

Tuesday, October 10, 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**

1. 7:00pm - Citizen's Input

2. 7:05pm Fire Contract - Revised Articles 11.a and 13

2.1 Approve minor language revisions to Foxborough Professional Firefighters Association Local 2522 Contract Article XI. Section A: Sick Leave Program and Article XIII: Vacation

PD – This was brought to our attention by Mr. Treannie who is the President of the Fire Union. This was brought to my attention and I sat in on the meeting. In two places some old language remained referring to a six month probation period that was negotiated to twelve months. No substantial changes. Under Section 11, sick leave program, the probationary period will be stricken and in Section 13, vacation, the probationary period terminology will also be deleted. This has gone through the Fire Union, labor counsel did review and Chief Kelleher. Just need the Board to sign again with those two minor changes to something that was improperly kept in there.

Motion to approve the minor language revisions to the Agreement Between Town of Foxborough and Foxborough Professional Firefighters Association, Local 2522 Contract Article XI. Section A: Sick Leave Program and Article XIII: Vacation by L. Gibson 2nd by S. Ferguson.

No discussion.

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

3. 7:10pm Town Licensing Discussion

3.1 Initial presentation of draft licensing matrix for Select Board review and comments

PD – This is not for approval tonight but just a review of the working document. Some of these are not addressed in Foxborough but under Massachusetts General Law. Lists out who in Town Hall reviews and who actually approves the license. This document is with Department Heads to review. Wanted your comments or thoughts/improvement. We want this on the website and have it clickable so it will bring them to the Code or the application/how to apply. We want to take the guessing out of it. Seth did bring this to our attention on a who, what, how and why.

KL – Thinking with this being clickable, it can link to our new licensing system, it can bring the user to our new portal.

ME – I think this encompasses what Seth had brought up six months ago.

LG – Mark what is not applicable or delete and add what TMO – Town Managers Office means.

SF – I started the conversation but the team did the work. This is what I had envisioned. What is on the list, who is reviewing, who is approving. Have this document living on the website.

LG – Does TMO (Town Managers Office) encompass when Scott in Building needs to review? Example being autos. Can we add Finance as we know they review all outstanding invoices regarding alcohol but we should put them on there as they make sure the applicant is in good standing. Or a footer.

PD – We can review things that we might want to change. For example, earth removal. Most communities it goes to just the Planning Board. We will keep for now but we can always change.

SF – Want to have something that is functional. If we can put a timeframe together of when we can get this up on the website for the business community can use. What does that look like?

PD – We can get this up fairly quickly and would defer to Christina for the hyperlinks. We can think of where we want these links to land – regulations or the application.

Doc – Any comments please send to Paige and Katie.

4. 8:10pm Open Board and Committee Positions

4.1 Review of all open positions on boards, committees, and commissions including: Cable Television Advisory Committee - 1 opening; Clean Up Foxborough Committee – Multiple (unlimited amount of people can serve); Historic District Commission - 2 openings

CM – Request for Committee application is on the Board and Committees page that comes to me or the Town Managers Office via email which is then forwarded to the chair of that committee, possible interview and then appointments come to the Select Board.

MF – Can we list the openings on the Board and Committee page?

CM – About a dozen of people that need to complete their ethics training and a few who have not been sworn in. Not any policy making boards.

5. Town Manager Search

5.1 Review and approve updated Position Statement to post.

Looking to post tomorrow (10/11/23). Bernie went to each of the departments to see what they want updated, for example, Marie is now officially in the role and our Assistant Finance Director has already started, DPW projects have been completed or are further along and restaurants that have already opened. Every department had a chance to update. Salary listed as \$205K. All qualifications remain the same.

Motion to approve the updated Town Manager Position Statement to post by L. Gibson 2nd by D. Keefe. Approved, 5-0.

5.2 Discuss process for appointing the Town Manager Search Screening Committee (TMSSC)

ME – This time around we received 17 applications. After discussions with several people, I would like to propose that each board person picks their top 3 picks, we could pick from the existing 3 staff persons and figure out and then as a Board who would fit best for seat number 6.

SM – I would rather us pick 5 and rank them. I'm still not on board with any employees on the search committee. I think we should factor what employees have to say but not have them be on the committee. We should do a better job of asking employees towards the end who would be a best fit. I don't think the employees should be picking their boss. We just need to do a better job of understanding what the employees in terms of fit.

DK – I've seen it and done it and having an employee on the search committee for executive position, they quite frankly it sends a good message to the organization. Just one employee. They provide really good input.

SF – I agree with Stephanie but I can pick however many we want. Just want to make sure we are all on board with the same criteria. Personal or how should we process the applications.

ME – I will have a position statement with what the screening committee job will be. That would be a great template in us choosing even with Bernie sitting down with the committee.

LG – I would like to make sure everyone is available. I think it is important to have a town hall employee and have a voice for fit. It's not picking their boss, it's just being available for them to hear who might be the best way. Bernie has seen it both ways. They are helping narrow down. Not voting but recommending and we as a Board are picking.

ME – If we do decide to have an employee it's in the middle of the process and be valuable in the process. Could go either way. Thought each of us picking one would show our personalities to be diverse.

SM – I think we should pick our top 5 people only because there are so many people.

DK – I think we rank order them. Just a question on how many to rank.

SF – I appreciate the 17 people who are willing to volunteer their time.

DK – Are we starting with the current seven or do they need to reapply?

ME – No. An entirely new crew

LG – Someone will need to be chair. I think either way is fine. I would like just to see the entire list as a group.

ME – All will be sent out in the morning. We could do a meeting next week for a quick 15 minutes to review the information once it's collated. Just need to have the committee selected before the October 24th meeting.

SM – Rank 1 through 5.

ME – I would like to maybe have someone who is on the Advisory Committee. I have an email out. We do have some people on the list who have sat on the Advisory Committee so there is that experience. Pick top six and do reverse order. Plan on landing on seven total.

Motion to have one current Town employee to sit on the Town Manager Search Screening Committee by L. Gibson 2nd by S. Ferguson.

Discussion: SM – Without knowing who they are 1 of the 3 would be good representation? ME – replied yes.

Approved, 3-2. S. McGowan & S. Ferguson opposed.

5.3 Review next steps for Town Manager Search Process

Confirm the Town Manager Search Screening Committee in two weeks. Send out information regarding dates and zoom comfortable. End of application process has a deadline of November 16th. Bernie will then review with the committee what their job is and review the overall process/job responsibilities.

6. OML Complaint Response

6.1 Addressing Open Meeting Law Complaint pertaining to September 26, 2023 Select Board meeting

Mr. Elfman address the Open Meeting Law complained we didn't say that the meeting was being recorded. The second part of the complaint that we didn't list the Special Town Meeting warrants. Counsel's guidance is that we did not need to do this. A letter will be sent out with a corrective plan.

Ultimately the AG will determine if we are in the right.

7. 8:20pm Acting Town Manager's Update

Special Town Meeting this Monday October 16 at 7:00pm Foxborough High School

Financial Summit on December 5 at 6:00pm

Central Street (Veterans) Lot Stakeholder meeting - 10/17 at 7:00pm, please email me for the Zoom link

Lights have been installed at the Veterans and Schneider lot and waiting for National Grid to bring power to them.

Weekend power outage – Followed up with National Grid. Not something that could be avoided.

Pratt School Invitation for Bid on the website, we've had some requests for signs but are unable to do so at this time but because it is up for bid, we cannot materially change the site. Site walk tomorrow (10/11/2023).

Hazardous Waste Day is scheduled for November 4th from 9am to noon at 70 Elm Street. Residents only. Check website to see what is allowed.

Open Space and Recreation Plan has been submitted as a draft and we are finalized the draft. An OSRP survey will be coming out.

Zach Bryan has scheduled another show in June and July. This is rare because they will build and break down twice. We were notified by the Kraft Group early before the announcement.

Foxboro Station has Permanent Service, the schedule has changed and the Kraft Group is working with the MBTA for accessibility issues. Train times are not as good as the times have changed.

MBTA Communities. Will need to decide where we fall. Working with the State.

Tri-Town Chamber of Commerce Meeting Recap there were about 70 or 80 people there. Norton, Mansfield and Foxborough did presentations. Good to know what is going on in the region.

Update on Migrant/Homeless Families in Foxborough

7.2 HR Update - New HR Director Paige A. Eppolito from the Town of Milton and starts officially October 30, We have filled a role for a Temporary Conservation Agent for 5-10 hours a week that we have our Conservation agent is out on FMLA for an undetermined amount of time. Health Inspector Position still posted

7.3 Construction Updates on East/Cocasset Street substantially

South Street, now reach 355 South Street North Street,

Paving postponed until Spring 2024

Cocasset street sidewalk

Hydrant Flushing Zone 2

Transitional Tenants –Donation drive this Saturday from 10:00am – 2:00pm at the Ahern Middle School. Check website for list of what is needed. As of today we have 72 families, 244 people and 50 school aged children.

I'm sending a letter to Governor Healy. All the Norfolk county managers will be sending similar letter. We need compensation for the loss of revenue. The National Guard has stepped up and the town departments have stepped back.

SM – We count on the hotel motel tax for our OPEB and roads. We want to be able to help but it needs to be thought through – inconvenience in class size and how do we accomplish that without a big disruption. Great letter, spot on.

LG – With North Street – is that going to be paved and asked about the Mechanic Street sidewalks.

PD – I'm not sure, I can find out from Chris on North and Mechanic Street.

8.1 New Business - New Select Board email - SelectBoard@foxboroughma.gov. Just a name change, not a new email. Used to email any questions and then Christina will forward along.

8.2 Old Business –

9. Action Items

9.1 Wormtown Brewery - Review and vote on One Day Beer & Wine License for Wormtown Brewery at 250 Patriot Place on Saturday, 10/14 from 11:00am - 4:00pm at the Bass Pro Shops Cranberry Bog

Motion to approve a One Day Beer & Wine License for Wormtown Brewery Inc. at 250 Patriot Place on Saturday, October 14 from 11:00am - 4:00pm at the Bass Pro Shops Cranberry Bog by L. Gibson 2nd by S. Ferguson.

Discussion: This event has happened before which is why it is an action item.

Approved, 5-0.

9.2 Extended Hours Request - Jake N Joes at 25 Foxborough Blvd to open and serve alcohol starting at 10:00am on Sunday, November 12.

Motion to approve the extended hours request for Jake N Joes at 25 Foxborough Blvd to open and serve alcohol starting at 10:00am on Sunday, November 12 by L. Gibson 2nd by S. Ferguson.

Approved, 5-0.

9.3 Extended Hours Request - Helix eSports at 23 Patriot Place and Fat Tuesday at 26 Patriot Place to open and serve alcohol starting at 10:00am on 10/22, 11/5, and 12/3.

Motion to approve the extended hour request for Helix eSports at 23 Patriot Place and Fat Tuesday at 26 Patriot Place to open and serve alcohol starting at 10:00am on October 22, November 5, and December 3 by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

9.4 Family Medical Leave Act (FMLA) Policy - Vote to approve finalized FMLA policy.

Motion to approve the revised Family Medical Leave Act (FMLA) Policy by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

9.5 Recreation - Accept gift of \$11,336.83 from the Friends of Foxborough Recreation for general Recreation Department gift fund.

Motion to accept a gift of \$11,336.83 from the Friends of Foxborough Recreation for general Recreation Department gift fund by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

9.6 Select Board - Approval of Meeting Minutes from 9/12/23 meeting.

Motion to approve the September 12, 2023 Select Board Meeting Minutes by L. Gibson 2nd by S. Ferguson. Approved, 5-0.

10. Adjourn – 8:04pm

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

Agenda documents

Fire Contract Updates 10.10.23 Articles 11a + 13.pdf (306 KB)

Fire Integrated Contract FY223 to FY25.pdf (503 KB)

2023_Licensing_Draft1.pdf (203 KB)

Foxborough TM Position Statement.pdf (454 KB)

Foxborough Select Board OML Complaint Meeting Sep 26 2023issued Sep 27 2023.pdf (1,018 KB)

Wormtown Brewery One Day Beer & Wine 10.14.23.pdf (134 KB)

BPS Wormtown popup area (2) (1).jpg (599 KB)

092723_Jake N Joes Extended Hours Request for Nov 12.pdf (4,711 KB)

100423_190 Octane PP - Alc Service Extension Request 2023.pdf (655 KB)

101022_Helix_Extended Alcohol Hours Request.pdf (1,098 KB)

FMLA Policy September 2023 Final.pdf (133 KB)

Rec donation 10.10.23 \$11,338.63.pdf (229 KB)

Draft Minutes 9.12.23.pdf (360 KB)