

**Tuesday, June 23, 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 COVID-19 Informational update

Bill Keegan – There have been 114 cases since beginning of March, 100 people have recovered, 2 positive cases right now, nobody is currently hospitalized, 10 people didn’t follow up and 14 people tested positive for anti-bodies. Nationally, 26 other states are seeing increases incases and the Northeast is going down in cases. As summer months go on we may see more cases evolve due to summer vacation travel. Phase 2 began on Monday across the state and we know have the ability to have 50% capacity in restaurants and outdoor dining as well. Restaurants at Patriot place and in town are doing well with the outdoor dining capacity. Our plan is to reopen town hall July 6<sup>th</sup> and finishing up our plans to do. It depends on guidance from the state and Town Hall won’t reopen without guidance in state.

Mike Johns – We are at 90% capacity in Town Hall employees right now.

3. 7:10pm Phased Re-Opening Update

Mike Johns – The next major milestone is reopening of Town Hall, with a July 6<sup>th</sup> target date. We have Plexiglas shields deployed in Town Hall and other buildings in town hall along with social distancing floor stickers on order. Every window wont’ be open but every office will be open. Demand for Plexiglas has gone up and it is a challenge to get it. We were down to 50% on site and rest working remotely. We’ve had 14 employees out of 33 at Town Hall and are currently up to 25. A few employees are working remotely and doing alternate shifts. Signage is still being worked on as the CDC has updated symptoms and we will make our posters when we have more solid information. Greeter will have person check in and if someone meets symptoms says yes will be asked not to come in but will be served outside the building. We are still working on the different volunteers, maybe Senior greeters and also in communication with School department to get juniors and seniors service hours or employees but the drawback is that they are taken away from serving the community. Our plan to phase people into the building is to maximize online channels and appointments as much as possible. Once things are more normal we’ll go back to the more free flow of visitors. DPW has everyone back to work and will be conducting business in the vestibule for their customers. Library is continuing to provide a curbside service and waiting until Phase 3 to open and staff is in building doing their work. No changes to Recreation. Council on Aging has all staff is there and we are playing that one by ear in terms of letting seniors come back in and will plan to bring programs out into the public.

4. 7:15pm Public Hearing - Kitchen Partners d/b/a Union Straw Application for Alteration of Premises

Public Hearing Notice read to open the hearing

Motion to continue hearing until July 7, 2020 by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

5. 7:20pm Muse Paint Bar - Change of Ownership

Public Hearing Notice read to open the hearing

Ryan Knowles, Senior Director of IT and Internal Operations – In August, senior leadership had taken funding from private equity group of \$15 million, squandered that and then was put into federal receivership, a potential precursor to bankruptcy. The receiver (3<sup>rd</sup> party fund controller) has negotiated with EAD, LLC and will acquire the

company and operate as Muse, LLC. A big part of the issue with Muse in the past has been the lack of transparency at the corporate level and they want to have permits, have regulatory operations and be above board. I've only been with the company since October and was brought on because of my particular acumen with regulatory compliance. Operationally the same but with a new operations team. Brian Reynolds name will be on the liquor license and owns EAD, LLC.

Motion to close the public hearing by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

Motion to approve the Application for the Transfer of License for an Annual Beer and Malt Beverages Restaurant License, Common Victualler, Seven Day Entertainment and Sunday Entertainment License for EAD Entertainment LLC d/b/a Muse Paint Bar by S. McGowan 2<sup>nd</sup> by C. Mitchell.

Discussion: C. Mitchell – Are there any outstanding bills?

Brian Knowles – If there is anything to be resolved, we will resolve.

**Approved 5-0.**

6. 7:30pm Verizon - Small Cell Wireless Application – Attorney Dan Klasnick, Site Acquisition Consultant ,Derek Mayou, RF Engineer Louis Teves

Dan Klasnick - Thank you for allowing me to be here in person to discuss wireless service here in the Town of Foxborough. To give a bit of background what Verizon Wireless is doing, and really the entire industry, is attempting to address the exponential demands being placed on wireless networks. Like a highway, a network can become traffic jammed and unable to function if it doesn't have sufficient capacity. Verizon is utilizing existing utility infrastructure to add capacity to its network. This allows them to avoid circumstances where you might have a slowdown in network performance and dropped calls. In compliance with your adopted policy we filed a comprehensive application with all the required materials and affidavits for five separate utility pole attachments. These are low impact installations that will be a single canister style antenna with additional equipment being installed: a remote radio head, cabling and other attachments. There is no ground equipment or disturbance and will be installing an electrical meter. What these sites allow Verizon to do in a targeted and low impact fashion is to once again offload that capacity so that the network can perform properly. These are critical to network makeup and to handle all the capacity.

Public Hearing Notice read to open the hearing

Stephanie McGowan – Will this help with the dead spots around town?

DK – This will help with the capacity.

Chris Mitchell – Was there any feedback from the neighbors who were mailed, positive or negative?

DK – We did send out the mailings as required but I did not hear any feedback from it.

Cheryl Pevin – Where is the one going on West Street?

CM – It looks like directly across from the entrance of Normandy Farms, on the Christmas tree side.

CP – I've looked online at some studies and is it safe? Are there any health concerns?

Dan – Verizon Wireless is licensed by the FCC and they are required to operate within certain parameters as far as the operational capacity as well as compliance with all mandated health standards. All facilities are fully compliant.

CP – So, it's 100% safe.

DK – Yes, the FCC working with various health agencies over the years have developed standards that Verizon Wireless has to meet. With those standards the FCC and government agencies have made a determination that

those levels are safe. The FCC and the Massachusetts Department of Public Health have adopted those same standards and are 100% comfortable that there are no health concerns as long as you're operating within those compliance requirements

CP - Where would I find that [compliance requirements]?

DK – Go to the FCC website and search radio frequency emission standards.

CP – Why not Route 1 versus a neighborhood?

Derek – The one at Normandy has a lot of lost signals which is why they are looking to put a small cell outside of that place. It's a pretty busy campground area which is why they targeted that area. The small cell has limited capacity which is why if it was to be put a half a mile away it wouldn't work as well as the proposed location.

CM – Do you have others in town?

Derek – Yes, there are 10 other sites and one right in the common.

BK – Engineers made these decisions so that is in the location that needs it the most.

DK – I believe that Verizon was primarily targeting is the camp ground with the volume of traffic they see there and it will certainly improve along West Street as well. It needs to be proximity to the campgrounds.

CP – Can this be moved further away?

DK – Verizon has worked with National Grid to determine which ones are most suitable. We are here in front of the board of selectmen because this is the one available through a licensing perspective and also would satisfy the network requirements and they are the one that approves the license. We have prepared a comprehensive application that has included why we need to be at this particular location so we would respectfully request the board of selectmen consider everything that we have gone through and the fact that we're trying to provide and improve services to the Town.

LG- Do you have specific or broad concerns?

SM – Based on information they have to go somewhere and that is going to be in front of someone's house.

ME – West Street is a dead area as you've confirmed, are the other 4 high dropped calls or dead zones?

Derek – Yes, gap in coverage what these are hoping to help

LG – How many currently are in town?

ME – 10 in town now and potentially approving 5 more today.

BK – They have this hearing process but have very limited ability to say no, they can asked to be disguised but aren't able to determine where the placing of the small cell installations.

Motion to close the public hearing by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

Motion to approve the application from Cellco Partnership d/b/a Verizon Wireless for Small Cell Wireless Installations at 5 locations on Walnut Street, Chestnut Street, West Street, South Street and Vernal Avenue by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

Re-reading of Muse notice and revote of Muse Paintbar Transfer of License

Motion to close the Muse Public Hearing. **Approved 5-0.**

Motion to approve the Application for the Transfer of License for an Annual Beer and Malt Beverages Restaurant License, Common Victualler, Seven Day Entertainment and Sunday Entertainment License for EAD Entertainment LLC d/b/a Muse Paint Bar by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

#### 7. 7:35pm Renaissance Hotel - Application for Change of Manager

Attorney Rashi Mangalick - Norman Demurs is the proposed manager and has decades of hospitality industry management, has been with Colwen for several months and is TIPS certified. We believe he'll do a great job managing this location and will be happy to answer any questions you have.

ME – Will you tell us about yourself Norman?

Norman Demers – I'm the General Manager in Renaissance Hotel currently and previously was in 2012-2015. I've been in the hotel since 1986, was a food and beverage director for 20 years and a general manager for 8 years. Involved 6 properties with management of liquor license. We require all staff to be TIPS certified we have strong record in community and feel very confident that we can continue to operate as required.

CM – Are you going to be the food and beverage manager or overall manager? Do we need to take any action to remove the previous manager?

ND – I am the general manager.

Attorney – The manager currently on record is Socrates Ramirez, you would just need to approve Norm as the manager on the license.

Motion to approve the Change of Manager for Colwen Management Inc. d/b/a Renaissance Hotel at Patriot Place and Hilton Garden Inn at Patriot Place by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

#### 8. 7:40pm The Commons - Tier II Outdoor License Application

ME – This is the first Tier II application

BK – Planning and DPW will weigh in because it will be on the Sidewalk.

Paige Duncan - Proposing 4 tables with 20 seats on the side walk, all the documentation is in Board Docs.

Chris Gallagher – Met with 2 of the staff members and helped with the plan. The tables will be 7 feet apart will abut the side walk and then 2 foot buffer along the tables on sidewalk. The leaves 36 1/2 inches which is ADA compliant 5 foot opening for flow into for restroom. Correction 16 seats on the sidewalk.

CM – Has every department signed off on this?

PD – Yes, and the coverage for the Town is done and made a connection with the landlord and this is a good application.

BK – We have 10 applications for Tier 1.

PD – No more Tier II right now.

Motion to approve the Temporary Outdoor Tier 2 Dining License for The Commons as the design and location of a temporary outdoor dining area is suitable to its environs, consistent with public health and safety interests, and that all other requirements have been met and is to expire November 1, 2020 or when the Governor's order is lifted by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

## 9. 7:50pm DPW - Trash Barrel discussion

BK - State guidelines don't allow for trash barrel emptying right now but we don't want to put employees at risk and don't want the fields to deteriorate. UMM will donate the service of trash until the order is lifted and will generate 20 barrels around 4 locations where the truck can pick them out. There is a carry in-carry out policy that we are still trying to get the word out on and some people are still abiding by that.

SM – How many trash barrels do we normally have?

Chris Gallagher – Usually 150 trash barrels around town.

ME – Deb [Giardino, Rec Director], will this mediate the problem?

DG – 20 barrels is a great start and generous contribution from UMM and if Chris and his guys are comfortable with it is a win.

BK – If we order this with the restriction in place and we put them in danger and they get sick we are liable.

CG – We are emptying barrels on a daily basis. We have a 17 page policy on how to come back to work. Sanitizing the building 3-4 times a day. On a good day the trash is gross, never mind that during the pandemic. Dave and I take this seriously. It is not a long term thing, and doing this will be what's best for DPW.

Dave Lalibertie – No matter how many barrels, we are going to have trash when you have to carry in and carry out its clean trash and everyone throws everything in the barrels and those sit out in the sun and there are maggots and rain. With Covid we can get through the summer with the carry in carry out policy. It's a time to educate, good feedback and try to get out the nastiness of those barrels. I drive those fields every day and night. It's an education opportunity and let's see what we can come up with for the long haul.

DG – I agree this is a good way, to educate but I'm concerned with the people who don't care and leave trash.

DL – We will pick it up. When we go to mow or maintain. They pick up trash most are policing themselves and not leaving to much trash.

ME – Carry in carry out signs put up?

DL – Signs were put up yesterday.

LG – Is this temporary or long haul? Only talking phase 2? This is Covid related temporary?

BK – This is a temporary service but will look at this a better way long term and it's a two phased issue, education issue and compliance issue. Right now it's a solution based issue and we have some relief right now.

LG – Will there be a savings?

CG – We spend a lot of time emptying those 150 barrels so there will be some savings. We then we have to look at football, high school sports and what happens in the fall that will change what is going on. If something changes between now and the fall and standards change we can change our operation in Dave's mind until Covid-19 calms down or vaccine we are going to look not to put those barrels out

LG –Not unique to our town. What are other towns doing?

SM – I've seen trash barrels everywhere. Why can't we use a mask and gloves? I don't want anyone to get sick but other towns have trash barrels why don't we? We should have trash barrels.

DL – The trash that we deal with have a black trash bag with a hole so the water, juice, and other liquid doesn't feill the bag. You also have baby diapers, dog feces, needles, household trash, and drips on the guy and in the truck and then we dump it on the ground. I am adamant that we I don't know if they have Covid or where the family has

been and have been out there since the start of this and cleaning trucks and keeping one guy in a truck. We don't know what's in those barrels.

SM – My daughter was emptying trash at 15-17 emptying booth trash. This is Covid issue and not forever.

DL – This is totally temporary. The Booth camp empties theirs because DPW can't do this 3 times a day and you know what's in there. I've done this for 48 years. It is not an attempt to not do this. Once we get back to something of normalcy we will go back to what we were doing.

BK – This is an operation thing that we can fix. What is a reasonable number that we can use?

CG – There are a number of factors, 150 is peak, primarily for fields/baseball.

Mike Johns – As the HR Director, I put a lot of credence in what Dave Lalibertie is saying. DPW took the lead and still providing service and keep our employees healthy. When they said they were cleaning the trucks they are working twice as hard and been working extra. They care about the town and show that we care about them and want to protect them. If someone gets sick we as the Town will own it. We should step up and take the 20 barrels and then go back after COVID 19.

BK – The number of 20 is the one that they gave us.

Doug Suess – Passive recreation at Payson and there is stuff everywhere. A police presence would help. Dog disposals bags all over the place. Someone taped over the no to no dogs. We have a Covid situation. People have been emptying trash and I have been emptying. Football trash barrels are being filled. We don't have dumpster on site. How can you trace it back to that trash if a DPW employee get Covid?

BK – There is a regulation which is limiting us.

SM – There is a safe way to do it I think.

BK – There is only one person to do it since you can only have 1 person per truck.

CG – When I talked to Anthony and I called out 20 barrels that will be emptied twice a week. I'm coaching little league and I'm impacted. I'm asking all the parents that I don't want the kids using reusable water bottles and if they do then they need to take them home.

DG – Is the 20 barrels a solid number? I'm not looking for 150 but looking for more than 20.

ME - It's not set in stone. And if we have to put barrels out and not set in stone and if we have to make adjustments.

BK - We'll do a 2 week trial and come back next week. Who empties on Common?

CG – We do and will continue to.

ME – Come back in two weeks and gives us an update.

BK - Thanks to everyone and UMM

#### 10. 8:00pm BOS - Town Manager Transfers and Reserve Fund Transfers

BK – We are not making any reserve funds transfer this year. Last year we transferred \$180,000, this year is a \$140,000 and last year we did \$75,000 from the reserve fund. This year was a significantly reduced amount. We also used existing fund within the existing budgets and most departments turned back funds as well.

Motion to approve the proposed Town Manager Transfers as presented by S. McGowan 2<sup>nd</sup> by C. Mitchell.  
**Approved 5-0.**

12. 8:15pm Foxboro Jaycees - Town Common Application for Summer Concert Series

Lynda Walsh – I updated our application, given the layout and the things we are going to change because of Covid.

LG – How does the state piece transfer?

LW – We will be waiting until Phase 3 so we won't have to do anything with the state.

BK – We are checking with other towns that aren't having any common activities. Phase 3 will allow that to be loosened up restrictions. Lynda plan is good and has flags to put out and keeps the summer tradition.

LG – Any concerns with the ice cream truck pulling up?

LW – We have nothing to do with that.

BK – That is under the Health department.

Motion to approve the Foxborough Jaycees application to use the Town Common for a Summer Concert Series pending the start of Phase 3 as determined by the Commonwealth Thursday nights up until August 27th by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

11. 8:05pm BOS - 2020 Annual Town Meeting and Warrant Discussion

ME – We decided to talk about this. We talked about having a subcommittee having the Town Manager, Assistant Town Manager, Town Moderator, Town Clerk, and Finance Director.

BK – I'm currently putting together a chart to look at the process and in doing so, there are gaps. We faced the challenge was that everyone in our office and Finance that was new and hadn't been through that process. There were parts that I didn't handle and past finance director took the lead on it. I think it's important to have a procedure in place going forward and that follows the history and not here to debate the history and the process was not documented in terms of who is responsible for which parts of the process.

SM – I thought it was better that we have it now that it is fresh. Frank explaining at Town meeting was good. And what the consequences could have been. I wanted to go this out in the open but not finger point.

ME – We realized mistakes and oversights were made. We shouldn't rehash but move forward.

SM - I was confused and so were other people.

ME – I don't think going through it again will clear up any of the confusion because so much of what went on was procedural.

Frank Spillane – I had two issues. The review of the warrant and the motions before they were given out before it was signed and posted. Articles 4 and 5 didn't have budget numbers which in my opinion was required and I asked the Town Clerk if the budget on the website had it and it did not. The second issue is with Town Counsel and did my own review, made my own determination and Town Counsel had an opposing view, and I had to abide by what town counsel says and this bothered me. Setting up a committee to review the motions and warrant is fine but the warrant and motions should be thoroughly review by Town Counsel and myself.

CM – It all boils down to team work and we are one town one team. We need to have that going forward.

SM – Being new it was confusing when there are differing opinions.

CM – There are 256 in that room have an opinion we as a Board rely on Town Counsel and usually 99.9% of the time would side with Town Counsel's opinion.

SM – Town Counsel only cited states statute and Frank was talking about Town by-laws.

LG – We have to stop and slow down and do everything correctly. We need to have the protocol in place so we do the right steps. We should have fresh eyes and make sure we have it done soon for Special Town Meeting.

SM – We had a plan in place for no quorum, we had the 1/12 budget in and ready.

BK – Mike Johns and I had a conversation the next day to correct the issue and to address the single points of failure and the first thing I saw but there is not written procedure. I did a RACI chart and it's interesting to see this and the multiple. Foxborough has a way of doing it different from other ways. Not used to Town meeting starting when election start, it is unique to Foxborough. This only became an issue because we posted back in the beginning of May. This is a process issue and we need to create a checklist.

LG – Fall is a good test run.

LG – Should we do a by-law review?

ME – Yes we will look at it?

### 13. 8:25pm Assistant Town Manager's Update

LG – How are the contract that were delayed because of Covid-19?

MJ – We are going to be working on Steelworkers and Police and hoping we are able to get the bargaining teams face to face soon and bring it to fall town meeting for both of those contracts.

### 14. 8:35pm Town Manager's Update

- We received approval for the \$1 million grant from the CARES Act (based on population). This puts us in a better position for the end of the fiscal year. There will \$700k for school technology and \$300k for operation expenses are broken down for each department. Thank you to Marie Almodovar for all her hard work.

- The next railroad crossings to be fixed will be at Cocasset and Mechanic. That work is expected to be done the next week with the signals and the rest of the work towards the end of the summer.

CG – Trying to complete the signal work this week. This work not only include gates for the street but gates for the sidewalks as well and done with safety money from the state. The other three were regular maintenance money and hopefully before school starts.

LG – Is there a horn?

BK – We are looking into it but there needs to be a study done and Chris is finding money for that study.

The number of times the trains going there and blow the whistle is a factor.

-Annual Town Reports available and will be added to the Town's website.

- Water Ban in place. We did a full water ban 4 weeks again. After 2 weeks was renewed. Over the last two weeks water use spike 2.8million gallons per day. The permanent fix is coming later this summer and please follow the ban. If this continues then it will affect lifesaving water. We need water for safety purposes and sanitation. Don't water your lawn right now given the ban and even if we have rain do not water your lawn thinking.

SM – Talking about the tracks the bumps will be fixed?

CG – Yes, the bumps will be fixed. In regards to the water ban, it is a serious situation right now. If we lose another foot in that tank there will be pressure issues. Across the state water bans and restriction are occurring. Coronavirus delayed the 4 new pumping stations at peak 2 million gallons a day. We know that it's an irrigation and night time water issue. The hours 10-6pm we are pumping 900k in to the system.

CM – Can a hand held hose be used?

CG – Not if you can help it. We are trying to squeeze every drop.

SM – Have we sent anything out in the mail?

CG – We will mail our consumer confidence report and will be mailed and unfortunately it has information on it from before the water ban and could be confusing.

15. 8:45pm - Selectmen's Update

Subject 15.01 New Business - Update on Town Manager Goals submission

MJ – Do you still want me to facilitate and guide?

LG – I think with the one all submitted and in one document we wouldn't exactly need that now.

BK – Looking for you to provide clear expectations, provide training, goals are good – let's be clear about expectations.

LG – We'll be able to use this for your review and make that a clearly and easier process.

Subject 15.02 Old Business –

LG – I've been working with Paige on Foxborough Common Business Collaborative Banners and will have the banners that are going around the Common to be voted on like we had the wayfinding signs voted on.

16. Action Items

16.01 Motion to accept a \$200.00 donation to the Foxborough Police Department from the Hockamock Kennel Club to be used for K-9 maintenance by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

16.02 Motion to accept a \$100.00 donation to the Foxborough Police Department from Louise Groulx by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

16.03 Motion to accept a \$50.00 donation to the Boyden Library from Jodi, Steve, and Marissa Finkelstein in memory of Judith Young by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

16.04 Motion to approve 30 Commercial Parking Lot Licenses to expire June 31<sup>st</sup> 2021 by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**

16.05 Motion to approve Board of Selectmen Minutes from May 12<sup>th</sup> 2020 by S. McGowan 2<sup>nd</sup> by C. Mitchell.

Discussion - LG Add explanation to what \* means.

**Approved 4-0-1 SM abstained.**

17. Adjourn

Motion to adjourn by S. McGowan 2<sup>nd</sup> by C. Mitchell. **Approved 5-0.**