getting the DEP and Environmental Protection Agency out there.

Ms. McGowan asked if this affected the 119 Morse Street project and does this have anything do with that.

Ms. Duncan replied it does not have anything to do with it but it is next to it. The dam removal would have the pond becoming a stream. It's a challenge and there are a lot of problems. Ms. Duncan stated the DEP assured us, they now have contacts of everyone who owns land or lives near there.

- Parking Study – At your July 18, 2023 Select Board meeting you approved an independent parking study to be conducted for stadium and satellite parking lots. First event to be counted is Buffalo Bills game on October 22nd. (Billy Joel counting was canceled due to rain and low attendance). We have informed all lot owners that consultants will be counting and the consultants will have appropriate credentials to show lot managers.

- Licensing – Katie Lang, Health Director Matt Brennan and I are working with Seth to improve transparency and flow of licensing processes. We are looking at all licenses that require final select board approval - for all new licenses and renewals. We work for refine and expand the document we shared with Seth and will bring something to the table early October.

Mr. Ferguson said it has been really good work so far and thanks to Matt and Katie. I think it's going to be a comprehensive document for everyone.

- Pratt School – I originally indicated this project would be disposed of through an RFP process. After further consultation with procurement, we have determined a bid process is more appropriate. The Bid Solicitation will be

available under Procurement on the Town's website on October 4th with bids being due back on November 8, 2023 at 11:00am. There will be a single family house lot in Foxborough available for bid

- Special Town Meeting Warrant Review – 12:30 pm on 9/27 in Gala. It will be on FCA. Special Town Meeting is October 16 at 7:00pm at Foxborough High School.
- Financial Summit – Confirmed for December 5th at 6:00pm in the Gala Room and will be broadcast and recorded by Foxboro Cable Access
- Online Permitting – The Health department has launched Permit Eyes earlier this week and we are on track for the Town Manager's Office (TMO) to launch late next week. This again will link Health, TMO and building together to make a more streamlined process for businesses in Town. This is a heavy lift especially as Health and TMO fast approach renewal season but it's truly a win for our users.
- Karol G concert on Thursday night and there will be some incredible pyrotechnics.
- Construction update - East/Cocasset - New traffic pattern is in place. Weather has caused some delays on the project, but work continues. South Street installation of the new water main is progressing and is now beyond Michelle's Way. PJ Hayes has been paving the trench on Fridays which has helped prevent any significant potholes with all the rain we continue to get. I-95 Bridge Work -I-95 SB over Oak Street, Foxborough. Work will be performed from 10/2/2023 to 10/5/2023 during the night from 8:00 PM to 5:00 AM with lane closures as needed. Temporary Traffic Control Typical Details and Massachusetts Guidelines for Mass DOT will be utilized. At least one open travel lane will be maintained at all times on I-95 SB. Traffic police will be on site to assist with traffic control as needed. At town hall there is some construction on the side of the building as we've had some trouble with our HVAC system that is being worked on by Facilities with the help of the DPW.

Miscellaneous Updates - Hydrant flushing has started this week. Zone 1 this week. Other zones over next 6 weeks. There is a Town Manager's Roundtable on Tuesday October 3rd, 7:30 am – 9:00 am at TPC Norton.

- Migrant and Homeless Housing – As of 9/25/23 – 30 rooms, 105 people with 28 school-aged children. National Guard onsite serving as coordinators. Senator Feeney reports we will likely see 40% as Massachusetts homeless. Attended Zoom meeting with Congressman Auchincloss today. He's trying to improve things but congress isn't all that functional right now. The level of service that is being provided is the same for all in the community. The rooms have been reserved until December 2024.

Mr. Elfman stated the entire crew has done an outstanding job.

8.2 HR Update - Interim HR Director and Health Inspector positions

Last week I attended MMHR conference last week and it was great. It was tremendous amount of information and was able to make great connections of Town Managers and HR Directors. We've been looking at HR software and we know that the Town West Springfield uses one that we are interested in.

We still do not have a hire for the Interim HR Director, we made an offer but it was not accepted. We also have an Health Inspector position open in the Health Department.

Mr. Keefe asked why didn't they accept the offer and Ms. Duncan replied that there is the risk for the interim position. Mr. Ferguson was concerned that we lost this candidate because of the interim.

Ms. Duncan replied we do have an interim option that we could go for and would like to minimize the transition for and look for a long time hire. Ms. McGowan asked what the plan was moving forward with the Interim HR Director. Ms. Duncan responded that the new town manager would make that decision. When we were structuring the hire, we said they wouldn't restart the probation period. Mr. Elfman suggested drop the interim and Mr. Keefe suggested to change it to Acting, not Interim. Ms. Gibson suggested to play it by ear and be flexible.

8.3 Lions Fall Festival Rescheduled to 9/30 on the Common from 10:00am - 3:00pm, FHS Girls Volleyball Car Wash Rescheduled to 10/1 from 9:00am- 1:00pm at Town Hall

9. 8:20pm - Selectmen's Update

9.1 New Business - FY24 Tax Rate Classification Hearing on 11/7

Ms. McGowan stated that a resident reached out to her about West Street and she wanted to inform everyone that it will be paved in 2024, as it needs time to settle before paving.

9.2 Old Business

10. Action Items

10.1 Personnel Board - Appointment of Carrie Weston to the Personnel Board for a term to end 5/31/25

Motion to appoint Carrie Weston to the Personnel Board for a term to end 5/31/25 by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

10.2 Boyden Library - Accept 2 donations of \$360 from Ilyas Taj and Jaden Onwuakor to the purchase of 2 Chromebooks

Motion to accept 2 donations of \$360 each from Ilyas Taj and Jaden Onwuakor to the purchase of 2 Chromebooks by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

10.3 Historical Commission - Accept donations of \$140 for Historic House Plaques from Natalie Broderick and \$200 for Cemetery Restoration from Shawn Hunter

Motion to approve donations of \$140 for Historic House Plaques from Natalie Broderick \$200 for Cemetery Restoration from Shawn Hunter by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

10.4 Sonesta Select - Change of Officers for Sonesta International Hotels Corporation at 35 Foxborough Boulevard to remove Carlos Flores, Stephen Miano and Mark Sherwin and to add Bradford P. Maxwell as Executive Vice President, General Counsel and Chief Compliance Officer and Keith J. Pierce as Executive Vice President and President of Franchising and Development

Motion to approve the Change of Officers for Sonesta International Hotels Corporation at 35 Foxborough Boulevard to remove Carlos Flores, Stephen Miano and Mark Sherwin and to add Bradford P. Maxwell as Executive Vice President, General Counsel and Chief Compliance Officer and Keith J. Pierce as Executive Vice President and President of Franchising and Development by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

11. Adjourn – 8:27pm

Motion to adjourn by L. Gibson 2nd by D. Keefe. Roll Call Vote: DK – Yes, LG – Yes, ME – Yes SM – Yes, SF – Yes.

Approved, 5-0.

Agenda Documents:

Halloween Parade Application

Special Town Meeting Warrant Final Draft

Uptown Schneider Parking Lot Amendment to Municipal License Agreement

Town Manager Search timeline

Carrie Weston Personnel Board Request for Committee Application

2 - Boyden Library donation forms

Historical Commission Donation Forms

Sonesta Select Change of Officers Application