

**Tuesday, March 31, 2020**  
**Board of Selectmen Meeting Minutes**  
**Foxborough Town Hall**  
**Andrew Gala, Jr. Meeting Room**  
**7:00 p.m.**

**Members Present:** Mark Elfman, Chair

Leah Gibson, Vice Chair\*  
Ed O'Leary, Clerk  
David Feldman  
Chris Mitchell

**Also Present:**

William Keegan Jr., Town Manager  
Mike Johns, Assistant Town Manager  
Christina Metcalf, Community Info. Specialist

E. O'Leary led Pledge of Allegiance

**1. 7:00pm - Citizen's Input – Joe Gerraughty (read in by L. Gibson)**

For my Public Comment Input tonight for the discussion regarding postponing town election day is have it on Tuesday June 2nd is because Rhode Island and a bunch other Northeastern US states postponed their Presidential primaries from April 28th to June 2nd. It also makes sense because elections are always on Tuesdays and people that live in Rhode Island and live in Foxborough. The states that are having their Presidential Primaries that day are Rhode island, Connecticut, Pennsylvania, Delaware, New Jersey, Maryland, Washington DC, South Dakota, Montana, New Mexico and Indiana.

**2. 7:05pm Informational Update on Coronavirus**

Facebook live updates at 10 am every morning. Go to Health department page on Town website for list regarding essential services. Local establishments that are open are also listed and updated. Contact John Robertson to add your establishment that is open. There are different interpretations of what is considered essential. We are doing the best we can to interpret new daily requirements and changes. Pet groomers are not an essential service but pet food and supplies are which is why Petco remains open. Salons, day spas, and nail salons are non-essential at this point. Bass Pro Shop is still open for curbside service and repairs on boats. The latest numbers are 738 cases in Norfolk County, 6,620 cases state wide and 89 deaths in Massachusetts. There are 9 reported cases with 4 of those recovered. Expects that the peak will occur in the next 7-14 days.

**3. 7:10pm Public Hearing - Helix Foxboro LLC d/b/a Helix eSports**

Stephen Miller – eSports Gaming, will let the two other speak about it. Murphy Vandervelde and John Vandervelde currently own and operating in Bergen NJ. Have operated and had liquor license since 2017. They have good reputation and good operation. John took the place from demo to opening and is operating the existing to North Bergen location and doing the same now. There will be approx. 100-120 gaming machines on site with strong protocol as far as liquor service and the total operation. Each machine cost \$2,000. Entire staff TIPS trained and will be monitoring the areas with lounge and the games for number of reasons, for service, to monitor, help on the machine and make sure alcohol is not passed off or spilled. They met with Deputy Chief Noonan to answer protocol and questions. He was going to reach out to Bergen Police Chief. They have a 5 year lease with 5 year option. It is built and ready to go along with your approval we need government approval.

Murphy Vandervelde – We have been in the business since 2017 and open and open the largest e-sports by number of permanent because of stations and this one in Foxborough will be top 5 or top 3 and looking forward to working with Patriot Place. They purchased e-sports a few years ago to compliment and looking for a partner to do this with. Brian Early came down to NJ and had good rapport and relations. We run one of the biggest leagues, worked with the high school and want to do that here. We cater from 12-50 year olds e-sports and gaming is casual and competitive and multigenerational from playing Road Blocks to Call of Duty. Jack moved up here in December to train the staff and get things going.

John “Jack” Vandervelde – for the entire approach. We treat it as a gym Monday-Thursday, people go to train and the food and beverage are a nice complement. There is prize money and it is treated like a sport and on weekend there is large groups, birthday parties, and people participate in quick play and similar to Chuckee Cheese. Introducing Virtual Reality and have all kinds of racers, escape rooms, and interactive sports. Happy to be in Massachusetts.

D. Feldman – it's a fascinating concept and I'm interested to see how well it works. Under the circumstances things are being one in home and another thing in Patriot Place to differentiate.

C. Mitchell with a question on the application, #3 on description. – The seating that it talks about, is that bar or everything?

Murphy – It's the old Showcase Live entertainment venue. Along with the e-sports/Boston uprising. We kept 80% of foot print, including the banquettes, gamers like to eat and drink at the stations. We need to be careful what they can eat there because machines are expensive. Incredible protocol in wiping down stations and headsets. With that we have our staff on the floor to trouble shoot and wipe down the station everything is disposed of immediately. As soon as vacated it is cleaned and wiped down.

C. Mitchell – Showcase Live had liquor license?

B. Keegan – Yes, they are applying for that license.

M. Elfman – Do you have liquor management experience?

Jack – I was the manager down there and have liquor experience since 2017.

C. Mitchell – how many employees will you have?

Murphy - 12-14 to start and more when we have bigger events. Will bring in AV specialists for events. 10-12 from security to additional bar tending to AV specialists.

Motion to close the public hearing by E. O'Leary, 2<sup>nd</sup> D. Feldman. **Approved 5-0.**

Motion to approve On Premises Annual All Alcohol Restaurant License authorized by Special Legislation Chapter 201 of the Acts of 2007, for Helix Foxboro LLC, d/b/a Helix eSports at 23 Patriots Place, Foxborough, MA with the Manager on record being John Vandervelde by E. O'Leary 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

Motion to approve of a Common Victualler and Seven Day Entertainment license for established hours of operation for Helix Foxboro LLC, d/b/a Helix eSports by E. O'Leary 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

#### **4. 7:20pm Town Elections & Town Meeting postponement discussion & possible vote – Bob Cutler, Town Clerk**

##### **Frank Spillane, Town Moderator**

B. Keegan – more of a discussion right now than action. There are 2 actions to consider tonight. Most are moving Election and Town Meetings to later dates. As we currently speak the election is May 4 and May 11 for Town Meeting and at this time it make good sense to move those dates. We did have conversation with town counsel and Town Moderator about this and the general consensus is is to wait till legislature is approved. The board can move date for elections not clear about Town Meeting right now. Intro as to why we are here tonight and see what Bob Cutler and Frank Spillane have to say about this discussion.

BoC. Both are posted on one warrant so they are posted at one time. There was a bill passes that you can postpone elections the other bill to postpone town meeting hasn't passed but is expected as those don't seem like good dates. I think the elections should be moved. Most of my election workers are seniors and I don't want to risk and would need to re-staff. We usually go 7am-8pm but we are only required to 12pm-8pm. The chatter in town clerk world is going to shorter hours and expanded absentee voting. Will promote that as well, but not early voting. All of his would be done my mail. Typically would be ordering ballots and will Thursday. Going to order additional absentee ballots. We should try to keep the Town Election and Town Meeting with the same break of one week in between and on Mondays. I don't know if we need to set dates. We are still looking

M. Elfman – Any questions on elections before moving to Town Meeting.

L. Gibson - sounds like a pretty fluid situation.

C. Mitchell – agree that it needs to get moved. Give potential new candidates the same time and afford the same opportunity as regular election. We've always done a week a part. Do we have to and do both before June 30<sup>th</sup>? Does town meeting have to happen after the election?

B. Cutler – having them one week apart would take advantage of one warrant posting and have the same voter registration and make more convenient. It should go in the same order. It's always confirming the vote at Town Meeting. It could technically happen but for ease and convenience it would be better to keep the same.

F. Spillane. Town Meeting starts with the election and ends with the Town Meeting. What is the best interested for the town and gov't and residents. This is the way the bylaw is set up to be.

BC – when the Town Meeting legislation is passed there should be more clarity on the situation.

E. O'Leary – with what is going on it would be the best interest to postpone for the community.

F. Spillane – Bob covered a lot and been in contact with B.K., B.C., and town counsel. There are number of ways and that is up to 30 days and could do more than once if necessary. If legislation would give BOS the statue to move forward now. Wanted to make sure the days didn't conflict with anything. The public will have questions for currently fiscal year how revenues are affected as well as for next year. Have additional date to continue so if there are more questions. According to State statute budgets need to be passes before July 1<sup>st</sup> there will be parts in legislation to have towns operate past July 1<sup>st</sup> if necessary.

B. Cutler- we have talked about June 8<sup>th</sup> as election and June 15<sup>th</sup> as election date. And have an overflow day we'd have 2 weeks to get that schedule.

B. Keegan- we've talked at length about what that means and we could go up to 29<sup>th</sup> if needed to. There is no set method. There will be questions about budget situations and questions and there are different schools of thought on how to approach it and heading into this process we were conservative so we are in a good position. If this goes on for several months we are prepared to have the conversation.

BC – the later we go in June the more difficult it might be to get a quorum.

C. Mitchell – what are the Advisory Committee plans?

BK – did have convo with Seth and looking to set the date. We are ready to meet whenever we have to and what the process is. It was first discussed and will have another because there is still business before the Board and other articles and the Capital plan. Will defer if we should vote until another date.

BC - fine with postponement and the Town Meeting bill will be passed and do both at the same time in two weeks. In contact with candidates and will let them know when and what is decided.

FS – how many articles do we anticipate?

BK – looking at 13-14 articles, most of them are routine. We took 3 contracts off the article.

### **5. 7:30pm - Change of Official Posting location for Open meetings for the Town of Foxborough**

5.01 Review and possible vote to change official posting location for Open Meetings for the Town of Foxborough to the foxboroughma.gov website

BK - related to C-19 and moving in to this building. The board has opted to not make it the official posting site. The point debated at the time people didn't have a computer. That is probably not the case as much now. Technically we are out of compliance since the building is closed to the public.

BC – the attorney general office recommended this be done because most town buildings are closed to the public. Do this at least temporarily and come up with a different posting board. It makes sense at this time.

L Gibson – we should go with Attorney General's guidance

C. Mitchell - makes sense to do this because of new Town Hall board location

DF & EO – it's a digital world.

Motion to approve the Town website as the official notice posting method, in accordance with the Code of Massachusetts Regulation 940 Section 29.03 by E. O'Leary 2<sup>nd</sup> by D. Feldman

Discussion: C. Mitchell – does this make it the permanent posting site. BC – yes this will make it the permanent site.

**Approved 5-0.**

### **6. 7:40pm COVID-19/State of Emergency Labor Policy review and possible vote**

M. Johns - at the last meeting you voted on side letters with the unions. For sick leave and others. That was a starting point. We have been in contact with our labor attorney to take up policies as well. Listing 4 policies. Follows side letters as well as the Families First Coronavirus Act. The highlights are reflected of the conversation with Personnel board and Labor and HR attorney with BOH, Public Health Nurse, and Operations response team. And would entertain questions. These policies did

go out to unions and will cover non – union as well. Would like BOS support. We should take these up sooner rather than later and be able to adjust as needed. New from the CDC this week. There are questions that we are still discussing.

M. Elfman – amazed that you are able to put these policies together and have been able to work

MJ – thank you but this was a team effort.

BK – had convo with Leah these are good policies for now and would make good policies as modified in the future to be used in a more general way. Mike is being modest and had been working really hard and work with the unions to work as well. These are really important things and how the world is evolving.

LG –echoing BK, with business continuity planning we can have this policies for when other issues come up that we have to deal with.

We hear how hard it is to get tested and for the Return to Work policy there needs to have 2 negative swabs – is that going to happen and is that going to be difficult to do?

MJ – this is one of the most fluid areas right now and talking with Tom Kenvin and pulling from people within the CDC and Mass DPH – there are two ways. It's getting the test into the state and the then areas set up and then getting the people to test. 1<sup>st</sup> strategy proposed for people to come out of quarantine – non-test strategy if they were not tested but were clinically diagnosed by symptomology and are able to come out isolation without a test strategy that involves 3 things. No fever for 72 hours, improved symptomology decreased cough, and 7 days since the first start of their symptoms. Police Chief is concerned if we don't have test kits and he can't bring his people back if they are symptom free it could wreak havoc on the work force. The 2<sup>nd</sup> strategy is test based and consists of 2 negative swabs 24 hours apart and reduced fever cough and respiratory symptoms.

LG – I'm reading it as grey depending if I was diagnosed clinically or tested. Is Strategy 1 is for clinical and strategy 2 for acute test positive or could either could work? Not clear to me if an employee were to test positive would they be eligible for either strategy

MJ – This was made clear with DPH and based on CDC recent research.

DF – I'm sure you will get an update in a week to CDC

MJ - This is going to be fluid for the next 4-8 weeks. Looking for support as these evolves.

BK - The testing is the key to this. These can done in hours or a few days now.

MJ - Another key points is there are false positive with a quick test and can result with more false positive that is why important. The quick results tests are great but can result in false positives. This is why it is important to have both methods.

LG – Do we need to have a policy this specific or can we use the CDC guidelines?

ME – We should document the guidelines as much as we can in our policies.

BK - Use the CDC guidelines for work because the guidelines are changing.

LG –Have in accordance with CDC guidelines as they change.

MJ – Can change section 2 to CDC and keep 1 and 3 the same. Looking to adopt ADA policy but we just went with ADA guidelines.

C. Mitchell – Could put procedure as of 3/31/20 with updated as it goes along?

MJ – The policy states the changes will be communicated as they change. We are working as a team to monitor updates. Tracking those test results with Tom Kenvin and with Health Director. There are 3 webinars today for all of those calls.

BK - Everything is evolving as we speak

LG – In relation to someone is out – should they report to supervisor or to the HR dept.

MJ – I will ask about HIPPA regulations in regards to that question.

LG –Training for supervisors to handle professionally.

Motion to accept the Emergency Modification to the Sick Leave Policy as proposed and potentially amended by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

Motion to accept the Remote Work and Telecommuting Policy during the Coronavirus Emergency 2020 as proposed and potentially amended by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

Motion to accept the Return to Work Protocol during Coronavirus/COVID-19 Emergency as proposed and potentially amended by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

Motion to accept the Emergency Reassignment of Duties Policy Pursuant to the Declaration of Emergency adopted March 24, 2020 as proposed and potentially amended by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

## 7. 7:55pm Assistant Town Manager's Update

Monday 3/30 we met as COVID-19 task force to combat this war on this virus. We are putting our best foot forward and addressing this as a team. We are proud of the leaders in our Town. Your town employees are doing an amazing job and going above and beyond many are working their regular stations. Some are working remotely. The public can't get into to the

building but we are continuing services and we are working to have programs planned when we return to normal. Thank you to the folks that are continuing to provide services.

We are recipients of MIIA wellness grant. We were going to do leadership training but changed due to this crisis. It's called GO Live and it will help us to do Zoom conferences, for us to work remotely and remain connected, and we will come out of this more efficient, effective organization of the community.

#### **8. 8:05pm Town Manager's Update - Bill Keegan**

I second to everything Mike said. Operationally Mike is dealing with day to day employee operations side. I have been working with State government side with messaging and BOH and making sure we are doing all we can.

We will continue to meet every Monday morning until this is over. This will end and the then peak will be The next few weeks are going to be challenging. Reminder the parks are open but the equipment is not open. Parents please be aware that kids shouldn't use the equipment, it could be a collector of virus. Getting outside is good.

Working on giving people help on the tax side. One of the things the legislature is discussing is if there are penalties for taxes not coming in on time. That guidance is coming in is for a June 1<sup>st</sup> tax deadline and we will be coming back to Board once that legislation is finalized. We will look at those who are challenged as those aren't receive unemployed or stimulus check if we can people a break it would be helpful

Jaycees are working with the Easter Bunny and will do visits from 9am-12pm and making appointments to see. Will drive around in car and will continue to social distancing.

Liquor violation to hold a hearing on this situation on 79 Summer Street. Dog hearing requested for the next meeting as well.

Stay safe and healthy. I will continue with FB live updates. I will be working remotely from home because of daughter visiting but work will not stop.

#### **9. 8:15pm - Selectmen's Update**

9.01 Old Business - Remote Meeting Policy Adoption

9.02 New Business – E. O'Leary: we should look into adopting into Mass General Law 90 section 17c for a reduction of speed limit in business district. We should get info to learn more about it.

B. Keegan -1<sup>st</sup> thing would be do identify, makes good sense but need to see what that is and would it work here.

L. Gibson - Housing Coalition meeting is postponed to May 7 tentatively.

#### **10. Action Items**

10.01 Motion to approve tuition reimbursement for Officer Scott Dion in the amount of \$1,849.50 by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.02 Motion to approve tuition reimbursement for Lt. Ken Fitzgerald in the amount of \$1,849.50 by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.03 Motion to approve a Charity Wine Permit for the Sage School Virtual Wine auction on Saturday April 4, 2020 by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.04 Motion to approve a donation of \$30.00 to Veteran's Services from John Lacy and David Nathan Lacey by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.05 Motion to approve a donation of \$3,519.00 to Boyden Library from Lakeview Pavillion to purchase museum passes by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.06 Motion to approve a donation of \$34.95 to Boyden Library from the Foxborough Garden club to purchase a book in memory of Laura R. Sobol by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.07 Motion to approve a donation of \$200.00 to the Foxborough Commission on Disability from Nick Riccio by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

10.08 Motion to approve the December 17, 2019 Board of Selectmen meeting minutes by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

#### **11. Adjourn**

Motion to adjourn by E. O'Leary, 2<sup>nd</sup> by D. Feldman. **Approved 5-0.**

*\*Attendees participated remotely*