

Tuesday, May 7, 2024  
Select Board Meeting Minutes  
Gala Meeting Room  
Town Hall, 40 South Street  
7:00pm

Members Present:

Mark Elfman  
Stephanie McGowan  
Dennis Keefe  
Bill Yukna  
Debbie Giardino

Also Present:

Paige Duncan, Town Manger  
Katie Lang, Executive Assistant, Board Liaison  
\*Pat Costello, Town Counsel

\*Attendance via Zoom

Nail Kaiser, 11 Ridge Road  
Michael Sitar, 400 Foxborough Boulevard #6202  
Kemani Walden, 400 Foxborough Boulevard #4301.  
Gretchen Bartol, PO Box 2383 Plainville  
Zachary Sitar, 400 Foxborough Boulevard #6202  
Al Shane, 400 Foxborough Boulevard #7303  
Wendy Flanary, 400 Foxborough Boulevard #4107  
\*Catherine Miller, Marilyn Rodman Performing Arts Center  
Scott O'Donnell, 16 Capone Road

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

1. 7:00pm - Citizen's Input

2. 7:05pm - Select Board Reorganization

Select Board to discuss & vote on Chair, Vice Chair and Clerk.

**Deb Giardino nominates Stephanie McGowan for Chair, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0.**

**Mark nominates Bill Yukna as Vice Chair, 2<sup>nd</sup> by S. McGowan.**

**Approved. 5-0.**

**Mark nominated Deb Giardino as Clerk, 2<sup>nd</sup> B. Yukna.**

**Approved. 5-0.**

3. 7:10pm - Welcome New Veteran Service's Officer Michelle Hamilton

Welcome Michelle Hamilton to Foxborough as our new Veteran Service's Officer. Welcoming the Select Board to the Memorial Day Celebration. United States Army Veteran, member of a Veteran's Services Charitable

organization for the last 10 years. Formally with Fall River as the VSO. Invitations to the Memorial Day Parade for the Select Board.

#### 4. 7:15pm - New Street Name "Eisenhauer Lane"

Discuss & Vote on new street, "Eisenhauer Lane" in the Ridge Road Subdivision.

Mr. Neil Kaiser, 11 Ridge Road, is working with the Planning Department and the Veteran Services Office to work on a list of fallen Veterans and add to the list of street names to honor them. Working with the Historical Committee at the end of the month to help a much as possible. Intent is to honor the ones that gave their lives.

**Motion to approve "Eisenhauer Lane" in the Ridge Road Subdivision, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0.**

#### 13. Action Items

Police Donation - Accept the enrollment fees for the Junior Police Academy from various attendees in the amount of \$1,050.00

**Motion to accept the enrollment fees for the Junior Police Academy from various attendees in the amount of \$1,050.00, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0**

Police Donation - Accept the enrollment fees for the Junior Police Academy from various attendees in the amount of \$150.00

**Motion to accept the enrollment fees for the Junior Police Academy from various attendees in the amount of \$150.00, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0**

Recreation Donation - Accept a donation to support the Fishing Derby on behalf of the Mass Marine Trades Educational Trust in the amount of \$200.00.

**Motion to accept a donation to support the Fishing Derby on behalf of the Mass Marine Trades Educational Trust in the amount of \$200.00, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0**

Select Board - Approval of the Select Board Minutes from April 23rd 2024.

**Motion to approval of the Select Board Minutes from April 23rd 2024. , by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 4-0. Bill Yukna abstain.**

#### 12. Select Board Update

New Business - 2024-2025 Select Board Schedule

**Motion to approve the 2024-2025 Select Board Meeting schedule as proposed, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0**

## 5. 7:20pm - Nuisance Dog Hearing - Animal Control Officer Kaycee Bailey

Nuisance dog hearing resulting from an incident that occurred on April 16, 2024, in the Foxborough Boulevard neighborhood, involving 'Mary' a tan Pitbull type female dog – owner – Michael Sitar of 400 Foxborough Boulevard #6202 and 'Gypsy' a black and tan Chihuahua – owner – Kemani Walden of 400 Foxborough Boulevard #4301.

Statutory hearing with a supplementary bylaw in the code of the town of Foxborough. Any complaint by a citizen or ACO, that is filed with the hearing authority which is the Select Board. Parties are open to appear and provide testimony at a public hearing. Need to have one of two key findings, is a nuisance dog or a dangerous dog. Dangerous is a dog that bit a person or another animal or engaged in behavior that the Board deems as a problem to public safety. Nuisance dog is one that bark and/or is annoying but not a threat to public safety. Either one, the Select Board can impose other restrictions that the owner would need to abide by. 1. Restrained, 2. confined to premises, 3. when dog is removed from premises, dog needs to be muzzled and restrained, 4. owner keep insurance in the amount not less than \$100,000 against any claims against acts of the dog, 5. Owner provide information on the dog on a regular basis to the ACO. 6. Dog euthanized. Select Board is the neutral authority which needs to provide a ruling.

The Select Board will hold a Public Hearing on Tuesday, May 7, 2024 beginning at 7:20 P.M. in the Gala Meeting Room, Town Hall, 40 South Street, Foxborough, MA, in accordance with MGL, Chapter 140, Section 157 and Chapter 78 of the Code of the Town of Foxborough to address a complaint filed with the Board relative to an alleged nuisance and/or dangerous dog, resulting from an incident that occurred on April 16, 2024, in the Foxborough Boulevard neighborhood, involving 'Mary' a tan Pitbull type female dog – owner – Michael Sitar of 400 Foxborough Boulevard #6202 and 'Gypsy' a black and tan Chihuahua – owner – Kemani Walden of 400 Foxborough Boulevard #4301. Anyone wishing to be heard on this matter should appear at the time and place designated.

**Move to open the public hearing by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0.**

ACO Kaycee Bailey sworn in by Paige Duncan.

Kaycee read the Foxborough Police Department report dated. 4/17/2024. Told both parties that she would be issuing a muzzle order and that a public hearing would take place with both parties allowed to attend and speak. Complaints were submitted from various parties. A review of the complaints that were compiled by Kaycee Bailey was reviewed.

Dennis – Both dogs on leash?

Kaycee – That is unclear. Mary was on a leash when arrived and Gypsy had a leash and harness on the table at the vet so one would assume both were on leash.

Stephanie – Was there a puncture near where the vertebra was hit? As the dogs are different sizes.

Kaycee – Is it unclear as to where. On top of the dogs head but beyond that, it is unclear as to what happened.

Kemani Walden sworn in by Paige Duncan.

Kemani Walden, 400 Foxborough Boulevard #4301. Gypsy was a service animal. Never went after another animal. A recount of the event was described.

Michael Sitar sworn in by Paige Duncan.

Mary is listed as a lab mix. Rhodesian ridgeback. Mary is a service dog. Trained to monitor emotions and protection when most vulnerable. Physically assists in getting up. Has learned directions to get back home and keep safe. Behaviorist background. A recount of the event was described.

Working on stimulation since the incident. I need her for my life as she has changed for the better. This is a civil right for me. Calling her not a service dog is insulting and demeaning. Name calling and rock thrown at our patio door. I have multiple disabilities, when do I count in Foxborough.

Stephanie - Dog owner my entire life. Had a dog that was a barker. You just never know what the dog is going to do. You had mentioned that Mary does not like a lot of dogs, only certain ones, so why did you want them to meet?

Michael – Mary is anxious. My eyes were always on her.

Stephanie – Getting the dogs together was probably not the best idea. Usually, you know when it's time. In retrospect, maybe it was not.

Michael – She did not move to bit she moved to vocalize.

Bill – Is Mary registered in the Town?

Paige – All animals need to be registered within the Town. Service animal or not.

Michael – I did not know you had to register the dog.

Bill – Were you given legal notice to muzzle Mary?

Michael – Yes, but I cannot have her muzzled if I am using her for protection especially from the person that is out to hurt me.

Bill – There was a legal requirement that you did not follow.

Michael – This is effectively violating my civil rights. If I muzzle her, I give up my rights.

Dennis – Has Mary every attached a human.

Michael – No. No one has ever brought it to me.

Dennis – A lot of shaking heads. You are alleging that Mary did not kill the other dog.

Michael – I am not sure of the action of how it happened. Just given the position.

Dennis – Hard to image that Mary did not have any part in killing the other dog.

Michael – That is awful. I am asking for my civil rights for my service dog. I am fine with her being away from other people. There are people that do not like me. I do have a complaint.

Zachary Sitar sworn in my Paige Duncan. 400 Foxborough Boulevard #6202

Retired EMT. Blood on the sidewalk and on Gypsy but not on Mary. Did not notice matted fur near the neck and no blood on the neck.

Kemani – Read the veterinarian report.

Wendy Flanary, 400 Foxborough Boulevard #4107 Seen the dog pulling in on walks, dropping the leash. Since the incident has happened, he is confrontational and nonremorseful. Tenants have seen him without the muzzle, and I have seen him myself. No muzzle publicly.

Stephanie – Legal notice to muzzle Mary. Any reason why we cannot have a muzzle as Mary’s rights or his rights as the owner.

Kaycee – As far as ADA compliance, service dog needs to follow the law and can put things in place just like any other animal.

Pat – Primary right of a service dog is being allowed to go into public places where a non-service dog cannot go. This is their legal right. They do need to comply with the law. They are not exempt.

A service dog is not for protection, just the mental health of the individual. For emotional support.

Gretchen Bartol, PO Box 2383 Plainville, MA. Mike exhibits no control while walking Mary. My granddaughter has more control. Mary exhibits obsessive behavior. I was in the dog park once where Mary did charge someone where he was forced to jump the fence while Mike ran after Mary. Notified the Lodge Manager of the incident. There has been tenant harassment towards Mike, however, he puts himself in situations that are aggressive and hostile.

Al Shane, 400 Foxborough Boulevard #7303. I have seen Mary get aggressive. I did witness the incident in the dog park where the neighbor had to jump the fence.

**Motion to close the public hearing at 8:32pm by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0.**

Pat – Board will need to determine between a nuisance dog or dangerous dog.

Stephanie – If we lean towards nuisance, would need some stipulations and what Kaycee’s has instituted need to be met. If those are not met, then other actions would follow.

Deb – Would be nervous if the stipulations would not be met by the owner as he feels that they go against his civil rights. Would be OK with the nuisances.

Dennis – Need to be in control when walking any dog. Real responsibility on the owner. I do not feel this I happening. I default to the dangerous dog.

Bill – Concern is the dog shows behavior that is aggressive towards other animals. Based on testimony. I believe if the dog is going to be with other dogs, it should be muzzled. If out for a walk, then not letting her interact with other dogs but that is hard to do. Would really lean towards muzzle. There have been other interactions, so I am thinking dangerous. Maybe nuisances if this was the only interaction.

Mark – I think this rises to the level of dangerous dog. Another dog died. Mary is not registered, and ignorance of the law is not OK. Also, the failure to follow instruction from our Animal Control Officer. Lastly, the dog is in control of herself, but it really is on the owner to be in control.

Pat – Can be nuisance dog with stipulations of a muzzle.

Stephanie – If dangerous, what is the process.

Pat – Need to determine one or the other. Then need to impose the safety action the Select Board deems appropriate.

Bill – Any legal difference between the two. Nuisance and muzzle or dangerous and muzzle.

Pat – Once dangerous, it's like a criminal record that will travel with them. Every Town in MA will have access to that information.

Bill – OK with nuisance but with muzzle. Then will not have these issues.

Mark – If we see no muzzle, what is the recourse?

Kaycee – Once the dog is deemed one or the other, there could be misdemeanors or criminal charges but the courts would handle it from there. Once dangerous, you cannot take it back but you can deem nuisance and if another incident, you can raise to dangerous. Would recommend that the dog be deemed nuisance due to the lack of control of Mary. We can then add stipulations and not just set with the list of options for a dangerous.

Dennis – We have an owner compliance issue.

Motion to deem Mary a nuisance dog by S. McGowan, 2<sup>nd</sup> by D. Giardino

3 – 0. Mark & Dennis No

Motion where the Select Board has deemed this dog a nuisance dog, that Mary be muzzled when taken out of residence and the owner seek behavior training with a professional trainer by S. McGowan, 2<sup>nd</sup> B. Yukna.

Approved. 5-0.

Bill – Out of the front door is the definition of the residence.

**Motion to deem Mary a Nuisance dog by S. McGowan, 2<sup>nd</sup> by D. Giardino.**

**Approved. 3-2. Dennis & Mark opposed.**

**Where the Board has named Mary a nuisance dog, we require Mary be muzzled and leashed anytime she is taken out of the residence. We strongly recommend that the owner of Mary, Michael Sitar, seek behavior training with a professional trainer, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved 5-0.**

Balcony is OK for Mary to be not muzzled. Muzzle is required when she leaves the front door.

**6. 7:50pm - Change of Corporate Name Application - Foxborough Regional Center for the Performing Arts to Marilyn Rodman Performing Arts Center - 1 School Street**

Discuss & vote on Change of Corporate Name Application - Foxborough Regional Center for the Performing Arts to Marilyn Rodman Performing Arts Center - 1 School Street.

Catherine Miller, Manager of Record for the establishment. 2022 we did an official name change with the State and in 2023 we filled with the Town Clerk. No more of an identity crisis.

**Motion to approve the Change of Corporate Name Application for Foxborough Regional Center for the Performing Arts to Marilyn Rodman Performing Arts Center - 1 School Street, by S. McGowan, 2<sup>nd</sup> B. Yukna.**

**Approved. 5-0.**

7. 7:55pm - Use of Public Way Application - Founder's Day Committee

Review & vote on Use of Public Way Application for Founder's Day on June 8th from 9am to Noon with Parade route to assemble at 132 Central Street, to Mechanic Street, to Railroad Avenue, to Bird Street, to South Street and end at Carpenter Street.

Scott O'Donnell, 16 Capone Road. Chairman of the Foxborough Founders Day Committee.

**Motion to approve the Use of Public Way Application for Founder's Day on June 8th from 9am to Noon with Parade route to assemble at 132 Central Street, to Mechanic Street, to Railroad Avenue, to Bird Street, to South Street and end at Carpenter Street, by S. McGowan, 2<sup>nd</sup> B. Yukna.**

**Approved. 5-0.**

8. 8:00pm - Town Counsel RFP Review

Discuss next steps & schedule a special meeting date for interviews.

Pat Costello is retiring in June. He did help us write our RFP. Four submissions. Mead, Talerman & Costa LLC, KP Law, Murphy Hesse Toomey & Lehane, Harrington Heep

How would the Board like to proceed in terms of their candidacy? Interview? Read through proposal? Sub-committee?

Board to review the paperwork first and then discuss. Paige to connect one on one with each to report back to the Board post soft interview/meet and greet. RFP process and those 4 firms are the ones responded via procurement. Board member to join Paige in the meet and greet. Board member will be Bill Yukna.

9. 8:05pm - Town Meeting Preparation

Discuss & possible vote to table Article 16 in the event Article 15 fails.

**TABLE since all three ballot questions did pass at the election.**

Review & Vote on Town Meeting Handouts.

Under DPW handout – important to outline the fueling station. The system is no longer insurance-able and XX

We are on the hook for \$1M because we cannot get the insurance. On the expansion, as far as washing the vehicle. We are under an order to comply.

**Motion to approve Town Meeting Handouts with the proposed changes, by S. McGowan, 2<sup>nd</sup> by B. Yukna.**

**Approved. 5-0.**

10.8:15pm - Boards & Committees

Discuss & possible vote on Town Board, Committee, Commission & Group Policy.

**TABLE.**

Discuss & possible vote to disband the Regional Emergency Planning Committee by recommendation the Fire Chief & Town Manager's Office.

**Motion to disband the Regional Emergency Planning Committee, by S. McGowan, 2<sup>nd</sup> B. Yukna.**

## Approved. 5-0

Review open positions.

### 11: 8:45pm – Town Manager's Update

Around Town: Town Meeting Monday May 13th at 7pm at Foxborough High School - All information is on our website. Olive + Mint ABCC Hearing May 8th. Statehouse Visit April 24th. Bench Application Update. Conservation Land/Sign Update. Fire Station Redevelopment Project Update.

Human Resources: Christina LaRose, Foxborough's Community Response Social Worker as this year's recipient of the Spirit of MAWLE Award in Civilian Achievement Award. Captain Andrew Putini named new Fire Chief in Southborough. Current Open Positions: Director of Land Use & Economic Development, Community Health Nurse, Water Tech.

Communications: Website Update.

Use of Town Property: Boy Scout Troop 32 will be having their Mother's Day Flower Pick Up at the Town Hall on May 11th from 9am to 11am. Founders Day Committee Rocket Drive around the Town Common on May 25th from 7am to 1pm.

· Bench Update –

· Where are we in the process?

· Jess Minton, office manager for DPW, emailed the applicants last Wednesday May 1st, letting them know that at the May 21st Select Board meeting the requests will be voted on. In my email I asked the applicants who have not submitted their donation to please mail or bring a check to DPW. I am hoping before May 21st I will have received all the donations.

· How many applications did we receive?

· 14 Applicants 15 benches - The Authelet family would like one bench for Jack and one for Marge

· Do we have more benches available for "adoption"?

· 24 total benches - 9 still available

· When do we expect benches to be installed?

· As soon as we receive the benches, we will begin to install them. Tony Mousalli ordered the benches. I have cc'd him on this email so he can give you an idea of when we will receive them.

Conservation land/sign update Staff met to discuss general maintenance of conservation property including the signs. We came up with a list of 7 signs that are in a state of disrepair and need to be replaced. The material cost for those 7 signs is minimal, ~\$500. Paige and Marie acknowledged there is money in the conservation budget to purchase the material. DPW is willing to do some labor and make the signs, however my highway crew likely won't be able to do that until late fall or the winter. Because we removed the sign from Lakeview and it crumbled as we picked it up, I have enlisted the help of Bill Ivatts and the high school wood shop to make the first sign so DPW can install it. I am going to get the material to the high school by early next week and Bill has said they can get it made prior to the end of the school year. Bill was excited for his students to have the opportunity to get involved with a community project like this.



We also discussed general maintenance. The conservation commission has a list of stewards to be the eyes and ears of the conservation properties. Diana Gray has that current list and can be contacted for anyone looking to volunteer. It's a great way for residents to get involved and

help us care for the 2000+ acres of conservation property. If I can provide any additional information, I'm happy to do so.

- Fire Station Redevelopment project update – 15 apartment units will soon be on the market

Human Resources Updates:

- Christina LaRose, Foxborough's Community Response Social Worker. The Massachusetts Association of Women in Law Enforcement selected Christina as this year's recipient of the Spirit of MAWLE Award in Civilian Achievement. Christina was selected for this award because of her outstanding contributions to the field of law enforcement and the Foxborough Police Department. Her outstanding dedication, hard work and contribution are an inspiration for others, especially women whom are encouraged to achieve their own milestones by your example.

- Captain Andrew Putini named new Fire Chief in Southborough

- Current Open Positions - interviewing

  - o Director of Land Use and Economic Development – FILLED, June 10<sup>th</sup> start date.

  - o Assistant Treasurer Collector - FILLED

  - o Community Health Nurse - The Community Health Nurse position is a grant funded position that works on behalf of the Towns of Easton, Foxborough, Mansfield, Norton, Plainville, and Sharon. This position is based on the availability of Public Health Excellence Grant funds provided through the Department of Public Health.

  - o Water Tech

Communications Updates:

- Maura working to upgrade website. Primary focus has been on election/town meeting prep. Realizing current platform is quite limited. Working with vendor to ensure we are getting full service.

Use of Town Property Permits:

- Boy Scout Troop 32 – Mother's Day flower pick up at Town Hall on May 11 from 9-11

- Founders Day Committee Rocket Drive around the Town Common on May 25th from 7 am – 1 pm

## 14. Adjourn

Adjournment

**Motion to adjourn.**

**Approved.**

Agenda documents:

23-0138 Correspondence 20240418 (1)

23-0138 Correspondence 20240418 Town Support

042324 Minutes

050724\_Marilyn Rodman\_Corporate Name Change SB\_Redacted

051124\_Boy Scouts Mothers Day Flower Pick Up

052524\_Founders Day Rocket Drive License

060824\_Founders Day Parade Application

Article 13 sheet

Article 14 sheet

Article 15

Article 26 sheet

Articles 22-24 sheet

Board and Commission Roster-Appointed

Boards & Committee – Multiples

Dangerous Dog Regulation Summary (002)

FY25 BOS Meeting Schedule

Gypsy 1

Gypsy 2

Gypsy 3

Gypsy 4

Gypsy Walden 4-16-24

Medical Note

Multiples Excel with Notes

Open Seats

Police Donation A

Police Donation B

Re\_ Sitar dog complaints

Recreation Donation

SB Sitar 2024

Select Board Guidelines Town Committee and Board Appointments\_050624

Select Board Guidelines Town Committee and Board Appointments\_050624\_Showing Track

Sitar Muzzle order

Sitar Public Hearing 050724

Walden-Sitar report