

**TOWN OF FOXBOROUGH**  
**ADVISORY COMMITTEE**  
**MINUTES**  
**August 19, 2009**

RECEIVED  
TOWN CLERK

2009 SEP 29 PM 7:20

FOXBOROUGH, MA 02835

Committee Members Present: Christina Belanger, Lauren Bitar, Elizabeth Blair, Jim DeVellis, Kevin Donase, Michael Fitzmaurice, Thom Freeman, Bob Garber, John Gray, Cynthia Khalifa, Steven Udden, Brian Walton, Gary Whitehouse.

Members Absent: Jenna Strickland, Jeff Rudd

Others Present: Andy Gala, Town Manager, Randy Scollins, Finance Director, BOS members – Paul Mortenson, Lorraine Brue, Larry Harrington and Lynda Walsh.

The meeting was brought to order at 7:30 PM by Jim DeVellis, Chairman.

**7:30** – Chairman DeVellis opened the meeting by explaining that because the BOS had called for a Special Town Meeting on August 24, 2009, the Advisory Committee's role is to review and make recommendations on the articles on the Warrant. He said that Articles 1 and 2 are proposals to raise local taxes on meals and hotel room occupancy and therefore the discussion would be on both Articles.

Paul Mortenson said his personal view is that an additional tax on meals is a way to increase revenue for the Town without necessarily taxing only the residents because many of the patrons at the restaurants at Patriot Place at least are from out of Town. He said the Town has many needs and there is good reason to believe that State aid is going to be cut even further.

Randy Scollins distributed an estimate on what the additional revenue to the Town would be if these articles pass at Town Meeting. It shows that with a full 2% increase in the hotel room excise tax, the estimated full fiscal year revenue would be \$231,167 and for the 8 months remaining in FY09 the revenue would be \$152,386. These numbers include the new hotel at Patriot Place. He explained that currently the Town collects nothing in meals tax. As allowed by DOR a 0.75% increase in the meals tax would result in estimated revenue for a full fiscal year of \$457,788 and for the 8 months remaining in FY09 the revenue would be \$305,192. Members of the Committee expressed concerns about how Administration would spend the additional revenue; that it would go into the general fund without any specific plan in place. Randy Scollins explained briefly how and when the tax rate is set. He explained that if there are no new appropriation articles to spend money between 8/24 and the end of September, then revenue that is raised cannot be spent on budget items for 2010; they would go into the general fund to be ultimately certified as free cash for next year. Any reduction in real estate taxes is done at the time the tax rate is set.

Other issues discussed related to possible cost to the Town to collect the taxes, the adverse effect on the Cherry Sheet, the effect on small businesses in Town and public awareness. Lorraine Brue spoke about the tremendous reduction in State aid in 2002/2003. She pointed out that the Town still has not recovered from that and has been looking for a revenue stream. She said this appears to be an opportunity for the Town without taking from the Federal Stimulus funds but she would be cautious with this and see how the cuts in State aid are going to go. Lorraine pointed out that this is a way to maintain municipal services. Randy Scollins listed several major needs in Town such as road repair and upkeep, the sewer needs that should be addressed, the liability related to continuing health care insurance for retired employees and the Town Hall renovation. He said the Town is definitely revenue challenged.

Larry Harrington pointed out that over the last eight years the State has not been able to keep up with inflation, therefore State aid has been consistently cut. Over that time the Town is

almost \$12M short over what it would have if the State had been able to keep up. He would like, for the first year only, for the BOS to commit to the citizens of Foxborough that this revenue would be used as relief for real estate taxes. After that careful consideration could be given as to how this revenue would be best utilized. He does not agree that this would have a negative impact on Foxborough businesses. Lynda Walsh said she cannot support another tax increase for the citizens of Foxborough. She would like to have had more time to decide where the revenue is going to go. Ron Young of the LaFayette House, and Greg McGrath of the Ancient Mariner, both spoke opposing this additional meals tax.

When asked whether this could be considered at a later Town Meeting, Randy Scollins replied that he did not want to see this "get lost". He said it is a very important life line for the Town. He pointed out that the Town has been fortunate with some one-time revenues coming in but this would not always be the case and State aid is declining. He said it would take \$2M just to move forward. He added that this revenue is absolutely necessary to allow the Town to maintain services otherwise the Town would have to look at reducing services.

Motion by Gary Whitehouse to approve Article 1 to impose a local excise tax at .75% on restaurant meals to take effect on October 1, 2009. Seconded by Thom Freeman.

**Vote: 4-8-0** Motion does not pass.

Jim Devellis explained the Dissent Vote Rule for the benefit of new members. This rule is voted on annually and will be brought forward for a vote by the Committee at a meeting yet to be scheduled.

Motion by Gary Whitehouse to approve Article 2 to amend the Town's local room occupancy excise to a rate of 6% to take effect on October 1, 2009. Seconded by Lauren Bitar.

**Vote: 6-6-0**

**Article 3 – Unpaid Bills** – Andy Gala explained that Town Council services came in over estimates at the end of the Fiscal Year. He said he had kept the BOS apprised that the legal budget would not be sufficient by the end of the year. The Board approved an additional \$48,000 for legal services to get through the year. When the bills came in the amount was in excess of the budget transfer. After a thorough review it was determined that the amount \$5,563.00 does cover authorized services but that it needs Town Meeting approval for payment. A brief discussion ensued. Andy Gala explained what services are covered by the retainer fee and what services are paid for over and above the retainer fee.

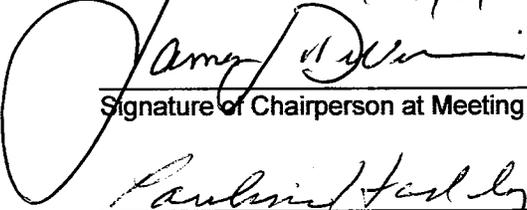
Motion by Gary Whitehouse to approve Article 3 as submitted by Town Manager.  
Seconded by Lauren Bitar.

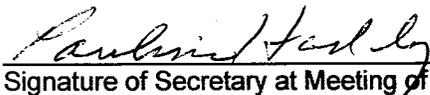
**Vote: 12-0-0**

Motion to adjourn by Lauren Bitar. Seconded by Bob Garber.  
**Vote: 12-0-0** Meeting adjourned at 9:30 p.m.

Minutes Approved by Vote of the Advisory Committee.

Date of Meeting: 9/23/09 Vote: 13-0-0

  
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Signature of Chairperson at Meeting of Vote

  
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Signature of Secretary at Meeting of July 19, 2009