

Tuesday, July 20, 2021
Board of Selectmen Meeting Minutes
Town Hall, Gala Room, 40 South Street, Foxborough
7:00 p.m.

Members Present: Leah Gibson, Chair
Stephanie McGowan, Vice Chair
Seth Ferguson, Clerk
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 Assistant*
*Attended remotely

1. 7:00pm - Citizen's Input

2. 7:05pm Public Event Applications - Jaycees Vendor Fair & National Night Out – Amy Labreche, Jaycee Vice President-Membership, Chief Michael Grace

Subject 2.1 Discussion and vote on the Public Event Application for the Jaycees Vendor Fair on October 9, 2021

AL - We have a fall and spring vendor fair, this will be the first once since Covid started. We are looking to have it on October 9th with a rain date of October 10th.

Motion to approve the Public Event Application for the Jaycees Vendor Fair on October 9, 2021 with a rain date of October 10, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

Subject 2.2 Discussion and vote on the Public Event Application for the Jaycees/Foxborough Police National Night Out on August 3, 2021

Mike Grace – On August 3rd is National Night Out and it is a night out to get to know your public safety officials and being apart of the community. It’s great to be supported by the Jaycees and I’m grateful to be supported by them. Sergeant Collins is working with the Jaycees on this and reaching out to different groups. There will demonstrations and activities for the kids. We’ll have bounce houses and the Kraft Group wil

AL – We’ve have a lot of community organizations such as the Library, Human Services, GATRA, etc.

SM – Is this a new event?

MG – We’ve done it before, just not during Covid.

Motion to approve the Public Event Application for the Jaycees/Foxborough Police National Night Out on August 3, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

3. 7:10pm Public Event Application - Max Performance/Sharon Triathlon – Tim Richmond* Event Director for Max Performance

TR – We will be having the Sharon Triathlon on August 15th. We have a long and rich history in the town of Sharon and have been doing it for the last 12 years, coordinating with the Sharon Recreation department. We are requesting cycling access in a small portion in Foxborough. We have a police detail at Willow and East Street. We are excited to get back to racing after a year off. We’d like to invite people to visit the website. We are interested in working with the community for this event and work the course or different parts of the race. Thank and let us know if you have any questions.

LG – This is a bit different then the route we normally see on the East Foxborough side.

EO – How many participants do you anticipate?

TR – Usually over 550 but we are hoping for around 400. The cyclist travel in single file in the flow of traffic. It's not like Pan Mass where you would have them all on the road at the same time.

LG – All the signatures are in and there are no issues with this application.

TR – Thanks for the opportunity to present tonight.

Motion to approve the Public Event Application for Max Performance and Sharon Triathlon for August 15, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

4. 7:15pm Brigham & Women's Mental Health Equity Grant -Human Services Director Marc Craig*

MC – Back in December in 2019 because Brigham & Women's (B&W) installing a new MRI and determined needs assessment of the community. B&W created an ad-hoc subcommittee which Pam McGuire was on and had 3 meetings to establish and identify priority needs. In March 2020, Covid happened and this project was delayed. In March 2021 B&W regrouped and in April asked for letters of interest for the grant. We submitted a letter of interest to request \$205,973 for modernization and expansion of the Foxborough Van Gogh transportation system. This allowed us to update our Ford Taurus to a handicap accessible vehicle and to provide for additional changes to our transportation system. We also requested \$137,270 to improve mental health in a post pandemic society. We then were awarded the full amount for transportation and we combined ours with the school department for the mental health grant. We will use \$80,000 to purchase a new vehicle, \$84,560 for a part-time transportation coordinator (over 3 years) \$33,415 for a fixed route part-time drive (over 2 years), \$5,000 for technology, \$2,000 for vehicle graphics and \$1,000 for publicity. The mental health grant was \$60,000 for a health interface program (over 3 years), \$15,600 for a domestic violence support group (over 3 years) and \$1,000 for publicity.

Improving Foxborough's mental health in Post pandemic society. INTERFACE is a remote mental health resource and anyone in the community can use it. The mental health counselors follow up with it. Pam and Christina aren't able to follow with everyone. B&W is going to fund transportation for the next 3 years

LG – Is the \$80,000 the new vehicle we have already or would this buy something new?

MC – This would replace the Ford Taurus sedan with something like a minivan with a ramp into the vehicle to make it handicap accessible.

LG – I get questions about what happens after the grant runs out? Is this a position we will continue funding, is there additional insurance and other costs.

MC – My general philosophy for vehicles is to not have funding come from the general fund or capital but to be able to use grant funding.

SF – This would be an add to the head count and budget in 3 years with the transportation coordinator

MC – It would be something that we would have to figure out 3 years from now if that's an essential function our department or could be rolled into another position.

SF – This is an add to current service levels.

SM – I want to make sure that three years from now there is a plan. What happens in 3 years and you don't have the funds for that person

MC – You would be looking at \$20,000.

SM – Where did the sedan come from?

MC- That was purchased in 2014 using capital funds.

SM – I see the need and grant money is wonderful but just wanting to make sure that there is a plan developed if we don't get more grant or other funds.

BK – That is not a net add, he would have to replace that Taurus with Capital funds this

MC – A new vehicle will cost \$80,000, if the question is about the part-time transportation coordinator who's making \$22,000 I'm very ready to have that conversation 3 years from now.

SM – You are replacing a vehicle for 2.5 times what you would have spent replacing the sedan.

BK – The vehicle won't be replaced in 3 years, more like 6-7 years.

SM – As soon as that grant money stops we are stuck with adding something to the budget.

MC – This is the plan to find alternative funds. I would also in the future, look for grants to continue these programs.

5. 7:20pm DPW - Common Trial Traffic Pattern Update from DPW Director Chris Gallagher*, Town Engineer Lance DelPriore* and Planning Director Paige Duncan*

CG – We met on June 8th and presented information and there were concerns about the width of the road and we gave it 6 more weeks and Lance will go over information and our recommendations

LD – We widened the roadway and parking spots. We conducted a couple trials and Kittelson did a survey at the Farmer's market on the June 24th with 49 responses. We did another online survey and we got about 100 responses on this one and got 400 last time. Not a very positive response for parallel parking but in our experience it does seem to work. They do like the widened lanes but do prefer the angled parking. We did a traffic report with the police department. We found the speed that people were entering and leaving wasn't bad and they found 0% above that limit. Not a significant number of people speeding from the data we collected. In terms of next steps would be to return to the angled parking and have a sidewalk. We think the parallel parking is viable but maybe not right for this time.

CG – This trial was a great experience that it is trial was a great experience and was good to see that it does work and people can parallel parking. There was a library event today and people parallel parking. It does work but some people don't like and this tells us that this might divert people from stopping at the Common and visiting businesses. We recommend that we revert to the angled parking and create a 5 foot sidewalk.

LG – I was a bit indifferent, but if I was going to the Farmers market, my preference would be do angle park instead of parallel. This was a good trial and to do. People may not notice around the common all the tweaks you did along the way and thank you for that. I like the recommendation. This was through a trial and we didn't have to do it with tax payer money, for me it's a win with the pedestrian and island. Would the parallel parking stay?

CG – The parallel parking would go away so we can keep the back out buffer. It won't be as wide as it was.

LG – Do we lose or add spaces, reverting back?

CG – If we kept parallel we'd have a couple of other spots go away. If we kept parallel we'd go down 2 spaces.

ME – The parallel parking worked and showed us a lot and slowed down traffic, quite a bit. I can see the same as Leah going back to angled, it worked. I liked the two different signs at Mechanic and the one further down, slow down and use your directional, was a great sign as well.

SM – For me I could have gone either way. I'm glad we did the trial and the adjustments to the trial. Like Doc said it work it was just not preferred.

SF – Can we comment now for the exit to Mechanic and Cocasset for next steps?

CG – We talked about that a little bit for June 8th, it would be similar to what we are going to do on South Street. The same time we do the South Street we do the Mechanic and Cocasset one at the same time.

SM – We talked about something portable for winter time and look into option of what would deter people from driving over.

CG – We can do it in stages and see what works. The large tractor trailers need the swing room as they exit on to Central Street and my concern with going with a vertical curbing.

LG – This was a great exercise with departments working together and community surveys. We've come to a decision that will work

Motion to Revert to Angled Parking, but with 3 foot parking offset plus 2 foot existing gap that would allow for creation of 5 foot pedestrian walkway by S. Ferguson 2nd by M. Elfman.

Discussion – LG – When would you be able to do this?

CG- I'd have to work with the Highway supervisor to determine how to do it and do it clean. This would bring in a contractor to do a service treatment and will give information to Bill as soon as I get it. Hoping to get it done before school starts.

Approved, 5-0.

6. 7:40pm 119 Morse Street Realty Trust/Foxstar Corp - Informational Session regarding a proposed 40B Local Initiative Program Application for Comprehensive Permit Project - Michael Saegh, Bill Casbarra, Bob Engler – 40B, Jeremy Lake- Architect, Bill Buckley, Paige Duncan*

LG – This a a new type of project that hasn't come before the board before. We don't expect to make a vote tonight but rather listen, learn and ask questions about this project.

Mike Saegh – Introduction of 119 Morse Street Realty Trust team. Bob Engler is out 40B consultant and will walk you through the process of why we are here in front of you. Bill Buckley, our engineer, will give you site specific information and history. Jeremy Lake is our architect and land planner and will walk you through the site plan. Bill Casbarra who handles our zoning issues and strategy.

PD – I do want to highlight, there will not be a decision tonight. This is a chance for the board to hear this presentation and this will be continued to a meeting in August. This is filed under Chapter 40B and is filed under a Local Initiative Program (LIP) and the BOS is being asked co-sign on this application We are currently have 12% of Foxborough housing is 40B. Based on the conversations on housing that I've had with community members, there is a missing middle of housing. I think this project is being proposed to meet that need. The proposed project being 40B has to have an affordable component being at least 25%. This is an ownership project, not a rental. LIP projects like 40B are subject to profit limits. This is a mechanism to obtain affordable housing. Our zoning doesn't allow it. This property that is identified as a possible site in our draft housing production plan. It is relatively isolated. It is served by sewer and water and located about a mile from Mansfield. The BOS cannot deny but they would just not sign up to support the project. It would go to Zoning Board of Appeals. They are asking to partner. I suggest that after tonight meetings department heads and staff meet about the project to talk about the project. And I suggest the developer submit a written narrative describing the clear benefits and allow for community input by stakeholders at the August 17th meeting.

LG – Our decision would be if we are partnering with this 40B LIP.

Bob Engler – Thank you for the introduction. I've been involved with 40B for about 50 years. I was on the task force that created the LIP program. The LIP was so the town can be proactive and be part of a program to negotiate with a developer in a cooperative way. There is a role for the town to play which is to negotiate something that the town likes. There are all kinds of things that can get negotiated before getting to the zoning board and finally sign this as a concept DHCD. You are asked is this is a good project for the town.

Bill Buckely – I've put upon the screen the existing condition for the site and this history of it. It is a 6 acre parcel of land on Morse Street. For years this was Willow Grove Nursery. The site is served by water and sewer. It means that your sewage flow is limited and being on sewer is a good thing because now your effluent isn't going into the ground and you'll still get recharged through the drainage system. The site was permitted in 2008 for 33 contractor bays and the rest would be rented by small contractors. It was about 43,000 square feet and that was never built. As you look at the top of the map it is Conservation land and is the Rumford River Green belt. It's surrounded by conservation. There is one house there now and it's a thriving little area. It's a good site for this type of density. It's near conservation and industrial areas with only one neighbor.

Jeremy Lake – We will be retaining the existing house. The series of buildings along the pond edge will be 5 cottage duplexes. We've decided to keep some of the trees that are in good shape and that residents can walk out to the common green space. For the back portion of the site they would be 4-plexes and have a garage and space in the driveway. There are 52 proposed units, 40 units in 4-plexes, 10 units as duplexes and the existing house will be divided into 2 units. Each unit has 2 parking spaces with additional guest parking. Looking to preserve some of the trees and greenery as well as be preserving some trails into the conservation area as well. Review floor plans and outer views of each housing unit. The new architecture and design will pick up from the existing house and traditional character of Foxborough. The example shown here is from Concord and you can see the shared green spaces that will be heavily landscaped and tie out to the conservation land and sidewalks that connect everything.

BE – This is workforce housing and for people who make \$60-\$90k a year but DHCD will work with the town on that. These affordable unit and will remain affordable. The market units go for what the market is at the time.

JL – The 25% of affordable units will be distributed throughout.

LG – Things to think about as we comeback, will this be publicly or privately maintained, will there be condo fees and other things as we dig deeper.

SM – Did you say that the market rate also stay at market rate?

BE – The market rate floats with the market. The 75%/25% mix is continues and the affordable are governed by who they get to sell and a monitoring agent helps the buyer/seller in the future sell an affordable unit to someone else who is affordable.

LG – There is a lot of property in town is restricted to stay affordable.

BC – Keep in mind those specific questions and conditions will be put in the permit from the board of appeals.

LG – I've seen things like this in other communities and this is interesting that could be possible for Foxborough.

ME – This is great and seems like it would be in Paige's wheel house.

MS – It's a great location near the train station. This idea came from a place to downsize and there is no place in town to do this and prices have gone crazy.

BK – This is something that Paige and I have talked about for a long time for something that would make sense for Foxborough. The end of the day you have the cost of land and housing and you end up with high costs. This is an opportunity that and create a housing opportunity for seniors to be able to downsize and still stay in Foxborough.

LG – No one can argue that Foxborough needs affordable housing, we need to digest this and see if this works and do homework to see what different departments.

SM – It seems like it's a beautiful project. We have a lot of projects with South Street, the Fire station, Wall Street, Walnut and which is supposed to help with seniors as well. How many pieces here are going to be affordable? I'm worried we could jump our population by 2,000 people and my concern is what it will do to public safety and schools. There are so many projects that are going in town and I worry about that. There is a reason why Foxborough is zoned the way it is. Right now the people are hurting for housing are the same who are hurting because of what their tax rate is and what they are paying for taxes

LG – That is the research that we need to do. Paige could you give us an inventory of projects that are out there and have other department weigh in so they can we make the decision of whether or not to partner in this project.

BE – Boards ask departments to give reports and give specific questions to the developers.

BK – What is interesting about this proposal is that you have say in the conditions and you have some level of control and that will be helpful for the community.

SF – To address Stephanie's concerns, with this project we are increasing our tax base. The picture that Paige painted is that this project needs 40B to move forward and that means more state control over Foxborough town resources.

BE – It doesn't mean that for town's resources. It only has regulations that govern this type of development. As Paige said, if you're zoning doesn't allow the density to create affordable housing after all the affordable housing is created here, totally internally on the development itself and the 75% of the support the loss of building housing that's affordable there's a significant real cash loss when you're building housing that sells for below what housing costs to build. But that's handled internally so that's all that 40B does. It has no impact on your grant writing or resources and adds to the ability to capture resources if you're doing affordable housing doesn't. State subsidies look favorably on a 40B LIP. You are just trying to make the housing more affordable and it will stay that way. Just as a note that children are a protected class and if you talk about not wanting more children in the schools, it is a liability issue. It is not a subject for 40B review.

SF – One other concerns is high density in the area, is Chestnut Green a similar comparable area?

BB –The density on that project that was part of the state hospital. The density was limited was limit to what we had in the R-15 zone. It's 8 units for every 60,000 sq. feet. This is not comparable. We are talking 52 units on 240,000 square feet on this proposed projects.

LG – Going to all these plans, if we are under the 10% then developers can come in and we don't have a lot of control. This is friendly 40B where we are over it and we can say we want this to be a 40B project and have bit more control.

ME – Under 40B you couldn't make this an over 55 community?

BE – Yes, If you had a specific requirement and could show that to DCHD. You can do whatever you want as long as the affordability is mixed in there.

JL – That is where you have to be careful with things like density. It's someways you are penalizing it by having smaller units because the same square footage with bigger unites would be less units with lower density which

sounds like a win but when you do your inventory you'll realize what this town really needs are units of a smaller size not bigger.

BK – The equation continues to go back to the cost of land. To achieve a more affordable home you need to have less land and higher density.

LG – A lot has come up about local preference after it sells we can't control it but could you address it for the initial offering.

BE – When I say 70% there is a local preference, and there is an affirmative marketing preference. At the end of the day you're going to have local people.

SM – Going back to what Seth said about the tax base, if Walnut Street goes in there's no tax on that. We are still adding a lot of people. I thought I heard housing authority does not pay taxes.

PD – We discussed looking at a PILOT or some mechanism in the RFP and development agreement to try to cover some of those costs.

BE - This pays full taxes unlike housing authority land.

LG – Wall Street is so conceptual now that it could be 200 but we have no idea what that will be.

ME – Have you thought of this being an over 55 community.

MS – We didn't want to limit it to one segment.

SM – Are you planning on staying in this development?

MS – Yes, potentially.

SM - There is a need for affordable housing but the need for seniors is what we keep hearing.

MS – There are a fair amount of people who want to downsize and then that house would be filled by a family.

Linda Shea, 20 Market Street – I've been on the HPP committee and what I want to point out is that affordable and low income are two different things. This is always confused. Those are the people that say they need something else. It's not that they can't afford it but there is no stock/housing available. Affordable for Foxborough is going to go by the Boston metropolitan.

MS – The people going into Walnut Street will probably not be going into Morse Street.

Linda Shea – Not everyone in town is against alternative forms of housing. I see the need for alternative, denser compact places, we need handicap accessible.

LG – It is a very unique location and could be a good fit for Foxborough. I'm looking forward to the next meeting and see what additional information and research you and the town will have to present.

7. 8:10pm BOS Appointments & Handbook

Subject 7.1 Appointments of Election Workers

Motion to appoint 72 Election Workers for a term to end August 31, 2022 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

Subject 7.2 Review and possible vote to approve the 2021 Board and Committees Handbook

LG – I appreciate the redline edits with Town Counsel and Christina’s edits. I think it ended in a good place and with just minor question about the signing sheet.

MJ – We are going to pull the sign sheet off and leave it on the appointment letters.

LG – I want to make sure we are sending this out and people are signing it.

MJ - We had a lengthy discussion and have a plan for tracking.

LG – Since it’s revised it should go out to everyone.

MJ – We are going to provide it electronically and make it available on the website and provide hard copies upon request.

SF – One of the things that we talked about was the liaison between the various boards and committees and commissions with the town. I did some work and most are covered by department heads. It was a mixed bag as to department heads preference. It is clear that the Board will be the liaison to the other boards and committees in town. Should we change it reflect the department

LG – That would be my preference and make it apart of the department heads update that they give to the Board.

SF – As long as we get a good sense of the work they are doing and policy that are creating. And make sure that they are aligned with the policy that we are creating.

EO – Are we interfering with the role of the Town Manager? If they get a no from the Town Manager on a project or issue coming to us would be a problem.

BK – That is not a concern and you can always request more information from a board or committee if you want it.

LG – I don’t think there is an issue and it is covered in the board and committee handbook.

BK – The Goals is to provide a free flow of information.

LG – The communications plan will help as well, providing YouTube recording for meetings to provide greater accessibility.

MJ – This past week at our operations we’ve it was communicated that we will continue that and have the boards they are liaison with to be able to report and give updates.

ME – That is a better flow anyways and we can attend any meetings we want and let Christina know if there will be 3 of us going to be posted.

LG – It would be liaison with the department head not with the Selectmen. My recommendation would be to accept this and wrap everything we’ve been talking about into that paragraph.

Motion to approve the revised Board and Committees Handbook with the refinement on the section regarding liaison and communication between boards and committees and the Board of Selectmen by S. Ferguson 2nd by M. Elfman.

Discussion: LG - When do you expect to start those again?

MJ - September

Approved, 5-0.

8. 8:20pm Assistant Town Manager's Update

- Board & Committee Chair Training Update – We will be having this in September, for chairs and vice chairs and anyone else that would want to do get the training. The training should enhance decision making, communication and representation of residents and business. We may do the team training and have one board or former chair with a staff liaison and give the professional perspective as well as a chair perspective and could give an enriched presentation.

LG – Possibly someone from Town Clerk's office as well?

MJ – Sure, topics would cover roles of the members, professional liaison, why do you have a meeting, how to make good decisions, and meeting management including pre, during and post meeting actions. Also conduct during a meeting for members, staff and citizens as well as getting into the Board and Committees Handbook, building consensus and relationship building.

LG – We should try to keep it to an hour or 75 minutes at most.

- We have hired a Finance/Assessor Administrative Assistant and getting close to hiring a Chief Assessor.

9. 8:30pm Town Manager's Update

- Would like to mention the passing of Foxborough Housing Authority member Tom Kelly and our condolences go out to his family.

9.1 Update regarding options for Trash & Recycling for Town – I reach out to Kathy Merser from Mass DEP and she was able to lay down the different options that we can do and will get those from her and will present at the next meeting.

9.2 Update on American Rescue Plan Act Funds – The County Commissioners have agreed upon a direction and will take on that roll and are working with Plymouth and Bristol county to develop an oversight and review process that will be consistent with the federal government guidelines. Good news that we won't have to be responsible for the auditing piece. It's our responsibility to give them projects that they would fund.

ME – Wasn't this against what all Town Managers wanted?

BK – We wanted to make sure that they wouldn't spend money on their projects not ours. We will now have to review the project with them to ensure that we follow the guidelines but we will get the full amount of money that we are allocated. They will take the money, invest it and use those dividends to administer the funds. They will be hiring a 3rd party administrator to do this. We should know by late August or early September the process and how we can use the funds. It is different from what we anticipate happening but as it currently stand I don't believe it is a bad thing.

ME – They are getting input from Plymouth and Bristol County as well?

BK – Yes, and Plymouth was good at distribution with the CARES Act funds.

- July 24th will have the fireworks at Gillette stadium

10. 8:40pm - Selectmen's Update

10.1 New Business – We were slated to have 3 meetings in August and decided that we could not have the next meeting on August 3rd.

GA Barbers on Central Street in town opened this week.

10.2 Old Business – None.

11. Action Items

11.1 BOS - Approval of BOS Minutes from 6/22/21 meeting

Motion to approve the June 22, 2021 Board of Selectmen Meeting Minutes by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

Discussion LG – We did talk about condensing the minutes a bit and summarize some of the conversation points further.

ME – We did talk about a year trying to get video as approval for minutes

BK – That won't get any traction on the state level.

11.2 COA - Acceptance of a \$70 donation from Stop+ Shop Bloomin 4 Good program and \$750 from Ahern Middle School Parent Advisory Council

Motion to accept a \$70 donation from Stop + Shop Bloomin 4 Good program and \$750 donation from Ahern Middle School Parent Advisory Council to the Council on Aging and Human Services for programming by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.3 Public Safety - Acceptance of a \$750 donation (\$375 going to Fire and \$375 to Police) from the Ahern Middle School Parent Advisory Council

Motion to accept a \$750 donation (with \$375 going to Fire and \$375 to Police) from the Ahern Middle School Parent Advisory Council by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.4 Scorpion Bar - Extended Hours Request for food and alcohol service to begin at 10:00am on 9/26, 10/24, 11/14, 11/28 and 12/26

Motion to approve the extended food and alcohol service hours request for Scorpion Bar to begin at 10:00am on September 26th, October 24th, November 14th and 28th and December 26th, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.5 CBS Sporting Club - Extended Hours Request for food and alcohol service to begin at 9:00am on 9/26, 10/24, 11/14, 11/28 and 12/26

LG – We have not seen something for 9:00am for alcohol service.

KL – The manager is okay with 10:00am but in doing research the LLA can do as early as 8am and as late as 2am.

Motion to approve the extended food and alcohol service hours request for CBS Scene d/b/a CBS Sporting Club to begin at 10:00am on September 26th, October 24th, November 14th and 28th and December 26th, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

12. Adjourn – 9:12pm

Motion to adjourn by S. Ferguson 2nd by M. Elfman. Approved, 5-0.