

Tuesday, December 5, 2023
Select Board Meeting Minutes
Gala Room, Town Hall, 40 South Street
7:30pm

Members Present:

Mark Elfman, Chair (ME)
Stephanie McGowan, Vice Chair (SM)
Leah Gibson, Clerk (LG)
Dennis Keefe (DK)
Seth Ferguson (SF)

Also Present:

Paige Duncan, Acting Town Manger (PD)
Katie Lang, Executive Assistant (KL)

Tom Miller, McDermott, Quilty, Miller & Hanley, LLP, Showcase Cinema Counsel
Julie Heinzelman, Associate General Counsel, National Amusements
Alison Machado, General Manager & Manager of Record for Showcase Cinema

All Select Board meetings are recorded and broadcast by Foxboro Cable Access on Government Channel 22/38 and at FCATv.org/live

1. 7:30pm - Citizen's Input

John Mahoney: Pathways & Sidewalks

41 Putnam Road, Foxborough, MA. Work on the board for three items for Annual Town Meeting – a number of communities within MA have adopted an advisory committee for roadways/pathways/bikeways. One thing that is missing in Town is examining these issues and bring them to this Board and Town Meeting. Second, a possibility of a pathway from Town Center to Gillette Stadium/Patriot Place, Paige has done some work and the Kraft Group is on board as well so residents have a footpath. Would like a full examination by the Town would be appropriate for the future. Third, the Rt 140 and Walnut Street Housing to discuss the intersection so the seniors in that development are not left on an island.

ME – There was a previous discussion before this meeting that did review a few items. Might be best for a Board member to start conversations and then bring to a meeting in the future.

John – That would be great.

Leah – There was an EDC subcommittee that might be able to aid in the discussion about the pathway from the Common to Gillette.

2. 7:35PM - Public Hearing: Alteration of Premises Application - Quincy Amusements Inc DBA Showcase Cinema de Lux, 24 Patriot Place

Review and vote on the alteration of premises for Quincy Amusements Inc DBA Showcase Cinema de Lux, 24 Patriot Place.

Motion to open the public hearing waiving reading the public hearing notice by L. Gibson, 2nd S.Ferguson.

Approved 5-0.

TM – They have owned and operated since 2008, they are here asking to expand the premises of the license at this location. Currently the alcohol can only be consumed at the bar, Studio 3 and the Lux Level lounge. Work to be done would be the Studio 3 bar, where they would be opening about 6 feet or space and 3 seats for better walk up service for customers who want to take a drink into the theater on the first level. Currently have six other locations that currently operate with this model.

The licensee takes serving alcohol very seriously. You cannot purchase alcohol at the concession stand, only at the bar and the Lux level in a unique container that is only for alcohol. Everyone who is serving the alcohol are TIPS trained. The

overall polices are reviewed daily, morning and evening. This will allow the licensee to meet the needs that have arisen since Covid. For those customers who want to see a movie and have a drink like they have been doing since the pandemic. We want to give them this experience.

LG – Large application. 266 pages.

TM – This is required by the ABCC as they have been requesting all leasing documents for any alteration. Majority of application is 16 pages.

LG – Will this footprint look like North Attleboro? Will the seats going to remain the same? Is there a larger renovation plan?

TM – This application is to keep the footprint the same within the location but to add the alcohol service. I am not sure of future plans. Just to have alcohol beverages be taken from the existing bar area and into any theater.

LG – So the seats will remain as they are.

JH – The only physical changes will be made by Studio 3. We have a larger re-seat project beyond 2024. We wanted to have this done at the same time but due to timing and the overall state of the industry, we can't do the entire remodel at the same time.

LG – Right now you cannot take a drink into the auditorium and you are asking to be able to do that with only taking away those three seats at the bar.

TM – Was not minimizing the ask just attempting to minimize the work being done to the premises.

LG – But this would allow alcohol everywhere.

DK – Will Foxborough replicate the Legacy Place location which seems more conducive to adding alcohol in the theater.

LG – Would this be the only location with the original seat layout and add alcohol to be allowed throughout the building?

JH – I would have to look. Most have done the updated seat plan.

AM – Providence, but that's not MA.

SM – Right now the alcohol is just available at the Lux Level or the bar on the lower level. This would now mix with those under 21?

TM – Yes, similar to a restaurant or other concert venues.

SM – Just envisioning those mixed groups of 21 and under 21. What is the supervision?

TM – That would be a red flag as it is only one drink at a time. You do run that risk of an adult serving an underage individual. If you came to the bar three times in five minutes, that would be a red flag. There are night vision goggles that do monitor the theaters.

PD – Where there is a will, there is a way.

MG – This is not the first time that I've seen this proposal. Since losing the one in Sharon and one uptown, this is one of the best run movie theaters in this area. Under the S1 district, we can mandate police presence if details are needed. At first it sounds a bit odd but I have been there when you are rushing to get into a theater with a drink. I don't see this as a let's go to the movie theater to get drunk. All seats are mostly bought ahead of time and not a last-minute thing. Movie theaters are struggling post Covid and this is one of our local partners that we want to support. If there is someone that is creating a problem, then a guest is going to notify guest services so they will be dealt with. We can see how this goes and them implement what is needed but I do not foresee the seats being a problem. I do support this.

ME – The Orpheum also operates under this model.

SM – If there is underage drinking it would fall under who?

MG – It could possibly be both. It would have to be investigated. It could happen but I don't foresee it as a trend.

LG – Anything with the Fire Chief since he is here.

MK – Yes. Annual inspections are all up to code.

DK – This would be different to any Gillette event. So underage drinking could happen but could happen anywhere. A guest at a movie theater would not allow for a disruption in a small theater.

MG – We are not rookies at this so I think we would be able to take care of this situation and work with the team. We are the model within the State as the best to manage these type of larger venues.

ME – Any public comment?

Motion to close the public hearing, by L. Gibson, 2nd S. Ferguson.

All approved. 5-0.

Motion to approve the Alteration of Premises application for Quincy Amusements Inc. DBA Showcase Cinema de Lux, 24 Patriot Place, by L. Gibson, 2nd S. Ferguson.

All approved. 5-0

3. 7:45PM - Town Bench Policy - Acceptance & Placement of Memorial Benches & Trees

Discuss and vote on Memorial Bench & Tree Policy

PD – Revised based on revisions discussed last week. I think we have reached a place where the process is clear. We have updated Attachment A from Common Bench to Uptown Bench. Looking to approve and get this working and have the application process open now. We cannot make any promises as the concrete needs to be removed and as we are coming into winter and not sure what will happen with weather but want to start the process. We do have a few applications that might come in quickly. We can see how many come in between now and the end of February and reassess.

LG – Do we want to just do the Common or open it up?

PD – I think we keep it as Common and then we expand. I think Uptown is always open. We know on the Common we have 21 sites. A couple we want to keep so we need to see who is going on the Common and who is not. We have a couple going in by the steamer shed and Central Street.

ME – And as this is a policy, we can always revise it.

SF – Town Manager approval for off the town Common?

LG – Yes, with other layers of oversight from other commissions.

PD – We only did that as for everything off the Common it is brought to the Town Manager and everything on the Common would be looked at by this board. Just did that to be consistent.

SF – If Town Manager rejects the application, does the applicant have recourse?

PD – Those would go to DPW as Chris would need to review the location and have the most say/opinion.

SF – Just makes more sense for me that the Select Board would approve as these elected officials would have a better idea of who did what and who contributed more in the Town.

LG – I think the layers with the other commissions is a good process and the worst case, we have more benches.

SF – So is the Town Manager approving where the benches go?

SF – No, the names on it.

SM – I agree with Seth that maybe this Board would approve the names.

PD – Do not care who this lives with. Open to who it lives with.

LG – We have the Common and we don't want to bottleneck the process.

SF – How many benches and trees are we talking about?

PD – Three today that we know want to go on the Common.

SM - Whoever is sitting at this table will be a resident. It is a big deal if someone does have their name on a bench.

LG – No real process before.

PD – C2 says “The Select Board has authority to approve proposed locations for memorial benches, trees and plaques on Town property after input received pursuant to Section D.3. through D.5. of this Policy. The Select Board is responsible for approving locations on the Town Common but shall seek input from the Historical Commission.” Something to that effect.

Me – Would you be good with that?

SF – Yes.

PD – Delete that line as D2 to D5 it references historical and conservation. As D calls out those other commissions.

LG – So they would still weigh in on it?

PD – Yes.

2.All formal requests must be submitted by completing the Memorial Bench/Memorial Tree Form (Attachment C) and submitting it to the DPW along with any other required information/documents/attachments. In addition to one original, the complete application package shall be provided in PDF format.

3.Within five business days of receiving a completed application form, the DPW shall forward the Memorial Bench/Memorial Tree filing to the Town Manager's Office, Land Use Department (Planning), Board of Recreation (for benches/trees/plaques on Recreation land), Conservation Commission (for benches/trees/plaques on Conservation land), Historical Commission (for benches/trees/plaques on the Common or historic properties) and any other department(s) responsible for maintaining or operating the Town-owned land in question. These Boards and Commissions may require a meeting to discuss proposed bench/tree location.

4.Town departments/boards/commissions shall provide their comments and/or recommendations to the DPW within 30 calendar days of receiving the package (board or commissions may request a 14-day extension of this time to allow for a meeting on the request). For Recreation, Conservation or Historic lands, the respective board/committee comments should include a recommendation on the approved location and type of bench/tree/plaque.

5.The DPW Department shall submit the completed request form to the Town Manager's Office, with a request that the Select Board act on the request, subject to its recommended location, and conditions, if any.

Motion to approve, as amended, the Town Memorial Bench & Tree Policy and open the application period for benches on the Town Common, by L. Gibson, 2nd S. Ferguson.

Approved 5-0.

4. 7:55pm Former State Hospital (10 Payson Road) / Reuse of Auditorium Review

4.1 Review conceptual plans for the area & discuss next steps.

PD – Discuss the possibility of completing the old state hospital site as we have been talking about this for some time. We have the vacant auditorium. Lots of interest for a brew pub or a doctors office, we tour and then we never hear from them again. Property brought to the Asset Review Committee and decision was made to have an architectural firm look at the building to give an assessment.

The building is lucky that it is still standing, roof could collapse at any time – a true liability. Might be at the point of beyond repair. Cost would be in the millions to repair. I tried to use that as the community center. We found it would be more cost effective to start from scratch. Demolishing the building is about \$500K. Recreation was concerned as the deed states that it needs to be used for recreational/community use. Concerned about losing an asset. Pointed out that the only alternative was to tear it down. They said no to apartments, they said yes to ownership condominiums. I did go to the Recreation board for them to review this same plan. Came up with some ideas of what they would like.

Would have to go through a procurement process with a condition the at

Developed into 10 condominium units. One concept would be the ends would be townhouses and then the middle 6-two story flats. Discussed the right of first refusal for Foxborough residents would have first opportunity. These are all things we would put in as conditions. Then the tuberculosis building – would be an 84 unit assisted living facility. There is no place in Foxborough to “end.” Doolittle Home is small but there are limitations as to how many can live there. There have been some requests for that type of community. This would complete that campus. Recreation had asked for a community garden with \$10K/year towards the upkeep and maintenance yearly with a shed and water. A dog exercise area which would also be near the gardens. There are some financial benefits, as we do have to go through open procurement. Extreme benefit would be sewer which would then have Chestnut Green to tie into sewer which they have already gone to Town Meeting to do so – in Foxborough you have to buy into the capacity which is a high price tag. Memo provided lists \$1.7million in connection fees for Chestnut Green alone. Auditorium would be about \$600K. Also, if connection is made through Chestnut Green would be less expensive. Financial benefits of tying in with Chestnut Green would be \$4 million in financial benefits or through just the auditorium alone would be \$1 million. We just need to make sure we go through appropriate procurement. On Baker St there is a lift station that needs to be replaced estimating at \$1 million plus. Town would be on the hook to update that station soon. If Chestnut Green did tie in then there would be no need to update that station, they can use the facility for Chestnut Green which would be a \$1 million in savings.

This was run by Recreation that does support this concept. Bill Yukna was also looped in. He wanted to make sure that the public safety building was not going to be blocked in. Those concerns were addressed and he gave his sign off post some adjustments to the property line and parking.

This would go to Town Meeting in May with some zoning to allow this. Would need to give the Select Board the right to dispose. DCAM embraced the project. They are fully onboard. They do not want it back for obvious reasons. DCAM = Division of Capital Asset Management, state agency that manages their real estate. In the deed it says that if we do not use the land according to the deed, they can take it back but that is not the case.

ME – We would need approval through the legislature.

PD – Yes, we need zoning, DCAM, town meeting for vote to dispose, procurement, legislation. We might revise the Master Plan for the state hospital project as it mentions 200+ housing units. Need lots of steps but want to bring you all up to speed and let you know of the direction we are leaning towards but if you are not in favor, we can shelve. Will need to go to asset review committee.

LG – Going to be a long process.

ME – Great project. This will take some time.

DK – I am sort of an abutter to this location. This is an eyesore. Also the former spot where the pop up brewery is needs to be dealt with. That entire area needs an upgrade.

SF – Just a question about the order of operations. Developer helped to flush out this process, so is the land and property sold and then we dictate to the new property owner?

PD – Yes, this would all be addressed in the procurement with the listing. We would be very prescriptive. We would tell the program and the developer would come to the table with that.

SF – And they would be held to that?

PD – Yes.

SM – Dog exercise area/park? There was a lot of issues in town about this.

ME – The issue was more so where it was going to be located. Near the conservation area.

PD – We will move forward with zoning in the Spring.

5. 8:05pm Town Property Flag Policy

Discuss and vote on the Town Flag Policy

This came up post MMA last January from Leah. This is a simple flag policy that outlines what types of flags can be flown on town property. American - federal, state and local flags only. No statement or political flags. Just gives us a clear direction.

LG – This was a hot topic at MMA and we do not want to be caught without one. Just something to clean up. Just want some clear direction.

PD – Went through Town Counsel and the Veterans Agent.

LG – Addresses sports flags.

Motion to approve the Town Flag Policy., by L. Gibson, 2nd by S. Ferguson.

Approved. 5-0.

6. 8:15pm Town Manager Search

6.1 Next meeting will be December 11th at noon in the Fuller Conference Room at the Boyden Library.

6.2 January 3rd 2024 we will announce the names that the Town Manager Search Committee is recommending for Select Board Interviews on January 10th & 11th 2024

7. 8:20pm Acting Town Manager's Update

Around Town Updates:

- Billboards on Route 1 running congratulations to Foxboro's Division 5 Super Bowl Champs.
- Wednesday, August 21st – P!nk concert. Brings current total up to 9 concerts next year.
- Patriots/Kansas City game – originally scheduled for Monday Night Football on December 18th has been flexed to 1 pm on December 17th. Public safety was thrilled. Sunday better than Monday night.
- Army/Navy Game – Saturday December 9th. Public safety has been working tirelessly to support this event. The amount of work involved cannot be overstated. Our Rec Dept and Katie have also worked hard to publicize and coordinate events leading up to the big game.
 - Residents can get involved on December 8th around 1pm when we will welcome the West Point Marathon Team as they run the official game ball to the Stadium. Roads will not be closed. Foxborough Police will escort the entire route. Gathering at Town Common to celebrate. We are the 24th stop on the run –toward Hancock Street on West Street left onto South Street right onto Common Street continue to East Street continue to Foxborough Road continue to Pierce Street turn

left onto Tuner Road turn right onto Pine Street turn left onto Washington Street take ramp turn right toward Patriot Place and enter Gillette Stadium. Navy will be early AM on the 9th.

- Friday, December 8th, the day before America's Game, three Army helicopters will fly into Foxborough and land at the Booth Recreation Complex (80 South Street), at 10:30am to 2:30pm. The public is encouraged to explore the helicopters and interact with the crew. THIS IS A ONCE IN A LIFETIME OPPORTUNITY right here in our HOME TOWN! We anticipate this event to be highly popular, being in conjunction with the West Point Marathon Team running the official game ball, up South Street and onto the Town Common.
- MBTA Communities recap joint meeting with Select Board and Planning Board - Nov 30th at 7 p.m. FCA you tube channel for viewing.
- Migrant / Transitional Housing - 130 of the eligible migrants were bussed to Newton to fill out Federal Work Authorization Forms. 292 people and 80 families

Human Resources Updates:

- Gabriela Jordan (Gaby) – has been working for the Planning Dept for 20 years. PB has acknowledged this service.
- Current Open Positions - interviewing
 - Communications Director
 - BOH - Health Inspector

Miscellaneous Updates:

- Foxborough Police awarded the Edward J. Byrne Justice Assistance Grant (JAG) \$44,500.00 to help ensure our community is safe and thriving. The grant can help projects such as unlawful drug use, domestic violence, sexual assault, and hate crimes but also be used to upgrade technology, investigative tools, protective gear, and/or school safety and security.
- BOH regulations – draft available for comment on their webpage. Seeking public input now. QR code in the lobby of Town Hall.

Construction Updates

- South Street and Cedar Street Raw Water Main - Sprague Road to Witch Pond Raw water main installation from Witch Pond / Town Line has now reached the Taylor Road intersection of Cedar Street.
- East Street & Cocasset Street Intersection Reconstruction Pedestrian activated crosswalk beacons have been received by contractor and should be installed in the near future.

Use of Town Property Permits

The Menorah will be displayed on the Town Common from December 5th through to holiday, The Chabad Jewish Center will have a lighting of the Menorah ceremony on December 10th at 3:30pm, Army Navy Cheer Squad - December 8th 11am to 1pm. Foxboro Jaycees to host Caroling on the Common with the FHS Band December 21st from 5pm to 7pm.

DK – Zoomed in on the joint meeting and this is a huge need. Encourage people to look at the meeting as it was a good discussion and it will be coming forward. Have you talked to the Kraft Group?

PD – They want to rezone a different area. We said go to the Planning Board to make your case. From a staff and Barney level we chose a site that we feel is better. No decision has been made.

8. 8:30pm Selectmen's Update

8.1 New Business: Budget Timeline Discussion

8.2 Old Business: Light Uptown recap.

SM – All over social media as everyone knows. As a wife of a football coach, I can't even imagine that experience for those kids. The community really showed their support – Roadman Center, to all around town. From the Select Board – Congratulations!

9. Action Items

9.1 Select Board - Approval of Minutes from meeting held on November 21, 2023.

Motion to approve the November 21st 2023 Select Board Meeting Minutes by L. Gibson, 2nd S. Ferguson.

Approved. 5-0.

9.2 Extended Hours Request for Foxborough VFW at 337 Cocasset Street, Bar Louie Tavern & Grille at 232 Patriot Place, Red Robin at 201 Patriot Place, Scorpion Bar at 253 Patriot Place, Six String Grill & Stage at 275 Patriot Place, Splitsville at 220 Patriot Place, Axel & Byrne at 267 Patriot Place, Saga Hibachi Steakhouse at 295 Patriot Place, Renaissance Hotel & Hilton Garden Inn at 26 Patriot Place, Wormtown Brewery at 250 Patriot Place, Helix eSports at 23 Patriot Place, and Fat Tuesday at 26 Patriot Place to serve alcohol starting at 10am on Sunday December 17th 2023.

Motion to approve the extended hours request for for Foxborough VFW at 337 Cocasset Street, Bar Louie Tavern & Grille at 232 Patriot Place, Red Robin at 201 Patriot Place, Scorpion Bar at 253 Patriot Place, Six String Grill & Stage at 275 Patriot Place, Splitsville at 220 Patriot Place, Axel & Byrne at 267 Patriot Place, Saga Hibachi Steakhouse at 295 Patriot Place, Renaissance Hotel & Hilton Garden Inn at 26 Patriot Place, Wormtown Brewery at 250 Patriot Place, Helix eSports at 23 Patriot Place, and Fat Tuesday at 26 Patriot Place to open and serve alcohol starting at 10:00am on Sunday, December 17th 2023, by L. Gibson, 2nd S. Ferguson.

Approved. 5-0.

9.3 Appointment - Appoint Michael Hand and Marie Schuster to the Foxboro Historic District Commission for a term to end May 31, 2026.

Motion to appoint Michael Hand and Marie Schuster to the Foxboro Historic District Commission for a term to end May 31, 2026, by L.Gibson, 2nd S. Ferguson.

Approved. 5-0.

10. Adjourn

10.1 Adjournment

Motion to adjourn, by L. Gibson, 2nd S. Ferguson.

Approved. 5-0.

Agenda documents:

Bench Policy_Acceptance and Placement of Memorial Benches and Trees_111523 DRAFT

Bench Policy_Attachment A&B Benches

Bench Policy_Bench application Attachment C

22-0193A Conceptual Plan 20231115

Proposal Summary Memo 11.20.23

JAG Awards Press Release (1)

Meeting Minutes November 21 2023

111423_Public Hearing _Quincy Amusements_Alteration of Premises_Updated

103123_National Amusements Application for Alteration_SB

120223_Draft Flag Policy

120623_Menorah on the Common License

120823_Army Navy Cheer Squad License

122123_Caroling on the Common License

Letter to Selectmen 2023

M. Hand Application HDC (1)

Maria Schuster Appointment Application