

**Tuesday, June 9, 2020**  
**Board of Selectmen Meeting Minutes**  
**Foxborough Town Hall**  
**Andrew Gala, Jr. Meeting Room**  
**7:00 p.m.**

**Members Present:** Mark Elfman, Chair  
Ed O’Leary, Vice Chair  
Stephanie McGowan, Clerk  
Leah Gibson  
Chris Mitchell

**Also Present:**  
William Keegan Jr., Town Manager  
Mike Johns, Assistant Town Manager  
Christina Metcalf, Community Info. Specialist

1. 7:00pm - Citizen's Input – None.

2. 7:05pm Board of Selectmen Reorganization of the Board

CM – I would like to thank Doc for taking over for the last year and doing a great job, being calm and steady. I’d like to nominate him for another year if he would like that.

EO – I would second that nomination, for the past year I feel that, although it’s my first year on the board that Mark provided leadership to the group and was forthright with everyone and I feel he’s a good person for the position.

ME –Any other nominations?

SM – I would like to nominate Leah. I agree with all the reasons the gentlemen spoke about Doc. Sometimes I think it’s good to change things up and I feel that even though I am new to the Board, I’ve been observing Leah, watching meeting and feel she is very knowledgeable. She’s been clerk, she’s been Vice [chair] and I think this is the next step for her. She puts in the time, the energy and I think she would as well as Doc, be an outstanding chair and a great female role model for young girls in this community.

LG – I would 2<sup>nd</sup> that and welcome the opportunity. Doc you have done a great job as well as Chris. I have been involved in some of the big items going on right now, the housing production plan, the Uptown stuff, certainly familiar with all the phases of the Covid-19 reopening plan as it relates to an HR perspective as well as a business perspective. Either way we have a great Board and are in good hands but I’d welcome the opportunity.

ME – I think we will have an awesome board either way.

All in favor of Mark for Chair – Mark Elfman, Ed O’Leary and Chris Mitchell vote for Mark Elfman.

All in favor of Leah for Chair – Leah Gibson and Stephanie McGowan vote for Leah Gibson.

**Mark Elfman voted in as Chairman of the Board of Selectmen.**

Leah, would you like to remain as Vice Chair?

LG – I think that Ed has done a great job as clerk and should move up the line and I nominate Ed as Vice Chair.

CM – I second that.

EO – I’m honored to be considered for the position.

ME – With no other nominations, all in favor for Ed as Vice Chairman – Unanimous, in favor.

**Ed O’Leary voted as Vice Chairman of the Board of Selectmen**

CM – I’d like to nominate Steph as clerk.

ME – I second. It’s been a long tradition for the newest member of the Board to be nominated and voted in as clerk as it gets them involved right away.

SM – I would be honored.

ME – All in favor of Stephanie McGowan as Clerk. Unanimous, in favor.

**Stephanie McGowan voted as Clerk of the Board of Selectmen.**

### 3. 7:15pm COVID-19 Informational update

Working closely within the new regulation to reopen Foxborough and Massachusetts overall. Mike will talk about the phased reopening for Town Hall. We are about 40% open right now in compliance with regulations. Very few town halls are open right now and I think we'll probably be there by the end of the month. We are just looking to get Plexiglas for the various service windows at Town Hall so we don't have direct contact with individuals at the windows. The training has been done with employees. Our employees have done a really great job of getting us through this very difficult time. Foxborough has about 8 active cases and 2 hospitalizations currently. I want to thank the community for doing all they have to help us be in such good condition that we are. The testing center at Gillette has closed. We have are doing antibody testing and we have 11 people have been tested positive for that. This is important as a part of the treatment process. As we start to reopen, the Building Commissioner has told me that building permits are up significantly. There are lots of pools being installed as well as renovations from spending more time at home and wanting to improve that space.

### 4. 7:25pm Phased Re-Opening Update

The Governor put out his Phase 2 Executive order on Sunday and that took effect on Monday. The Town Clerk and Town Moderator will be in to discuss the possibility of lowering the quorum for Town Meeting. This is something that has to be done in agreement with the Board and the Town Moderator and requires 7 day notice before taking a vote on that. This would give you the ability to reduce the quorum to be no less that 10% of what it would normally be.

With Phase 2, at each municipal building there is hand sanitizer, gloves, and masks available. We are not recommending gloves because not trained there are mask and demo for masks. For town hall we went from 25% to 40% for capacity. We are not opening up to the public because we don't have those guidelines for the public yet. We also don't have the Plexiglas shields, some are being used for town meetings as they were for elections. We do not have the social distancing floor markers.

One thing that has worked very successfully is our ability to work from a distance and do remote business, online permitting, using the outside drop box, and over the phone and email. Looking at more effective and efficient ways in both private and public sector examples. For DPW people are able to go to 70 Elm Street and do business in the vestibule. In the Public Safety Building, people are able to use the phone in the vestibule for Police and Fire. Fire has relaxed inspections but will be tightening that up. On Police side the License to Carry (LTC) interviews are still being conducted by the Chief. Libraries per the Governor have limited restrictions on patrons entering the library. They are still waiting on materials to ensure the social distancing and then the director will approach the trustees for a vote to reopen. The Council on Aging, the staff is all back in the building and continuing to do their work and boosting the amount of their online programs. Recreation had to scale back programs and also staff had to have hours cut because they are paid out of revolving funds. The most important thing is social distancing. Mask are required when you get within six feet. When traveling through passage ways and going into other peoples offices and entering the building asks are required.

CM – As of Monday, are we back to full staff? All employees are comfortable with the procedures.

BK - There are people who are here and some are rotating to limit the amount of employees in workspace. And all the staff are comfortable with what we are doing. They are grateful for accommodating concerns and flexibility and being responsive to the situation.

### 5. 7:35pm BOS - Recognition of Donation from Macklin Boyd

Mark Elfman – We are now going to recognize a remarkable young man, Macklin Boyd.

Macklin Boyd – I had a lemonade stand for one day. I gave out cookies, did out in front of my house and gave the money to the Police and Fire department.

Chief Grace – Last week Macklin came by the Police department and had 2 envelopes with \$100 for each department. He turned lemons in to lemonade. With all the challenges going on right now, he took the initiative to make this happen and we are impressed and thank you very much.

Chief Kelleher – We have an offer for you Macklin, next Founders Day you can pick any Police or Fire vehicle to ride in.

MB – The Fire truck!

ME – Thank you from the Town of Foxborough and Selectmen for what a great job you did.

MB – I chose the Police and Fire because they help us a lot and they work hard to keep us safe.

**14.02 Motion to accept a \$100.00 donation to the Foxborough Police Department from Macklin Boyd Motion to approve by E. O’Leary, 2<sup>nd</sup> by C. Mitchell. Approved, 5-0.**

**14.03 Motion to accept a \$100.00 donation to the Foxborough Fire Department from Macklin Boyd by E. O’Leary, 2<sup>nd</sup> by C. Mitchell. Approved, 5-0.**

BK – While both Chiefs are here, I wanted to say that we are living in a difficult time and I think it’s important to recognize all the work that public safety is doing in this community. We are all grateful for all the work that both of you and your departments have done.

ME – A lot of our employees are working diligently from home and some employees are coming in. You are all coming in and going to work every day. You get in your patrol cars and on the trucks every day and there is no work from home from you.

LG – Chief Kelleher’s wife is a nurse and that’s an example of two people who are really helping out there right now.

Chief Grace – Thanks you for the recognition, but it’s our staff not just me and we are lucky community.

Chief Kelleher’s – Our guys have really stepped up, no sick, no vacation time and great team work and collaboration for the departments. Thanks to the Board and Town Manager and Assistant Town Manager.

#### 6. 7:45pm Kraft Group - Temporary Entertainment License

6.01 Kraft Group request for Temporary Entertainment License Request for Drive-in Concert Series for Parking Lot Adjacent to Gillette Stadium

BK – We had a meeting last week with Dan Murphy and two Chiefs present. They have the drive in movie concept. Dan came up with it, along with others, but a drive in concert series, good entertainment shows, club acts or comedy on Friday and Saturday night in the West club parking lot. There would be no more than 400 cars (4 people per car) and music would be projected on low FM radio channel. It would be no later than 9pm at night and may add matinees if it is successful. The bathrooms at the stadium would be used. No food or alcohol at the stadium, would be sold through vendors at Patriot Place. No alcohol will be sold. This new approach is because of Covid-19 and both Chiefs approve this and is a good way to drive up business. The first weekend in June is the plan and it would run through the end of August and run into football season. Hopefully the two won’t interfere with each other at that point. Football would take precedence over any shows held.

**Motion to approve a temporary entertainment license by E. O’Leary, 2<sup>nd</sup> by C. Mitchell.**

#### **Discussion**

SM – Is this something that they would stay in their car and be monitored?

BK – The cars are spaced for social distance and can stay in their area and be socially distanced. There would be security and police presence.

CM – What does the State say on large outdoor public gathering?

BK - As long as they are spaced properly we are okay. They are will need to get approval from the State.

ME – Is this outside the regulation approval?

BK – It’s not a stadium event because it is outside the stadium so it does require an entertainment license.

CM – I’m fine with it, but we need paperwork and see the documentation.

LG – I agree, we need documentation. I would point out that in the dining regulations that there is no live entertainment is permitted so I think we should talk about consistency.

BK – The difference there is no alcohol sales or food sales of where it's being held this is an entertainment license.

SM – They can order food, alcohol allowed in the cars?

BK - Can't limit people bringing it alcohol and people could order food for take-out as well.

ME – We would have enough time at the next meeting to have a formal application

BK – I believe what they are trying to do at this time is have this entertainment license approved so they then can go and solicit the state. We could do this before Town Meeting and have them present then.

ME – Yes, since we will have a potential meeting at 7 o'clock we'll hear and vote on it then.

**No vote taken, pushed to meeting prior to Town Meeting.**

Lynda Walsh – Speaking of outside entertainment, the Jaycees put their application prior to Covid. If we could get some guidance on how we could get our concert on the common to start back up. We would work on spacing and if you could look at the application and give us guidance.

ME – This would be similar to what we just discussed in regards to Gillette Stadium. We would need an addendum of how the Jaycees would implement social distancing protocols.

CM – We would also need to see if the Fire & Police Chief, Public Health nurse to see what concerns there would be to having a public gathering like that on the common.

BK – Gillette will still be applying to the State because it is a large gathering and those aren't allowed in the Phase but with the right protocols in place in may be allowed.

CM – We would need clarification on the concerts and your protocols. You could have 350 coming to see the high school jazz band with nothing else for events happening right now.

ME – If you can get us the information by Thursday afternoon we can put you on the agenda for Monday.

#### 7. 7:55pm Temporary Outdoor Dining Requirements Update

ME – We approved them at a prior meeting and now we are looking to approve the amendment?

BK – There are two things that came in regards to this since we last spoke about it. There was a request made that we have the Town named as additionally insured for people eating outdoors, which can only be done if it's on Town property. The second thing was if the Board with the outdoor dining license will allow alcohol service, you would need to give me authorization to do that on your behalf.

CM – Could you clarify, Tier 2 doesn't come before the board?

ME - Tier 1 doesn't, Tier 2 does. With this vote it closes the loop hole and formalized what we already discussed.

LG – How many application have we received for Outdoor Dining?

BK – We have received/approved 4 and another 4 are pending. With a 24/48 hour turnaround time.

**Motion to allow the Town Manager to approve the outdoor alcohol service application for locations that already are licensed in Foxborough for Alcohol Service served on private property/Tier 1 applications by E. O'Leary, 2<sup>nd</sup> by C. Mitchell. Approved, 5-0.**

#### 8. 8:05pm Town Meeting Procedures

8.01 Town Moderator and Town Clerk to discuss and provide information on Town Meeting procedures and precautions in light of COVID-

Mark Elfman – We have the Town Clerk and Town Moderator here to explain the procedure for people to come in for Monday's Town Meeting. Bob did a great job setting up the Ahern School with the 2 different gyms and the signage was great as well.

Bob Cutler –It was a team effort for the election. We are very lucky in this community that it’s always been the schools, police, highway, facilities that work together. A lot of the same protocols for elections will be in place for Town Meeting. We will have signage and asking people to wear masks. We will be having everyone go in next to the media center and allow for 6ft. and check in stations and have forms in the table to grab forms so it won’t be congested. We looked at the auditorium and won’t have all players up on the stage. It will be Bill, Mike, George, counsel, as well as Mark and Seth and whoever is speaking. Staggered seating for every other row staggered. Families are allowed to sit together and wear masks we will have overflow room. We can get up to 300 people in the auditorium. Should be a quick meeting because there are not a lot of items on the board.

Frank Spillane – We have 8 articles usually read through line by line. We will dispense with that and recommended to take all the time to do that. In Article 4 will explain there is an additional \$100k that shouldn’t be there and is in Article 6 for stabilization so it isn’t voted twice. I will ask for the general questions and then go through the different departments and if any of those line items to be held. Then will vote on none held and then will vote then vote on the held items wither or not amended. The next articles are short. The bond council would like us to read the water bond issue in as it is specifically written. Technically we have two warrants that are posted or if the board needs to cancel out the first one.

BC- The first warrant wasn’t taken down and it was not taken down on the website either. I didn’t want to deactivate the election portion of it by posting a second one.

Chris Mitchell – Is counsel looking at this yet?

Bill Keegan - Will get to counsel tomorrow to get this figured out.

BC - We can’t deactivate the election portion of it. I spoke with Health and will have a meeting on Thursday to start to set up with Foxboro Cable Access. The overflow room will be the Band room and will talk to IT about it.

FS – With the meeting number up to 40% we should be okay with just the auditorium since it hold about 700 people. Our quorum number is 100 people.

#### 9. 8:15pm BOS - Town Meeting Quorum Adjustment

9.01 Board to discuss and possibly vote, in consultation with the Town Moderator, the intention to vote for a reduced quorum requirement for Annual Town Meeting to not be less than 10% of the existing quorum level as per guidelines of the Commonwealth

ME – This brings us to edict from Governor yesterday.

BK – A bill was passed that allows that the quorum requirement could be reduced to a 10% requirement and we must provide 7 days’ notice if we intend do this. The Board has to post notice of their intent to do that.

FS – Notice has to be published, not sure we can change the quorum during town meeting.

BC – Town meeting starts with the Election and has already begun.

FS – We could do the posting and then see if we are able to change the quorum if we don’t get 100 people on Monday.

BC - Some of the laws into place will be allowed for retroactive activity because it was too late to take effective and maybe that would be the case here and then be able to take advantage of that.

BK – If the meeting doesn’t have a quorum, it can’t be called to order is there a meeting?

FS – Call to order and then if there is no quorum then you can’t continue.

ME – If we voted today to approve the intention of the 10% quorum.

BK - We can’t vote without giving the 7 day notice for the intent to vote.

FS – If you intend as the BOS to publish and to reduce the quorum. I would be in favor of reducing it but wouldn’t want to get to down to only 10 people.

CM – If we don’t take any action and gamble, we can’t have the town meeting, right?

BK – The question is, can we lower the quorum during mid-town meeting?

MJ – To address the audience question - there would have to be a consensus by the Board & Town Moderator.

BK - We would have to post the meeting for Thursday.

BC – The information can be put out tomorrow.

BK - On a preparing for town meeting webinar, it was asked- what if people won’t wear a mask and what do you do with those people? The answer was a no mask session or was have them at the end of the aisle. You have a

BC – There were 4 people out of 1500 that didn't wear a mask at the polls and they weren't confrontational. I will address those who decide not to wear a mask at Town Meeting but I don't believe it will be an issue.

FS – There will be a wide area for speakers that they will be able to speak without a mask.

#### 10. 8:20pm Child Sexual Awareness Abuse Committee By-Law Discussion

10.01 Bob Correia and Pastor Bill Dudley, Lynda Walsh to discuss and clarify CSAAC by-law language

LG. – someone reached out to me and looked at the bylaw and it was unclear. The question was there a term needed between terms. We brought it up the last meeting.

BK – Town counsel said we need to confer with committee on this issue

LG - Read out loud the CSAAC by-law. The specific part that is in question: “any member may be reappointed after one term is elapsed since the expiration of his or her most recent term”- it can be read either way. Other boards don't have that language with that period to wait.

Bob Correia – First of all is the copy of the Town Meeting vote that defines the committee and we have gone by the Town Meeting guidelines for our committee. I have asked every June for the people whose terms are up and if they are still willing we have their terms renewed.

Lynda Walsh – I read this as if I finish my 3 year term then I can be renewed for another term should there be no one to take my place and I want to continue to be on the committee.

LG – If someone brings something to you on a board you need to bring it up so this is why this was brought up today because of that resident inquiry.

Bill Dudley – If you want to conform the language to fit with other committees and the intent that we would continue to serve, I wouldn't object to that.

LG – I would suggest that this go on the warrant for the Special Town Meeting and take out “since the expiration of their recent term” and about July 1<sup>st</sup> and after Town meeting. If we are doing them in May with everyone else then why not clean it up and make it easier for everyone.

ME – Please put an amendment together for fall town meeting to change it and clean up the language and take out the confusing part and the July first reappointment date.

LG – It is Chapter 13 of the Town By-Law.

#### 11. 8:35pm Assistant Town Manager's Update

- We have made an offer for a new Building commissioner Mark Dupell – has been a building official, and a CBO and will be joining us July 13<sup>th</sup>.

- We've had Bill Casbarra back twice, thanks again and he's been incredible in showing up. And we found the right candidate in Mark.

- A request, and goes back to the discussion earlier, when talking about the drive-in concert series and the ability to have the gathering in light of limit of 10 at a gathering. We follow on to some discussion about the common and what defines and who can have what. We are finding ourselves in the same struggle with the Governor's Executive Order limiting gatherings to 10. We have had a number of applications come in, some aren't able to be approved even though some of them are Town Management Approvals but we can't really approve because they would be in excess of 10 people. We would like to put something on the agenda in 2 weeks and give us policy guidance and maybe by that time we'll be able to have larger gatherings. If there was proper social distancing, would a gathering be allowed. If they are approved at this level they would still have to go apply with the state, like the concert series at the stadium. The other part that has come up is who can apply to use the common, there are org that aren't Foxborough oriented. Looking for guidance- is this for Foxborough organizations and residents only. We find ourselves facing restrictions that leave us unable to make a decision.

CM – Do we have any outline or guidance on who can use the Common?

BK – I'm not seeing one. It hasn't come up to be an issue before but now it is because it is one of the few places that is outside and have had companies ask to use it for outdoor activities, yoga classes, etc.

CM – I don't think any for profit business should be able to use that.

BK – This is definitely a policy discussion. Is it for non-profit use only? There was a group that wanted to raise money and start an event at the Common but were not based in Foxborough. I'm not comfortable with either one of those situations in making that decision because we need policy guidance.

ME – Good discussion and research other towns that have a common area and what they have for policies.

LG – Car wash group unable with water ban may have opportunity because of well at Ahern school.

BK – They haven't reached out.

ME – Start with common and go from there

MJ – Get on your agenda after we do research and put on agenda and allow you to give policy guidance back to us

SM – Car washed weren't happening - was that because of the water ban?

BK – It stopped because of the water ban.

MJ – There was a time there were a lot of organizations having car washes but I'm not sure.

CM – With tearing down town hall and building the new one is why they were unable to happen for awhile

BK – The water ban has been the biggest basis for not having car washes.

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

- Town meeting is Monday night, June 15<sup>th</sup> at 7:30pm at the high school.

- Congratulations to all those elected.

- We are tracking revenues very closely and will have info available for ATM and 90% of this fiscal year.

- Thank you to Mike Webber does has lot of meetings and thank you for the senior graduation video and created a unique memory.

### 13. 8:55pm - Selectmen's Update

13.01 New Business - Discussion to set date and agenda for Town Manager Goal setting meeting.

ME – Determine goals for himself and what goals from the Board for Bill, maybe some are the same. Set it up for the next meeting.

BK – Hope you do and I want you to

ME - Send everything to Christina, both Bill and BOS will send draft goals

BK – Should have a white board discussion and set goals for everyone.

MJ - Does this make sense to have a separate meeting?

CM – I like having a working whiteboard type of meeting to brainstorm. It is warranted and deserves our attention

BK – After ideas are submitted we can combine the overlapping/similar goals together. I think it could take up to 90 minutes.

ME – Let's have the meeting on June 30<sup>th</sup>. Submit goals by June 23<sup>rd</sup>.

BK – I will be having a Facebook Live session with Mark Craig for the Council on Aging and give seniors the opportunity to ask questions about the warrant live after I've reviewed all the articles on the Annual Town Meeting Warrant. It will also be re-broadcasted on Cable Access for later viewing.

13.02 Old Business - Annual Town Report Update available

**Move to appoint Leah Gibson to EDC until 5/1/21 by Mark Elfman, 2<sup>nd</sup> by C. Mitchell.**

**Approved, 5-0.**

**Move to appoint Mark Elfman to CIP until 5/1/21 by C. Mitchell, 2<sup>nd</sup> by S. McGowan.**

**Approved, 5-0.**

Stephanie McGowan – Want to commend the entire School Administration for the graduation they had. It was not business as usual but loved every minute of it. Met at Ahern then went to High school and put a great ceremony together. They did a great job.

#### 14. Action Items

14.01 Motion to accept a \$100.00 donation to the Recreation Department from the Massachusetts Marine Trades Educational Trust by E. O'Leary 2<sup>nd</sup> C. Mitchell. **Approved 5-0.**

14.04 Motion to accept a \$1,000.00 donation to the Council on Aging/Human Services department from the 2020 Foxboro Warriors Cooperstown Team by E. O'Leary 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

14.05 Motion to approve a License renewal for (1) Coin-Operated Pool Table for Agnus Corp d/b/a Fusion to expire 5/1/2021 by E. O'Leary 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

14.06 Motion to approve the reappointment of members to Town Boards and Committees for terms to expire 5/1/2021, 5/1/2022, 5/1/2023 by E. O'Leary 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

#### 15. Adjourn

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