

Tuesday, October 12, 2021
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
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. 6:30pm Executive Session

1.1 To conduct strategy sessions regarding Collective Bargaining Negotiations with Foxborough Police Union Local 379-MCOP AFL-CIO regarding exiting Civil Service and then reconvene in Open Session

Motion to convene in executive session to conduct strategy sessions regarding Collective Bargaining Negotiations with Foxborough Police Union Local 379-MCOP AFL-CIO to reconvene in Open Session by S. Ferguson, 2nd by M. Elfman.

Roll Call Vote: EO – Yes, ME – Yes, SF – Yes, LG – Yes, SM – Yes. Approved 5-0.

2. 7:00pm - Citizen's Input - None

3. 7:05pm Foxborough Police Department - Department Update, Review of Civil Service Article, and Approval of Memorandum of Understanding (MOU) with Foxborough Police Union Local 379-MCOP AFL-CIO regarding exiting Civil Service

3.1 Department Update on Foxborough Police Department

MG – Review of operational structure, we have 39 officers. I’m the result of an agency and people who work below me that demonstrate a level of professionalism that allows me to present some great information that Foxborough residents should be proud of and how their police department represents themselves.

Our 2021 budget was about \$5.2 million not including CIP which we didn’t use last year. Our agency is built off of 21st century policing and built on 6 pillars. Our department is dynamic so tonight I will talk about staffing, police reform mandates and community initiatives. I lost 2 officers with serious injuries, 6 officers transferred or retired. That is an entire patrol that is not showing up every single date. With Covid we were able to pull some School Resource Officers (SRO) but now that is not possible with school back in session. Even with this we are in compliance and answered all of our calls. The Foxborough is in full compliance with all the 37 mandates with the Act Relative to Justice, Equity, Accountability in Law Enforcement in the Commonwealth.

Community initiatives: Sgt. Valesay Collins is now in charge of SROs as well as other community initiatives such as partnering with the library.

Training: Classes at the Police Department. This was done in compliance with Covid

Operations: We are continuing transfer of operational duties. We are data sharing with the DOJ with drugs as well as domestic violence. I have allocated 2 SROs and a supervisor to deal with all the schools and to ensure we don’t have any gaps in serving the children of this town as well. We have a domestic violence follow-up program. We are processing approximately 20 License to carry applications per month. We have traffic grants of \$27,000 for traffic equipment and enforcement. We created a traffic complaint email process for residents. We have issued 3,218 complaints and that doesn’t include the verbal warnings we gave. We average 69 calls a day, that’s 3.5 per hour. This does not include Gillette Stadium. Gillette has 1 call created and those are collected into that 1 call.

SF – Is that someone responding or can the call be taken over the phone?

MG – That is an officer responding to a call. We have had 166 arrests, which is low. We are trying to pull back in to taking people into custody with Covid. The courts are backlogged due to Covid.

LG - Any new crash hotspots?

MG – We can get that data up but the regular spots. You need data to address traffic issues.

SF – It's amazing that you had 166 out of thousands of calls.

MG – You still have thousands of police reports that are criminal complaints. We have maximized our MIIA credits to reduce our insurance. We have \$81,000 from the Gaming Commission to have training. We have procured safety equipment for department for civil disturbances and crowd control. We have received a body camera grant through Justice Dept. and EOPSS. I'm currently working on strategy to exit civil service. We are inundated with 1,800 public records request.

Gillette Stadium: we spend over 3,000 hours on stadium related events. We have to plan for all contingencies, we that thought we would have concerts and we didn't, but we have to prepare because it's more than a day of preparation and planning for these events.

Thank you to the Board and Town Managers and community for all your support. Running an agency isn't developing policy it's making sure that we treat employees as people who have ups and downs.

BK – Mike Grace has just finished his 2nd year as Chief and he has done a terrific job. He has had some challenges including the new police reform act as well as getting out of civil service. Being a host community for a major venue like Gillette is a challenge of its own. They are working their way towards accreditation.

EO – Early on you had talked about a training aspect. You had said they aren't putting out trainings like they did a few years ago. Has that stopped completely?

MG – They took the system we have in place and wanted to get rid of it. To do this you need to provide training and facilities to provide that training. There are little academies all over the place but nothing centralized. Covid has enabled us to do online training but there are other trainings that need to be done in person. You lose the intangibles when not being in person. If I hire a police officer today I won't have an academy until March. It's a year and half to get a new officer. To get out of civil service will save us time.

3.3 Review and approval/disapproval of Memorandum of Understanding (MOU) with Police Union Local 379-MCOP AFL-CIO regarding exiting Civil Service

BK – The Board has considered, with Labor Counsel and the Chief, and worked on an MOU within the Town and police union. This agreement states that we will remove the town from civil service and this will then go to Special Town Meeting and then state legislature. This will allow us to get out but also for those who were in it to retain the rights. The MOU goes first so we have agreement then can vote at special town meeting. To get out of civil service the town agreed to fully fund the Quinn bill. This language awards officers with a degree additional pay for having a degree. The first advantage is to be able to have a better way of hiring. By having support for the Quinn bill allows us to be competitive across the commonwealth. It is very difficult now to attract good candidates for roles. This places us in a much more competitive position and benefits both parties.

Motion to approve the Memorandum of Understanding with Police Union Local 379-MCOP AFL-CIO regarding exiting Civil Service by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

MJ – I have 2 updates that need to be made to the MOU, The first thing is a word change, the second change will be to change the date of the MOU.

3.2 Review and discussion of Civil Service Article on the Special Town Meeting Warrant

ME – Once it goes from Special Town Meeting assuming it's approved how long will it take to get through the state?

BK – We'll file a local petition and go from there.

4. 7:45pm BOS - Review of Special Town Meeting Articles and Signing of Special Town Meeting Warrant

LG – Does the board have any questions on non-planning articles, those are being reviewed on Thursday?

BK – There was confusion about if we made our 2020 OPEB payment on a quarterly basis as we usually do. Covid impacted us in 2020 less so in 2021. The primary source of funding for OPEB is the meals tax. In a normal year we collect \$1 million that goes towards OPEB. From the actuarial report we should be make a \$1.6 million towards OPEB for 2021. If we do a lump sum payment in 2021 we would pay it in calendar year 2021 (not Fiscal 2021). We have not made a payment for FY22. We only have a quarter of revenues in but we are on pace to see the revenue we did a year we see that would. We would make a lump sum payment at town meeting in May or in Fall of 2022 depending on where our revenues fall. Fiscal 2023 should put us back on track. Both OPEB payments will be made in their entirety. We haven't funded OPEB since FY20 our investments have grown by \$2.86 million. That is a fluid situation that could change on market conditions. If we get back on track we should be ahead of schedule and we are please were we are right now. We looked into using ARPA money to make that payment. I will get into this more tomorrow at the Financial Summit. Our local receipts were down by 8%. We can use that to artificially reduce and then use have if we have excess of our estimates that money will go towards free cash.

SM – Do we have to take action about how the meals tax was spent?

LG – It is all spelled out in the updated Financial Policies we are approving tonight.

BK – The next article is regarding the Southeastern Regional School committee. There was an ESSER-II Grant for that contribute. We fell short of the contribution by \$38,000. We started with 17 articles. There were 2 articles that were the Kraft groups and they decide to pull them and not pursue them at this time. The 3rd and 4th articles removed were street acceptances that have to be reviewed by Conservation and presented at a later date.

The only other one to note, was the CIP committee article to add a designee for any person who is appointed. I has been practiced that way but the language wasn't clear.

LG – If we have no further questions, Planning Board will have their public hearing for their articles. The next meeting we will take position on our articles, but do we want to take position on other articles that are not BOS sponsored.

BK – Will the Board want to take position on all articles or just those that are sponsored by the Board?

SF – There are a couple that I question but they aren't there anymore.

SM – If we are voting on any of the articles to make a recommendation, why wouldn't we do it on all of them? Even though we brought them forward, the perception at town meeting is that we have town manager and Board recommendations, why wouldn't we do all.

LG – It hasn't been done the same way every year. Looking back we did take position on the budget and CIP article that was a citizen petition last year. We are voting on just BOS and citizen petitions.

SF – As the policy board we are sponsoring these articles, to what extent are we sponsoring the planning articles? What is our role in those articles? If the BOS isn't interested in bring an article from the Planning Board or want something changed in the article, is the process that we can say that or is that all on the Planning Board.

BK – It is the Selectmen's warrant that you are allowing zoning articles to be on it as the BOS is the only board allowed to open a warrant. You have more jurisdiction over a Special Town Meeting warrant than an Annual. With

a STM warrant you can reject or add any article that is put before you. There is also different requirement for a citizen petition articles. There is no one answer to this and is different everywhere you go.

SM – We should decide what we are going to support and be consistent.

SF – If the Board doesn't support an article, does it even show up here and go past this meeting?

BK – There are 2 stages, putting it on the warrant and then making a recommendation.

SF – Its deciding what is on the warrant, which then goes to the Ad Comm for recommendation.

SM – A citizen's petition has to go on the warrant.

BK – The Board can determine that they only want a certain amount of articles. The part that is not clear is whether or not you want to make a recommendation on other warrant articles

ME – Traditionally, at Special Town Meeting we are letting on other articles than ours, and then further down the road I would vote on it as an individual. From being on the Ad Comm for so long you would want to take a position.

SF - Even if you disagreed, and you could impact it before it got to the floor.

ME – Yes, but that happens when we close and review the warrant.

LG – So we make recommendations on the BOS and citizen petitions articles.

ME – There is a huge difference between citizen's petition and a department.

SM – You are still impacting the perception at town meeting of what we do and don't support as a board.

ME - A citizen's petition, like the CIP one last year, we had to vet that as a Board. We would have been way off base if we didn't make an opinion. The difference is the CIP and tax one wasn't vetted by anyone but citizens. Zoning and Planning vet theirs with their boards before they go to us to be put on the warrant.

BK – What you are suggestion is that you would have recommendations for citizen petition and BOS sponsored articles?

SF – I take issue with the word recommendation. If there are 3 BOS members that don't like an article what do we do?

BK – You can decide to not put it on the warrant. The second part is making a recommendation on any one of those that you chose to make a recommendation.

LG – After this conversation, we have our decision and will take positions on all the articles next time.

Motion to approve the 2021 November Special Town Meeting Warrant as amended by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

4.2 BOS to sign Special Town Meeting Warrant

5. 8:00pm Assistant Town Manager's Update

- We have 7 current recruitments in process. We have a new Administrative Assistant in the Town Clerks office. We have the COA Department Administrator, the Veteran's Administrative Assistant, the Senior Library Assistant for the Youth Department, the Fire Department Administrator and 2 police department vacancies as well are in process.

- I spent last week in Portland, Oregon at the ICMA conference and took 15 seminars while attending that conference.

6. 8:10pm Town Manager's Update

6.1 Update on Town Manager's Trash Working Group - October 19 Virtual Meeting at 5:30pm

6.2 Update on online licensing and permit software for Town Manager's Office – It will go live by the end of the week. It is already being used by Building and Health department. It will be a soft launch this week and will be up on the website for all licenses and permits the following week.

6.3 Update on Walnut Street Request for Proposal (RFP) – It is out and available and the due date is 11/18/21 at 11am. The state did not fund our request for the light and the sewer for Walnut Street. We are going to go back and see what we can do different for our next application to be successful.

6.4 Financial Summit – Tomorrow, October 13, 2021, 6:00pm. This is virtual for the public. You will be able to ask questions on Zoom and to email BOS@foxboroughma.gov.

I did receive word about a time capsule being dug up behind us. Even though this is a shovel dig we have a process to go through. This was on town property and shouldn't have been done.

7. 8:20pm - Selectmen's Update

New Business – SF – thinking about getting with the times and having a gender neutral name for the Board and will take that up at a future meeting.

7.1 New Business - Town Halloween Events - Foxborough Recreation Halloween Parade on 10/30 from 2:30-4:00pm and Halloween Pumpkin Float on 10/30 from 6:00-8:00pm, and Boyden Library Trick or Treat on 10/30 from 10:00am -12:00pm

7.2 New Business - Common Electrical Work should be done by the end of the month. Schneider did donate \$150,000 for this work to be done as well as \$50,000-\$60,000 that was voted for this project at Town Meeting. These will be LED lights and have a nice look to them.

7.3 Old Business – No Old business.

8. Action Items

Subject 8.1 Foxborough Cultural Council - Appointment of Erica Spitz to the Foxborough Cultural Council for a term to end 5/31/22.

Motion to appoint Erica Spitz to the Foxborough Cultural Council by S. Ferguson 2nd by M. Elfman.

Discussion – LG – We should have a term end date on that. Term date to end 5/31/22.

Approved, 5-0.

8.2 Renaissance Hotel/Hilton Garden Inn Extend hours request -Approve request to extend food and alcohol service to begin at 10:00am on 10/24, 11/14, 11/28, and 12/26

Motion to approve the request from Renaissance Hotel and Hilton Garden Inn at Patriot Place to extend food and alcohol service to begin at 10:00am on October 24th, November 14th and 28th, and December 26th, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

8.3 Citizen Crust Extended Hours Request- Approve request to extend food and alcohol service to begin at 10:00am on 10/24, 11/14, 11/28, and 12/26

Motion to approve the request from Better Food Foxborough d/b/a Citizen Crust to extend food and alcohol service to begin at 10:00am on October 24th, November 14th and 28th, and December 26th, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

8.4 Foxborough Commission on Disability - Approve updated Rules & Regulations

LG – We saw this before and just removed some redundant language.

Motion to approve the updated rules and regulations of the Foxborough Commission on Disability by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

8.5 Historical Commission - Accept donation of \$250 from the Kraft Group for the Cemetery Fund

Motion to accept donation of \$250 from the Kraft Group for the Cemetery Fund by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

8.6 Veteran Services - Accept donation of \$250 from the Kraft Group as a Founders Day Donation

Motion to accept donation of \$250 from the Kraft Group as a Founders Day Donation by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

8.7 BOS - Approve the updated Town of Foxborough Financial Policies

Motion to approve the updated Town of Foxborough Financial Policies by S. Ferguson 2nd by M. Elfman.

Discussion: SF – This came before us a while ago to ask all the Boards to review and give any input if they had it.

Mike Stanton – We only looked at this informally and not voted on it. We wanted to work through the stipulated sum for roadwork in the future. We'd like to see the historical context regarding OPEB. Some of the genesis for this we weren't funding the ARC/OPEB. We would like to see additional language.

BK – The only changes were the public works and OPEB that were changed. We can look at it further, discuss it with you [Mike Stanton] and present a modified version at a future BOS meeting.

No action taken.

8.8 BOS - Approval of BOS Minutes from 9/14/21 meeting

Motion to approve the September 14, 2021 Board of Selectmen Meeting Minutes by S. Ferguson 2nd by M. Elfman.

Discussion LG – change Joanne to Joanne Drive.

Approved, 5-0.

9. Adjourn – 9:02pm

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