



TOWN OF FOXBOROUGH

Meeting Minutes

Select Board

July 16th at 7pm in the
Gala Meeting Room, Town Hall
40 South Street, Foxborough, MA 02035

Attendees

Members Attending In-Person: Stephanie McGowan, Chair, Bill Yukna, Vice Chair, Debbie Giardino, Clerk, Mark Elfman

Members Attending Virtually via Zoom: Dennis Keefe

Other Attendees In-Person: Paige Duncan, Town Manager, Katie Lang, Select Board Liaison, Marc Craig, Human Services Director, Michelle Hamilton, VSO, Lauren Shurleff, VSO Admin, Amy LaBrache, Jimmy Patel, Hyman Stramer, Tyler Hensler, Sonny Patel, Sam Hendler

Other Attendees Virtually via Zoom: Marie Almodovar, Finance Director, Michael Cunniff of Broveritas. Paul Ivanoskis

Members Absent

Members not in attendance included: none

Minutes

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

No Citizen's input.

Action Items before public hearing.

Police Donation - Accept the enrollment fees for the Junior Police Academy in the amount of \$150.00.

Motion to accept the enrollment fees for the Junior Police Academy in the amount of \$150.00 By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Recreation Donation - Accept a food and hat donation from the Bass Pro Shops at 1 Patriot Place for the Kid's Fishing Derby sponsored by the Recreation Department.

Motion to accept a food and hat donation from the Bass Pro Shops at 1 Patriot Place for the Kid's Fishing Derby sponsored by the Recreation Department. By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to appoint Mead, Talerman & Costa as Town Counsel with a term to end May 31, 2025.

Motion to appoint Mead, Talerman & Costa as Town Counsel with a term to end May 31, 2025 By D. Giardino, 2nd by B. Yukna.

Paige finalized the contract.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to appoint Jack Martin to the Council on Aging/Human Services Board for a term to end May 31st 2025.

Motion to appoint Jack Martin to the Council on Aging/Human Services Board for a term to end May 31st 2025. By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to appoint Tom Gill to the Employee Insurance Advisory Board as the Foxborough Education Association representative for a term to end May 31st 2025.

Motion to appoint Tom Gill to the Employee Insurance Advisory Board as the Foxborough Education Association representative for a term to end May 31st 2025 By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to appoint Blair Crane to the Zoning Board of Appeals as an Associate for a term to end May 31st 2025.

Motion to appoint Blair Crane to the Zoning Board of Appeals as an Associate for a term to end May 31st 2025. By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to approve a new Pool Table application from Crazy Axes Foxborough, LLC dba Crazy Axes, at 220 Patriot Place, for two non-coin operated pool tables.

Motion to approve a new Pool Table application from Crazy Axes Foxborough, LLC dba Crazy Axes, at 220 Patriot Place, for two non-coin operated pool tables. By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

2. 7:05pm - Public Hearing - Transfer of a Farmer Series and Malt Beverage Only Pouring Permit from Wormtown Brewery LLC to Be Hoppy Brewery LLC - 200 Patriot Place

Transfer of a Farmer Series and Malt Beverage Only Pouring Permit from Wormtown Brewery LLC dba Wormtown Brewery to Be Hoppy Brewery LLC dba Wormtown Brewery at 200 Patriot Place.

Public Hearing Notice read by Mark Elfman.

Tyler Hensler of Upton, Connell, & Devlin LLP. This is part of a larger transaction of all Wormtown Brewery LLC and locations. Operations will remain mostly the same so there is little to no downtime. Sam Hendler has experience within the industry and will be the Manager of Record at the Patriot Place location. Updated and

executed lease agreement to be submitted with the application. Jacks Abby is one of the largest in Massachusetts that their distribution networks trump those of Wormtown so it was a match that made great sense for the portfolio.

Move to close the public hearing, by M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Motion to approve the Transfer of a Farmer Series and Malt Beverage Only Pouring Permit from Wormtown Brewery LLC dba Wormtown Brewery to Be Hoppy Brewery LLC dba Wormtown Brewery at 200 Patriot Place, By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to renew the Foxboro VFW Post 2626, located at 337 Cocasset Street and Rally Point Inn & Pub, located at 9 Mechanic Street, Pool Table License for 2024.

Motion to approve the renewal of the Foxboro VFW Post 2626, located at 337 Cocasset Street and Rally Point Inn & Pub, located at 9 Mechanic Street, Pool Table License for 2024. By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Use of Public Way Application - Max Performance Sharon Triathlon on August 11th 2024 from 8am to 10am traveling on Willow Street and East Street.

Motion to approve the Use of Public Way Application for the Max Performance Sharon Triathlon on August 11th 2024 from 8am to 10am traveling on Willow Street and East Street By D. Giardino, 2nd by B. Yukna.

Re-occurring applicant. No prior problems. OK with Public Safety.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board - Approval of Minutes from the June 18th 2024 meeting.

Motion to approve the Board of Selectmen Meeting Minutes from the June 18th 2024 meeting as amended By D. Giardino, 2nd by B. Yukna.

Under discussion about director of operation, motion “second by D. Elfman” should been M. Elfman. Under Bill’s comment about concern about another department, when instead of will fail.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Select Board to approve the State Election Warrant.

Motion to approve the State Election Warrant.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

3. 7:15pm - Nivri, Inc., dba Olive & Mint/Ambrosia ABCC Settlement Agreement - 2 Washington Street

Discuss & Vote on Approval of Nivri, Inc., dba Olive & Mint/Ambrosia, located at 2 Washington Street, ABCC Appeal Settlement Agreement.

The Select Board did not renew the 2024 Nirvi All Alcohol license. Since then their team and the Town have worked together to remedy the problems. Attorneys and Town Departments have reviewed. This, if approved, will

be sent to the ABCC. Item 12 on the assessment is in question. Based on staff comments, they prefer option one with Frank Spillaine, Nirvi counsel prefers the second option.

Bill feels that the first does hold the applicant accountable. Stephanie seconds opinion. Would want to make sure we are keeping the language consistent with other businesses that are in Town. Mark would add another sentence that stresses the importance of paying taxes on time. Number four does state that all taxes should be paid by the due date.

Motion to Approve the Nivri, Inc., dba Olive & Mint/Ambrosia, located at 2 Washington Street, ABCC Appeal Settlement Agreement By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

4. 7:25pm - Public Hearing - 2024 Renewal of Nivri, Inc., dba Olive & Mint/Ambrosia On Premises All-Alcohol License - 2 Washington Street

Hearing & Vote on 2024 Application for Renewal of Nivri, Inc. dba Olive & Mint/Ambrosia, located at 2 Washington Street, On Premises All-Alcohol License.

Public Hearing read by Mark Elfman.

George Georginas, 5 Tucker Lane, direct abutter. Have made past calls regarding the establishment. Have been woken up in the middle of the night with music so loud that I thought they were in my backyard. Unacceptable. I am a representative of the neighborhood to express frustration. Someone has to be responsible.

Stephanie, when this gets to the Board, we are not notified of these types of problems. It is already blessed by Police, Fire, Health, etc.

Paige, we did know there were concerns from Police of un-licensed events. There are notes in the agreement on crowd managers and need for Police details. There is another entity who will run the restaurant side that will help with these concerns. Framing of a fence that is around their parking lot that has been used for Patriot's game tailgating so would love to see the new owners or this Board insist that the fence be fixed.

Move to close the public hearing by M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Motion to approve the application for Renewal of Nivri, Inc. dba Olive & Mint/Ambrosia, located at 2 Washington Street, On Premises All-Alcohol License By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

5. 7:30pm – Public Hearing - Alteration of Premises for Nirvi Inc., dba Olive & Mint Ambrosia On Premises All-Alcohol License - 2 Washington Street

Hearing & Vote on Application for Alteration of Premises for Nirvi Inc., dba Olive & Mint/Ambrosia, located at 2 Washington Street, On Premises All-Alcohol License.

Public Hearing read by Mark Elfman.

This is to have the restaurant space separate from the function space. This license will run with the settlement agreement.

This establishment does have a commercial parking license for FY25 which is referenced in the lease agreement with the restaurant applicant. They will work together with the Building Commissioner.

Move to close the public hearing by M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Motion to approve the application for Alteration of Premises for Nivri Inc., dba Olive & Mint/Ambrosia, located at 2 Washington Street, On Premises All-Alcohol License By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

6. 7:35pm – Public Hearing- New On Premises All Alcohol Restaurant License for Krishivva Inc., dba Sanklap - 2 Washington Street

Hearing & Vote on Application for On Premises All Alcohol Restaurant License for Krishivva Inc., dba Sanklap, located at 2 Washington Street.

Public hearing read by Mark Elfman.

Hyman Stramer, applicant attorney. Jimmy Patel, owner. Opened July 4th. Love the food and the upgrades. Once we have the approval, we will bring in liquor.

Two On Premises all alcohol and two On Premises beer and wine available, a few special node which we use first to have some flexibility with the all Town. No package store licenses available.

Will be a great addition to the community!

Move to close the public hearing by M. Elfman, 2nd B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Motion to approve the Application for On Premises All Alcohol Restaurant License for Krishivva Inc., dba Sanklap, located at 2 Washington Street By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

7. 7:40pm - Veteran Service's Hometown Military Banner Program

Discuss & possible vote on the Veteran Service's Hometown Military Banner Program.

Michelle Hamilton, Veteran Service's Officer, Lauren, Veteran Service's Coordinator and Amy LaBrache, 159 Mechanic Street. 28-29 banners, the size is appropriate for what we have up now to told. The Veteran uploads the photo and the language they want and then it comes to us for approval. Website is already set up and can take the money. All consistent with the look. Could have them double sided with the same person or different people on the front and back. Hope is this to continue each year, starting this Veteran's Day to Memorial Day and then Founders Day goes up and these banner for Veteran's goes back up. Have had the sign off from the Historical Commission. Mark, the Chair did take the sample to his commission that did approve. This will be first come, first serve. Would need to then chose a date of when to turn these over. Need to see how many apply for this first round. Close to 1,000 Veteran's in this town so we might have a great response to have two different on one banner. Would prefer to have one person double sided and grab the first round and then move to the next group and keep one on both sides. Hope this is an ongoing program.

Motion to approve the Veteran Service's Hometown Military Banner Program. By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

8. 7:50pm - Audit Report

Audit Committee Report review by Audit Committee Chair, Paul Ivanoskis.

Clean audit, complements of Marie and the Finance team. Reported that we are healthy financially. We do not have to have an audit by law but we do have a bylaw that requires the Town to have one. They review all of the work that is done by the Finance team and make sure there is nothing materially wrong. A second level to make sure the accounting for grants is done correctly.

Stephanie, has there been a break in audits? We have done an audit every year. There was an Audit Committee but not sure they have met since 2016. The Audit Committee is to make recommendation on audit firms or make other recommendations such as Dennis's opinion to look at payroll. We have had the same company doing our audit since 2003. In the private sector, about 5-6 years have a new firm, state level look ever 7-8 years. Our auditor's term expires end FY24.

Dennis, worked in the public and private sector. Really need to change every 5-6 years. Need new eyes and keeps from people getting too comfortable.

Bill, timeframe makes sense. 7-8 years seems like a push.

9. 8:00pm - Audit Services Request for Qualifications Process Overview

Review the Audit firm Request for Proposal by Finance Director, Marie Almodovar.

Working with the Audit Committee on who to recommend and their scope for a new auditor. Similar to the Town Counsel services as they are exempt from 30B, still need to have an open process with a schedule of events and process outline. Draft procurement document ready for Audit Committee review in August with a month to finalize, post in October, and responses due in November. Auditing budget is \$40,000.00. Might need to double our budget for FY26. There are really only a handful of firms that do this work. These larger firms will change the team that works on the audit every few years so essentially, it's new. Cannot do an RFP since we have the committee. We would need to have a firm in place for next spring.

10. 8:10pm - ADA Self Evaluation – Broveritas

ADA Self-evaluation and Transition Plan review by Broveritas.

Marc Craig, Human Services Director. \$250,000 grant awarded on February 1st 2024 from Massachusetts Office of Disability. Needed to complete by June 30th 2024.

Michael Cunniff of Broveritas gave presentation. Town of Foxborough - Transition Plan presentation

Report to be on the Town website ASAP. Just need to have the transition plan and has to be enforced, no need for a vote from the Board.

Comparative to other communities, there wasn't a huge list of sites and a few were new so those were more compliant. Sometimes we are listing things that might not be compliant but the space is generally accessible. Newer buildings tend to be more accessible whereas older buildings are not. Can apply for another grant once we have the entire plan even though Broveritas came under the grant amount. The next grant can help fix these issues, cannot bring the remaining balance forward. Great team effort from Marc, Kristen, Brandon and Olivia!

11. 8:30pm - FY25 Town Goals

Discuss & Vote on FY25 Town Goals.

Paige, these goals are generally the same. We did review the goals and updated as needed but they are meant to be overarching and general. Added the strategic planning effort, update the communication specialist roles, updated

MBTA communities' reference, concerns related the CSX trains idling. Wanted to ask about the "Town Charter," as the prior Board wanted to focus on that but want to check with this Board. Really a Special Act. Strategic planning and the act might be too much to run together. Might be better served to focus on strategic.

Bill, agree to focus on strategic. Act is a multiyear commitment.

Town Manager goals are very specific and have a timeline whereas these are general but flow together. Will remove the last one about the act.

Paige Eppolito is already starting that 360 review for department heads.

Motion to approve the FY25 Town Goals as discussed and amended By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

12. 8:45pm - Town Manager's Update

Around Town Updates:

Grants:

- Mass Gaming Commission grant FY 2025 Community Mitigation Fund: \$153,290
- Congressman Auchincloss' office informed us that the Foxborough Fire Department has been awarded \$680,000.00 in Round 1 of the FY23 Assistance to Firefighters Grant announcements. These funds will be used for operations and safety purposes, which will no doubt benefit fire department personnel and the public.
- Embargoed – do not publish until press release issued FY24 Municipal Local Cybersecurity Grant Program Award Recipients \$31,125.00. Executive Office of Public Safety and Security's (EOPSS's) Office of Grants and Research (OGR) is awarding almost \$7 million to local communities and state agencies under the Municipal Local Cybersecurity Grant Program and State Share Cybersecurity Grant Program. These programs, funded through the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) and the Cybersecurity and Infrastructure Security Administration (CISA), will invest in priority cybersecurity initiatives at state agencies and local governments, including school districts, public utility departments, and other local agencies. These grants allow the Commonwealth to help communities meet their most pressing cybersecurity needs. The success of these grant programs is the result of the Commonwealth's collaborative approach to addressing these complex issues.

Insurance (MIIA) savings = budget surplus of \$41,041 after all of the credits which definitely helped. Katie

Maura – Strategic Communications Plan draft will be available soon

Welcome to Foxborough bags Foxborough Common Business Collaborative (FCBC)

Human Resources Updates:

- Current Open Positions - interviewing
- DPW Account Coordinator – WTR
- Water Technician I
- Flagger/Laborer For Highway Department
- Junior Engineer at DPW

Construction Updates

- Walnut Street – ongoing. End of 2025 for Phase 1. Walnut Knoll is on the Housing Authority page of the upcoming opportunity. Lottery.
- Bridge Washing/Cleaning operations along the I-495 corridor in Foxborough.
- Work will occur from 7:00 AM to 3:30 PM (Mon-Fri). This is subject to change based on the expected traffic impacts at each bridge location.
- Potential Night Hours (8:00PM-5:30AM) (Sun-Thurs)

Work will begin with setups on secondary roads and will progress to setups on I-495 in the future, which may result in a change in work hours/days.

Use of Town Property Permits:

Agent Orange Candlelight Vigil on August 10th from 5:30pm to 8:30pm, Boyden Library End of Summer Reading Bash on August 17th from 11am to 1pm, FHS Girls Volleyball Car Wash August 24th at Town Hall 10am to 2pm, Stakes are High to raise awareness for accidental overdose August 24th to the 31st & Veteran Services will hold the POW/MIA Vigil on September 20th at 11am till the 21st at Noon.

13. 8:55pm - 76 Main Street Certificate of Vote

Discuss & Vote on the 76 Main Street Certificate of Vote.

Aiming for a August 1st close date. Need the certified document from Town Meeting and this document to move this forward.

I hereby move that the Select Board purchase the land known as 76 Main Street, Foxborough, Massachusetts, from the Church of Jesus Christ Latter-Day Saints for Two Million Five Hundred Thousand (\$2,500,000.00) Dollars as authorized pursuant to Article 15 of the May 13, 2024 Foxborough Town Meeting, to be held under the care, custody, and control of the Select Board; and to further to authorize the Chair, Stephanie A. McGowan, to execute and enter into any and all documents necessary to effectuate the purchase of said property By M. Elfman, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

14. 9:00pm - Open Meeting Law Complaint Response

Address Open Meeting Law complaint dated July 3rd 2024, pertaining to June 4th 2024 meeting.

Patrick Higgins have withdrawn the complaint.

No action.

15. 9:05pm - Select Board Update

New Business

Old Business

Adjourn

Adjournment

Motion to adjourn By D. Giardino, 2nd by B. Yukna.

Roll Call – Mark – yes. Bill – yes. Stephanie – yes. Debbie – yes. Dennis – yes. Approved 5-0

Supporting Documents

071524_Foxb.Genl.Nirvi.Settlement agreement_Final

071524_FY25 Overall Town Strategic Goals

071624_Ambrosia Alteration of Premises Application

071624_Ambrosia Public Hearing

071624_Sankalp Public Hearing

071624_Settlement Public Hearing

071624_Wormtown License Transfer_SB_Redacted

071624_Wormtown Public Hearing_Transfer of License

081024_Agent Orange Vigil

081724_Boyden Library End of Summer Reading Bash

082424_Girls Volleyball Car Wash License

82424_Stakes are High License

092024_POW_MIA Vigil

Action_061824 Minutes

Action_081124_Sharon Triathlon Application

Action_081124_Sharon Triathlon Cert

Action_081124_Sharon Triathlon Letter

Action_COA_Jack Martin

Action_Police Donation A

Action_Recreation Donation

Foxborough bos oml June 4 2024 meeting issued July 3 2024

FY 23 Final Town of Foxborough Report on the Examination of Basic Financial Statements

FY 23 Final Town of Foxborough Single Audit Report

program hometown heroes

Sankalp New All Alochol License Application

SELECT BOARD CERTIFICATE OF VOTE

State election warrant_September 2024

Town of Foxborough - Transition Plan presentation

ZBA_Blair Crane

ZBA_Blair Recommendation