

Tuesday, May 11, 2021
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present: Mark Elfman, Chair
Ed O’Leary, Vice Chair
Stephanie McGowan, Clerk
Leah Gibson
Seth Ferguson

Also Present:
William Keegan Jr., Town Manager
Mike Johns, Assistant Town Manager
Christina Metcalf, Community Info. Specialist
Katie Lang, Executive Assistant
*Attended remotely

ME – Before we start I want to say congratulations to Leah for winning a second term and welcome our new Selectmen Seth Ferguson.

1. 7:00pm - Citizen's Input – No Input

2. 7:05pm COVID-19 Informational update

We have 20 active cases in Foxborough. The next phase in the re-opening plan for Massachusetts took effect yesterday. We are at 25% capacity for venues and other restrictions lifted for other industries. The Governor has set August 1, 2021 as the date for all restrictions to be lifted with the possibility of sooner if conditions warrant the earlier date.

SF – What about out of state travel?

BK – Most if not all of those restrictions have been lifted and depends on several different factors. Please call us or Health department with any questions.

3. 7:15pm BL Restaurant Operations LLC d/b/a Bar Louie Tavern and Grill - Transfer of Licenses – Joe Devlin,* Bill Cochran* and Ian Welby*

SM - Reading of the public hearing notice

Joe Devlin – I represent Bar Louie and with me is Bill Cochran who is the General Manager of Bar Louie and has been since 2015. He was the GM in Boston before that. Ian Welby is also here and he is the Regional Manager of the area and has been with the company since 2002. The prior owner went into bankruptcy as a result there was a reorganization authorized and approved by the bankruptcy court. The company’s prior creditors bought them out of bankruptcy. This buyout and reorganization allowed the restaurant to continue operations. Most executives and management staff are staying the same. You have a new upper layer of the lenders and it is being run the same with no changes to operations or menu. Thomas Frick is still the CEO. The purchase price was about \$83 million. This affects 50 locations in 22 states and the Boston location is not reopening. Bill is well versed in what the requirements in Foxborough are and is committed to continuing that.

ME – This is a paper shuffle more than anything?

EO – Did they have alcohol violations in the prior year?

Katie Lang – There were no issues with Bar Louie filed with the ABCC.

Motion to close the public hearing S. McGowan 2nd by E. O’Leary. Approved, 5-0.

Motion to approve the Transfer of an On Premises Annual All Alcohol Beverages License from BL Restaurant Operations LLC., d/b/a Bar Louie Tavern and Grill to BLH Acquisition Co. LLC

d/b/a Bar Louie Tavern and Grill, with Manager William C. Cochran, Jr. remaining as manager of record by S. McGowan 2nd by L. Gibson. Approved, 5-0.

Motion to approve the Transfer of an Common Victualler and 7 Day Entertainment License from BL Restaurant Operations LLC., d/b/a Bar Louie Tavern and Grill to BLH Acquisition Co. LLC d/b/a Bar Louie Tavern and Grill, with Manager William C. Cochran, Jr. remaining as manager of record by S. McGowan 2nd by L. Gibson. Approved, 5-0.

4. 7:25pm BOS - Extension of Appointments

BK – We are still organizing and cleaning up the records of all our appointments. Leah had taken point on this and is working with Christina to figure this out. We are not ready to do reappointments yet. We have it on here to extend to June 1st but we should extend to June 15th so that anyone taking actions at meetings will be covered.

LG – Historically There are two parts. We have work to do on the appointments still. Also, historically appointments have been made May 1st unless it is supposed to be different according to bylaw or statute and those will remain the same. In May we have a big shuffle with the elected boards and we thought as a whole it makes sense going forward to have a June 1st reappointment date.

BK – This way, Town Meeting will done, all legislative action will be done and it gives a better transition time to leave or to come on to a Board.

LG – We don't have meeting on the 15th so we should do the 8th or the 22nd? I think a month will give us enough time to get this worked out.

Motion to extend all Board and Committee appointments that expired May 1, 2021 to expire June 22, 2021 by S. McGowan 2nd by L. Gibson. Approved, 5-0.

5. 7:35pm Public Event Application-Farmers Market by Foxborough Recreation: Deb Giardino & Heather Harding

DG – We are asking for your support for our 3rd Annual Farmers Market. It is run by the Recreation department and Recreation Board. It is Thursdays, 4-7pm on the Common and starts May 27th and runs through September 2nd. Renee Tocci has put a lot into it and there will be a children's oriented event at each farmers market. Looking forward to another year and it adds a lot to the common.

LG – Did police and fire weigh in?

KL – Yes, they did as well as Health signed off. We are going to add Board of Health to our Public Event Application because if someone is serving food or drink they need to be aware of that. I will also be giving guidelines for outdoor activities as well from the State.

SM – Very excited to have this back.

DG – We will be following outdoor Covid regulations.

SF – Is there any issue with liability?

BK – This is a town event so it falls under the Town's insurance policy.

HH – We are going to try to work something out with the community farm stand as well.

LG – Let us know how the traffic is with the Common traffic trial going on with the Farmer's market as well.

Motion to approve the Farmer's Market on the Common sponsored by Foxborough Recreation to be held on Thursdays starting May 27th, 2021 through September 2nd, 2021 from 4pm-7pm by S. McGowan 2nd by L. Gibson. Approved, 5-0.

6. 7:45pm Assistant Town Manager's Update

- The Town Managers evaluations are due and will be turned into the HR Specialist and Executive Assistant.
- June will be the setting of the new goals for the upcoming year after the Town Manager's evaluation.
- June will be presenting the Board with the vision and mission statement of the Strategic Communications Plan. Once presented, with Board feedback/agreement that we are heading in the right direction we'll move on to putting the plan together.

7. 7:55pm Town Manager's Update

- Thank to everyone for a successful town meeting. There is a lot of work that goes into to Town Meeting. This is a yearly ongoing process and a lot of discussion goes into that. Thank you for everyone who came out.
- We received a letter from Norfolk County Commissioners and last meeting I gave a presentation about this. The letter did say Foxborough will receive about \$3.5 million dollars. Half will be provided this year and the other half next fiscal year. The same will go for the direct federal funds of \$1.8 million we received and we will get two payments as well divided between this current fiscal year and next year.
- I did receive the regulations for the American Rescue Act and gave it to George and Marie for review.
- Last year at this time we were 88% collected and now we are 92% collected for our revenues. Real estate taxes are doing well. There is still excise and regular taxes that are coming in. It's good to see that much collection at this point and time.

- We received our Pilot payment from the Patriots. It was about \$1.25 million.

SM – As these monies are coming in, as we were leaving FY20 budget year, did we finish the year fine? Were we short anywhere?

BK – We ended the year in positive position in Free Cash. We did see hotel/motel and meals tax drop off as well. As well as. I'm optimistic FY22 will be better than FY21. Football will be back, soccer is already back and numbers will go up for the state. We have some indication that we will see concerts as well. We should see Jurassic Quest coming back as well.

SM – When you say we'll get funds this year and next year. Are you talking fiscal or calendar year?

BK – It's based on the fiscal year and we'll get payments in FY21 and FY22 and we'll have until the end of FY24 to spend it all.

SM – This question from last night, regarding meals tax, where is that money going?

BK – We haven't applied that money yet. The question is how much we are going to supplement with the meals tax, because we don't know how much we are going to collect.

SM – None of that money could be used to fund OPEB?

BK – We could. We use it to fund roads and OPEB. If we get money from if we get money from the county and federal government. We could be looking at making an OPEB payment this year. We haven't committed to it in this budget but want to see how this plays out. We picked up \$2.2 million dollars in our investment earnings.

SM – If it rolls into Free Cash, shouldn't be earmarked?

ME – Can the money, if not used for roads or OPEB, roll into free cash?

BK – It's a fair question, we'll have to find that out.

SM – If we voted that it should go into road and OPEB then it should be used for roads and OPEB.

BK – It's not as black and white are you making it. The goal is to make contributions to the OPEB.

-The Ways and Means had made a recommendation and will be acting on the State budget in the next month.

- I did sign the AT&T contract for the tower.

8. 8:05pm - Selectmen's Update

Subject 8.1 New Business - Set BOS Meeting Dates for Fiscal Year 2022 (July 2021 - June 2022)

ME – We received 3 potential schedules. We've tried to be mindful of the Thanksgiving and Christmas holidays.

SM – With Zoom meetings it makes it easier for someone to attend remotely if they can't make it in person but there are important issues to discuss, they can Zoom in.

ME – Is remoting into a meeting via Zoom only an executive order from the Governor?

BK – The town had to adopt a policy. With the Governor's order you can do it, but to make it permanent you would have to adopt the policy.

MJ – The policy exists. You have to vote to adopt that. This will allow other Boards and Committees to be able to have remote meetings as well.

BK – I think we wait and see what the Governor and state comes out with in the coming weeks before doing anything.

LG – I'd rather adopt it as most other towns around us have adopted it.

ME – I think I'd like to see it on our next agenda. Going back to the schedule do we have a preference?

LG – I think we do version A, it doesn't hit school vacation week and just alternates normally.

Motion to approve Version A of the proposed Board of Selectmen meeting dates for Fiscal Year 2022 by S. McGowan 2nd by L. Gibson. Approved, 5-0.

Subject 8.2 Old Business – No old business.

9. 8:15pm BOS - Reorganization of Board

ME – I'd like to nominate Leah to be Chair.

LG – I would be honored to accept the nomination.

Motion to approve Leah Gibson to be the Chair of the Board of Selectmen effective May 12, 2021 by S. McGowan 2nd by M. Elfman. Approved, 5-0.

LG – I would like to nominate Stephanie for Vice Chair.

SM – I would be honored as well.

Motion to approve Stephanie McGowan to be the Vice Chair of the Board of Selectmen effective May 12, 2021 by M. Elfman 2nd by S. Ferguson. Approved, 5-0.

ME – We already have Seth's name as the Clerk, per tradition.

LG – It's a great way to spend the first year on the Board.

Motion to approve Seth Ferguson to be the Clerk of the Board of Selectmen effective May 12, 2021 by S. McGowan 2nd by L. Gibson. Approved, 5-0.

10. Action Items

Subject 10.1 Normandy Farms - Approval of One Day Beer and Malt License for Normandy Farms Campground LLC d/b/a Normandy Farms Campground – Kristine Daniels* and Sharon Beaumont*

Sharon Beaumont – We are inviting a few local craft breweries to come and serve their craft beers to only our guests. It would be Saturday, June 5th from 12pm-4pm.

LG – Is everyone Tips certified?

Kristine Daniels – Everyone is TIPS certified and there will also be food trucks there as well serving food in additions to serving craft beer.

SM – How will the event work?

KD – Our staff will serving it to customers at their tables.

SF – Will it be ticket or cash bar?

KD – It's a ticketed event.

Motion to approve a One Day Beer and Malt License for Normandy Farms Campground LLC d/b/a Normandy Farms Campground for Saturday June 5, 2021 from 12:00pm to 4:00pm by S. McGowan 2nd by L. Gibson. Approved, 5-0.

Subject 10.2 Recreation - Approval of \$2,000 donation from Friends of Foxborough Recreation

Motion to approve a \$2,000 donation from the Friends of Foxborough Recreation for Summer program supplies by S. McGowan 2nd by M. Elfman. Approved 5-0.

Subject 10.3 Police - Tuition reimbursement for Ofc. J. Godino for \$960.00

Motion to approve the Tuition Reimbursement for Officer Joseph Godino for \$960.00 by S. McGowan 2nd by M. Elfman.

Discussion: SF – Why is this something that goes to the Board?

MJ – This was in the old Police Union contract. This was negotiated out of the new police contract and the Town Manager will approve going forward

Approved, 5-0.

Subject 10.4 BOS - Approval of Minutes - March 5 and March 16, 2021

Motion to approve the March 5, 2021 Board of Selectmen Meeting Minutes by S. McGowan 2nd by M. Elfman. Approved, 4-0-1. S. Ferguson abstained.

Motion to approve the March 16, 2021 Board of Selectmen Meeting Minutes by S. McGowan 2nd by M. Elfman Approved, 4-0-1. S. Ferguson abstained.

11. Adjourn

MJ – Questions have been asked about the relaxation of regulations for meeting rooms. They have not relaxed in terms of the number of people in this room. It is still 12 people.

LG – Thank you Doc, for your two years as Chair.

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