

Tuesday, March 30, 2021
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present: Leah Gibson, Chair
Stephanie McGowan, Vice Chair
Ed O'Leary
Mark Elfman

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

1. 7:00pm - Citizen's Input – Bob Foster - 9 Bentwood Street

Bob Foster – I'm here representing the neighbors and abutters to the Orchard Place Development Project. Covid limited our ability to participate and we want to make sure that our voices are heard and concerns addressed. The 3 main concerns we have are: The proposed site has no frontage and will give a negative visual impact to the surrounding homes, the lot is small for this type of development, and due to the undersized lot all vegetation, including 2 healthy mature trees will have to be removed resulting in a barren lot. The impact to abutters include lack of privacy, safety concerns and increased traffic on a road that many children play near. We believe this project does not suit our town and if allowed to happen would see it as a direct affront out our efforts to maintain the historic importance and character of this neighborhood.

LG – This is on the June 24th Planning Board agenda to be discussed further.

2. 7:05pm COVID-19 Informational update

BK - Currently have 1 case in Foxborough and are moving in the right to direction and put this behind us.

3. 7:10pm Discussion and vote to approve the Public Event Application for the Foxborough Crossfit Road Race on August 15, 2021 – Christine Ciampa* Crossfit Torque in Foxboro

CC – Our application is for a 5k road race on August 15, 2021. It has been approved by Schneider facilities manager. We've been in contact with Ms. Lang and Schneider as well as the Health department with our application.

LG – Thank you for your application. You are the first road race since Covid. Thank you for your Covid safety plan, even though it is not required.

CC - Upon approval we will begin to market this event. We will be donating to the Schools nutrition and fitness program.

KL – I will send a letter of approval and connect with you Chief Noonan so you can discuss the road blocks and other committees.

Motion to approve the Public Event Application for the Crossfit Road Race on August 15, 2021 by S. McGowan 2nd by M. Elfman. Approved 4-0

4. 7:15pm DPW - Common Traffic Trial Pattern Update Town Engineer Lance DelPriore* to give update on Common Traffic Trial Pattern with DPW Director Chris Gallagher* and Planning Director Paige Duncan*

LD -Timeline Details: April 4th - Grant funding awarded through Massachusetts Shared Streets & Program.

May 17th – Trial Period Started

- a. Minor changes made to divider island, removed curbing on outside lane and removed 3 rows of curbing at end of island – enabled 53' tractor-trailers to make maneuver without riding on curb.

b. Moved some of the cones, which designated the curb bumpouts back to the curbline. This also helped larger vehicles make the maneuver.

May 25th to June 1st – Online Survey Posted

May 27th – Pedestrian Intercept Survey (Kittelsson & Associates)

June 3rd - Subcommittee Review Meeting

Online Survey Results (May 25th to June 1st) - Distributed on social media (Town pages & local Discussion Group) and on Town webpage. We had 405 Total Responses (338 self-identified as local residents). Of those 95.5% of respondents often Drive (alone) around the Common (72.5% only drive i.e. do not often walk or bike). Respondent's use of street parking was: 33.4% - Never, 32.4% - Every Few Months, 19.8% - Monthly, 13.6% - Weekly, and 0.7% - Daily. 14.4% of respondents preferred the new parallel parking to previous angled. 42.4% of respondents preferred the lane changes at South and Central.

Pedestrian Intercept Survey (May 27th) - Kittelsson & Associates solicited at Farmer's Market event and had 27 Total Responses (18 self-identified as local residents). 63% of respondents only drive around Common, i.e. do not often walk or bike. Respondent's use of street parking was: 7.4% - Never, 59.3% - Every Few Months, 14.8% - Monthly, 14.8% - Weekly, and 3.7% - Daily. 43% of respondents preferred the new parallel parking to previous angled. 50% of respondents preferred the lane changes at South and Central.

Recommendations moving forward:

Move forward with diverter island at South/Central Street. Start with painted or stamped island, a red brick imprint – concrete, asphalt or other treatment and narrow delineators could be placed on center line for additional prevention. We could upgrade to something with dimension if needed like a T-100 Traversable Curbing or other. Adjust/Extend Trial for Parallel Parking - Widen parking spaces to 9 feet to give additional buffer for parked cars and travel lanes to 11.5 feet at top of School Street on the curve.

OR

Revert to Angled Parking, but with 3 foot offset this would include 3 foot parking offset plus 2 foot existing gap would allow for creation of 5 foot pedestrian walkway. Then do a turning analysis study performed by Kittelsson and Extend Parking Trial to July 20th Meeting.

LD – We'd like to keep the island at South and Central Street. We will start small and maybe do

CG – The thought is with the cones and barrels vehicles can't drive over it. Something level to the ground would be good for larger vehicles but something that make sure that vehicle are clear that they shouldn't drive on it. This won't have an impact on plowing or other. The red brick imprint is a nice aesthetic to the common

LD – We also proposed to keep the parallel parking and widen the spaces to 9 feet. The other options we'd like the Board to consider would be to revert back to the angle parking and we had Kittleson do a turn analysis and that will work with the buffer.

CG – There are two options and in the subcommittee meeting we did discuss keeping the parallel trials with having more events happening on the Common. We have listened and seen the comments we are giving you two options and would like to know what the board would like to do.

PD – As the planner and looking ahead. We have listened to the residents and understand concerns. The improvement at the other end was shocking but is working now. Extending the trial will allow us to see things when they are active on the Common. We are trying to balance the pedestrian that we haven't seen for 18 months with the traffic.

CG- It is important to get the people in person who are actually using the Common and having those 1-on-1 conversations to let people know what they are talking about. We have one more slide as well.

LD – Is the board interested in exploring a similar island at the Cocasset Street and Mechanic Street? This would be Phase 3 of this project.

LG – The Board received a 42 page document with information that was sent to Lance. We are now to make a decision on the South Street side and I think this one is working and safer. This design makes people follow the rules of the road better. The parking, we have heard loud and clear, is still to be determined if we go back to the pull-in parking or adjust the parallel and see if that works better. Do we decide on one or both tonight?

CG – It's up to the Board.

LG – What is your recommendation as an engineer?

CG – You can do them separately if the South /Central Street is an easy win for the night and then we can have a further discussion about the parking.

SM – Let's do less intrusive decision, on the South/Central island and then do something more raised if necessary. I'm not a fan of the parallel parking, but would be for an extended trial period. I do like the new idea for the angled parking with the extended curb. Officer Fitzgerald said there haven't been any pedestrian accidents.

LG – I agree with that. To remind everyone, this is grant funded so it is not tax payer money.

ME – I'm for the red brick.

CG – The rubber curbing will stay in place as well as the cones but can reduce some of them.

ME – As for the parking, I would like to see the parallel parking with the extra foot trial extended. On Commercial Street people at night go fast up until the Common. During the day traffic is much slower and as Paige reminded us to look at that 10 year plan, this is the goal.

LG – I think the South Street pizza side seems right but the School Street feels too narrow.

CG – We have our crews ready to paint and can get them to re-stripe tonight.

LG – My hesitation would be all the change at once.

EO – Certainly one of the issues I notice is the lack of speed signs at different. You don't get to speed signs until they are too close to the common. Is there a consistency of the spacing of the speed sign and should/could we look at that and maybe make some changes to moderate those speeds?

BK – Some communities are painting in the pavement instead of doing sign and additional slow arrows to help with that traffic.

CG – Yes that has been considered and we could do that. It can seem like people are going fast when looking at the data it is not as fast as people think. We can do a study before the improvements and then do it afterwards to see if there is an improvement. Speed limits are regulated and that is what the FPD can enforce. We can't enforce the yellow signs. The lowest we can go is 25 mph with those signs. You would have to do speed studies to go lower, and usually ends up higher as posted.

LG – Putting on the pavement would be better than adding sign clutter would be great.

Motion to install permanent diverter island on South/Central Street by S. McGowan 2nd by M. Elfman. Approved 4-0.

LG – Let's move on to the parking. Whatever we do will be extended until July and we decide we need to get in front of the messaging.

CG – Parking on both sides would be widened and we would re-stripe so the travel lanes are 11.5 feet.

SM – Where does that extra space come from?

CG – The planter will move and will push in the parallel. There are painted buffers near the crosswalks.

Motion to widen parking spaces from 8 feet to 9 feet to provide additional buffer as well as travel lanes from 10.5 feet to 11.5 feet during extended trial through July 20, 2021 period by S. McGowan 2nd by M. Elfman. Approved 4-0.

5. 7:50pm Meals Tax Update of Policy – Brian Guild

LG – Three things to discuss: We need to do some language clean-up regarding the policy, what payments have been made to OPEB and when do we make a payment? There are these sums of money that went into Free Cash.

BK – We've moved our investment to Bartholomew and we've gone from \$8 million to \$14 million, which is a pretty good return on investment. Up until this past year we took a conservative approach because the revenue is off. We think we'll receive \$650,000 - \$750,000 when we normally, pre-Covid, would expect to get around \$1.1 million in local receipts. I would recommend to take the money we collected for meals tax and put in into the investment fund at town meeting in the fall and then make the payment consistent this year with what we've done in other years. Then pass an article to make a \$1.1 million payment and continue to the payment in the normal cycle we have done up until Covid. If you go back to 2012 when we started making payments, based on the policy, says that we should supplement that as well. This is not the year supplement that and we should take a look at that too. The good news is that we are still ahead of schedule. We've got more direction from the federal government that OPEB payments are eligible to be used and could supplement the meals tax money and get us back on schedule with our ARC payment. That coupled with the fact that we have an 80% return should put us ahead in paying down the OPEB liability. The payment schedule was to end around 2038, the last schedule indicated it would be 2035 and we are paying it down faster than anyone around us. We will be having a conversation with Chris and Lance from DPW to figure out what we need to be putting from Meals tax towards roads.

Brian Quinn – My understanding of the ARC payment is that we do an evaluation every 2 years and they determine and amount that we are supposed to make the town to the liability, which had been approximately \$960,000. In my opinion that's payment the town agreed to pay of this liability to by 2038. We agree that the payment needs to be made. The meals tax was a nice way to fund the payment. In the past the town decided it was prudent to so with the meals tax. In our town policies it says we make this ARC payment every year and the primary funding is the meals tax and if not funded the town should still make the ARC payment. My understanding is that our contribution went from \$960,000 to over one million in 2019. This assumes we are paying \$1 million.

BK – We made the payment in 2020 and the next payment (2021) will be made in the fall town meeting. We have no payments made at this point. We won't make a fiscal year payment but make a calendar year payment. The FY22 will be made in the Spring town meeting.

BG – So we won't be making a payment in 2021.

BK – We'll be making a calendar year 2021 payment, not a fiscal year 2021 payment.

SM – I think what Brian is bringing up is the decision to not fund it. It was said that we don't think the meals tax is going to be here so we aren't going to put it in the budget. We're actually finding out, we weren't supposed to do that. Our policies says that payment is supposed to be made and if it isn't fully funded by meals tax then it has to come from other town money.

BK – I never said we weren't going to make the payment. I said we'd make the payment of what we collected, otherwise we would take it out of free cash. The obligation is policy not a town meeting action.

SM – It's become policy in 2011 that payment should be made.

ME – For that reason we changed that policy because of Covid for those reasons only.

LG – I didn't know that the policy was to make that payment regardless.

BK – We were never not going to make the payment. We weren't committed to making that payment until we understood what the number for meals tax ended up for this year.

BG – Taking a year off would be prudent to assess what happen. This was an issue to me when I heard it wasn't an automatic process. It says in the evaluation that we are on the hook for \$1 million a year. That should be our process except with this Covid issue.

BK – Actuarial studies assume that everything will stay the same. We knew what we were doing is a short term measure.

LG – We have a clear path forward for 2021. We should look this policy

BK – We should have all 4 boards approve it that approved it originally. Fortunately because of the federal aid we'll be able to make the payment.

LG – Because it was a one-time thing, we don't need a reserve fund. Do we need to clarify that?

BK – If we collect more than the ARC payment it can go to town coffers. It also can to go roads.

BG – We just want to make sure the town will make the commitment to the ARC payment.

SM – It's not a legal issue but we did break our policy. Meals tax when to the town meeting 3 times before being passed.

ME – We didn't violate it. Bill came in front of the board and asked to bypass it. Due to the situation we were in and change it a one-time thing. A policy is not a by-law, it's a guideline.

BK – This was presented to all 3 boards at once in March 2020.

SM – I don't recall this year being presented.

BK – There is a significant problem to doing that because we didn't know the money is coming. Bottom line is that we delayed a payment but we have not missed a payment.

ME – The FY22 budget was still a question mark until recently. We went into 2022 thinking will be able to do it.

SM – That is a financial obligation to the town. Then we should adjust the budget.

BG – I think doing it for one year is fine due to extenuating circumstances, when you get into year two is the time to take a look at the budget overall.

BK – The true test was our bond rating agency and we disclosed to them and they understood and agreed with the approach that we were using. It was a cautionary step to take that we disclosed and we will get back on track.

LG – The next steps are to revise the policy.

BK – Do you want to make mention of the roads in the policy as to the excess money?

LG – Yes, and spell out the approval boards. We can expect a fall town meeting article for FY21 payment and then in Spring 2022 Town meeting.

BK – We should also include language for roads and sidewalks to and another suggestion would be to put in a road stabilization fund.

ME – We should have a plan for in 10 years when that obligation is paid off to discuss what we do with the money then.

6. 8:05pm FY22 Goals Setting Discussion

Subject 6.1 FY22 Goal Setting for Board of Selectmen

LG – We could add #5, 6, and 7 into number 4. Then have everyone go over and add to it.

ME – It's what we do but in writing.

MJ – This may fall under sustainability.

LG – Roll the IT vulnerability goal into one of Bills goals.

BK – One of the things too add would long term financial strategy, once debt obligations are paid off what do we do with the money and what major improvements to make.

Subject 6.2 Preliminary FY22 Goal Setting for Town Manager –

LG - Would be the same main goals but updated sub goals.

BK - It's helpful for you to set your goals and then I can set mine as well as the filters down to the other department.

MJ – This will allow the goals to be cascaded throughout the town managers office and department to make sure that we are all on the same page.

7. 8:25pm Assistant Town Manager's Update

- The next step once the Board has the Town/BOS goals, Bill will be able to come back and have his goals ready for you to review.
- The Personnel and Policy guide incorporates all of the current HR policies we have. We will then start pulling out policies and reviewing them with the Personnel Board
- There is a Personnel Board vacancy
- The Computer Use policy will be ready for review and vote next meeting. There is one for employees and one for Boards, Committee and Commission members. The pressing thing on that that our Chief Policy Board have town email address and this policy is where we are starting. It also touches upon our other boards committees and commission who are on social media
- We will also talk later about the remote meeting policy.

SM – I wanted to set the record straight as I was mistaken regarding a statement I made about a position that was open. After that meeting I spoke with my husband, he gave me some information on how his position differs from the one that posted for Town Hall and I was mistaken.

8. 8:35pm Town Manager's Update

- I've asked the Board to convene on Friday to transfer the deed to the Fire Station and Funeral Home project.
- We got word from Congressman Auchincloss that the \$3.5 million earmark that we had asked for the Walnut Street project for consideration was approved for \$2 million and is a significant milestone as that is rarely earmarked; this is due to Paige's good work along with DPW. It has to go through the House and Senate. It is not part of the major infrastructure bill. This is a surface transportation bill, which is a sub-level and should be a much easier process.
- Received letter from Norfolk County Commissioners that they will disperse the money to us directly.
- SEMRECC Board of Directors met last week. Things are going well and a number of other communities would like to join as well and are going through the process of how they will join.

9. 8:45pm - Selectmen's Update

Subject 9.1 New Business – LG - Budget and Town Meeting Process Debrief on Monday. If you have any thoughts on what to improve including process and policy.

Subject 9.2 New Business - Recognition of Paul Harris Award to Planning Director Paige Duncan

LG – Paige is a do-er and I love that about her. The rotary club also recognized that. Reading of letter that acknowledges the Paul Harris Award to Paige Duncan for her work in our community.

ME – For the 5 years I've been on his board I've been amazed with the work you have done and we are very lucky with all the work you do. This recognition is well deserved.

PD – I do love working in Foxborough, there is something special here and is a great town.

Subject 9.3 Old Business

LG – Concert on the Common with Jaycees this week. Planning Board will have this meeting if you are at the concert it will be recorded and available to watch later.

SM – I had been to Shovel Town and it is great.

LG – They carded everyone and had identifying wrist bracelets. A neighbor had also commented that the fence now blocks the back of the plaza which was a welcome addition.

SM – I would also like to acknowledge the passing of Rosemary Buckley.

Deb Stewart - 44 Neponset Heights Ave. – I was close to the Meals Tax process and spoke with Larry Harrington and others who were close to this issue back when it was first discussed.

LG – We ended on a really good spot. We agree we have to amend the policy and 4 things we need to update on the policy. Is there something else that you need clarified?

BK – We finished that we will make both FY21 and FY22 payments in FY22 in the fall of 2021 and Spring of 2022. We are on schedule and we didn't want to committee to a cost that we couldn't reach. We also would be able to use federal monies to supplement.

LG – We are clear going forward that if we fall short in meals tax that we need to make the rest of the payment up.

DS – I got the distinct feeling that we would move in a different direction.

LG – We aren't going to do that.

Christina Metcalf – The Foxborough Cultural Council is having their grand opening of the Foxborough Art and Nature Conservation Passport on June 26th at the Lane Property at 10:00am.

10. Action Items

Subject 10.1 BOS - Discuss and vote to accept/adopt Personnel and Policy Guide

Motion to adopt Personnel and Policy Guide as recommended by the Personnel Board by S. McGowan 2nd by M. Elfman.

Discussion: LG – No polices have changed they were just all put together.

Approved, 4-0.

Subject 10.2 BOS - Approve Remote Meeting Policy for Boards and Committees

Motion to adopt the Remote Meeting Policy for all Boards and Committees of Foxborough by S. McGowan 2nd by M. Elfman. Approved, 4-0.

Subject 10.3 Normandy Farms - Approve 4 One-Day Liquor Licenses for July 7, August 11, September 18 and November 6, 2021

Motion to approve 4 One-Day Wine and Malt Beverage License for Normandy Farms Campground LLC d/b/a Normandy Farms Campground for July 7, August 11, September 18 and November 6, 2021 by S. McGowan 2nd by M. Elfman.

Discussion: ME - What are the events?

KL – It is their different food truck events that they normally have in the summer.

Approved, 4-0.

Subject 10.4 CBS Sporting Club - Extended Hours request July 10, August 7 and September 4, 2021 until 2:00am for UFC events

Motion to approve the extended food service hours request for CBS Scene d/b/a CBS Sporting Club for July 10, August 7 and September 4, 2021 until 2:00am. Alcohol service to remain as in existing license by S. McGowan 2nd by M. Elfman.

Discussion: LG – This is just the UFC fight events that we usually see.

Approved, 4-0.

Subject 10.5 BOS - Commercial Parking 2021 Renewals

Motion to approve thirty (30) Commercial Parking Permit renewals to expire 6/30/2022 by S. McGowan 2nd by M. Elfman.

Discussion: LG – There were one or two that had payments to make.

KL – I have been working with Finance and those will have to make payments before receiving their license.

Approved, 4-0.

Subject 10.6 BOS - Approval of BOS Minutes from 3/30, 4/13 and 4/27 meetings

Motion to approve the March 30, 2021 Board of Selectmen Meeting Minutes by S. McGowan 2nd by M. Elfman.

Discussion: LG – There were just a few minor edits that I sent to Christina.

CM – Those changes were made.

Approved, 4-0.

Motion to approve the April 13, 2021 Board of Selectmen Meeting Minutes by S. McGowan 2nd by M. Elfman. Approved, 4-0

Motion to approve the April 27, 2021 Board of Selectmen Meeting Minutes by S. McGowan 2nd by M. Elfman. Approved, 3-0-1. S. McGowan abstained.

Subject 10.7 COA \$300 Donation

Motion to accept donation of \$300 to the COA from an anonymous donor for Senior Center programs by S. McGowan 2nd by M. Elfman. Approved, 4-0.

Subject 10.8 COA \$240 Donation

Motion to accept donation of \$240 to the COA from the Friends of Foxboro Senior for Tai Chi in March and April 2021 by S. McGowan 2nd by M. Elfman. Approved, 4-0.

BK – Congrats to the FHS Class of 2021 and wanted introduce Kyle Rourke.

LG – What the entire school staff did this year was amazing.

11. Adjourn – 9:04pm

Motion to adjourn by S. McGowan 2nd by M. Elfman. Approved 4-0