

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
October 15, 2013

Members Present: Mark Sullivan, Chairman
Lorraine Brue, Vice Chairman
John Gray, Clerk
Ginny Coppola
James DeVellis

Others Present: Acting Town Manager Bob Cutler
Town Planner Sharon Wason
Finance Director Randy Scollins
Human Resources Director Cindy DePina

The meeting was brought to order at 7:00 p.m. by Mark Sullivan, Chairman. Chairman Sullivan reviewed the agenda.

Citizen's Input

Janet Kennedy of the Racino Committee would like to submit her comments to the package that was submitted over the weekend by the Racino Committee. She checked with the ethics committee and stated they said she could distribute her information. Mr. Cutler stated that the Board has not seen the information submitted yet as it was after the agenda deadline. He took Ms. Kennedy's comments and will add them to the items submitted.

Discussion – Citizen's Input

Mr. Cutler wanted to discuss the concept of Citizen's Input. He has concerns with Open Meeting violations that could happen if the Board engages in a discussion on a topic brought up during Citizen's Input. There is also the risk of someone making accusations against another person who would not be present to respond. He would prefer anyone who has a topic for discussion contact the office and get it put on the agenda. Mr. Cutler is not concerned with informational topics that are presented during this time.

Mr. Sullivan has no issues with citizens going through the office. Mr. DeVellis feels there is a benefit to having this on the agenda, not all citizens are aware of the scheduling process. He feels it is the Chairman's responsibility to curb the discussion before it happens. Mr. Gray thinks it is a good way for citizens to meet the Selectmen; if they have to go through a process it may take too long to get on the agenda and no longer be a timely topic. Ms. Brue thinks the process is good as it is; the Board members rely on the Chairman and the Town Manager to make sure there are no violations. Ms. Coppola likes having Citizen's Input on the agenda, she feels it is important for citizens to be able to have their say, if a discussion is warranted, it can always be added to a future agenda.

Town Meeting Articles Review/Vote

The Board met with Town Planner Sharon Wason. The members of the Planning Board are not available this evening. She first wanted to inform the Board of a workshop being sponsored by

the Planning Board and the Conservation Commission. It is on the topic of Conservation Subdivision Design and will be presented by Randall Arendt. It will be held on October 21st at 7:00 p.m. at the Library.

The Planning Board has two articles on the Fall Town Meeting Warrant. The first is for a grant application that has been submitted for the Payson Road Recreational Area. If the grant is received, the Board of Selectmen will be responsible for receiving and distributing the monies. The grant applied for is in the amount of \$400,000 which will be used, along with donations, to install playground equipment, paving and grading of future fields. The neighbors in the area have stated that there is not enough playground equipment and would like to see more. There will not be enough money to construct any new fields, but the proposed areas can be prepared for future installation. There are 49 applicants for this grant, which totals \$4 million; Ms. Wason hopes to have a response shortly. The Advisory Committee did vote to support this article.

Mr. DeVellis noted that the Babe Ruth field there is facing towards the sun and asked if any of the money could be used to turn that field. Ms. Wason will look into it.

The second article is for Innovative Residential Development. This is a new definition and regulations that would be added to the Zoning Bylaws. This would allow shared driveways and dead end streets longer than 800 feet through the Special Permit process. The shared driveway could only be for two homes and the proper frontage would still be required. Any applications would be reviewed by Emergency Services to make sure the access is adequate. The Fire Department could also request a fire hydrant if the drive is lengthy enough.

A study was done recently on properties in town that exceed 10 acres. There are twenty-five such parcels but not all of them would need dead end roads to be developed, some have more than one access point. This regulation would give landowners greater flexibility in development. The Advisory Committee voted to support this article.

Ms. Brue asked how many potential homes could be built on these twenty-five parcels. Ms. Wason stated that not enough information was gathered in regards to wetlands, slopes, etc to give an estimate on how many homes could be built; more research would be needed.

Mr. Gray asked if increased density would be allowed. Ms. Wason stated that one acre lots would still be a requirement. Ms. Coppola asked about driveways on lot borders, Ms. Wason stated that easements would be required if that were the case. Mr. DeVellis stated that there seem to be enough checks and balances in the proposal. He also asked if the roads were allowed to be longer, would this allow more lots. Ms. Wason stated that there would be potential for more developable lots, but the water lines would need to be looped and could not have a dead end. This could allow more conventional subdivisions without them becoming 40B's.

Town Hall Warrant Article and Finance Plan Discussion

The Board met with Finance Director Randy Scollins to review the financing plan for Town Hall. Mr. Scollins stated that the financing would be accomplished without using any current or future revenue and expenses. He is estimating the cost to be \$8.1 million. The \$550,000 being asked for on this Warrant will come from Capital Stabilization. \$6.1 million will be included debt in FY15 and up to \$2 million will be excluded debt in FY16. The \$2 million amount may change depending on the actual costs.

Included debt means that the principal and interest will be paid from the operating budget, there will not be a need for an increase in taxes and no vote will be needed from the taxpayers. Excluded debt would require a vote from the taxpayers.

The bids for the new Town Hall should be ready by the Spring Town Meeting so final costs will be known at that time.

Mr. Scollins reviewed a handout he prepared with the Board showing the amortization schedule. The Board wanted to know if monies will need to be taken from elsewhere in the budget for the included debt. Mr. Scollins is forecasting increased growth in the budget that will be able to handle this debt without affecting any other line items.

The excluded debt will have an impact on the average taxpayer with a \$376,000 home of \$390 over twenty years (from \$24.29 on year one to \$14.69 on year twenty). Ms. Coppola feels it is very important that the taxpayers understand the impact on their homeowner's taxes and suggest Mr. Scollins write an article for the newspaper that could run in advance of Town Meeting. Mr. Scollins is agreeable to writing a factual based article that is neither for nor against the town hall project.

Ms. Scollins noted that the town has been able to balance the budget without levying to the limit for the past two years and suggested that in the future the town tax to the limit and put aside any extra funds towards future projects and debt to help minimize costs.

If the Town Hall was a school project, state aid could be used, but there is no funding for municipal projects available from the state.

A vote will be taken on the Warrant Articles later in the evening.

Meals Tax Policy Discussion

The Board met with Mr. Scollins to discuss how the Meals Tax money is distributed. Town Meeting voted that this money could only be used to fund OPEB and town roads with review by the Board every year.

Mr. Scollins noted that from FY12 and FY13, after funding OPEB and road improvements, there is approximately \$610,000 left in the account.

Mr. Gray asked what the balance of unfunded OPEB is currently. Mr. Scollins stated that it was \$52 million two years ago and is due to be recalculated soon. There is a proposal in the state legislature for benefit funding, limiting it to employees with more than twenty years of service, if this passes, the OPEB amount will be cut by up to 30%.

Ms. Brue asked if the extra funds in the Meals Tax account could be used for one time funding by a Board vote. The Board had set a policy that it was only to be used for OPEB and roads.

Ms. Coppola wanted to know if these funds need to be used right away. Mr. Scollins reports on the funds quarterly so they don't lose track of them.

Mr. Sullivan asked if the extra funds could be used towards the town hall. Mr. Gray would prefer not to deviate from the original funding plan.

Mr. DeVellis asked what the cost of not funding OPEB is versus the cost of the town hall. Mr. Scollins stated that funding OPEB would result in fewer burdens to the taxpayers in the long run.

Ms. Brue stated that the town hall impact is still undetermined at this time and suggests that the Board have this discussion again once the costs are known. Ms. Coppola stated that she is reluctant to use the funds for anything other than what they were appropriated for. Mr. DeVellis wants to know if the DPW could be asked if funding is still needed for roads. Mr. Cutler will put this on a future agenda.

FY15 Budget Guidance

The Board met with Mr. Scollins to discuss the FY15 budget calendar. Usually there is a joint meeting with the School Committee and AdCom to discuss the budget in November. Mr. Cutler will schedule that meeting on a November agenda.

Mr. Scollins has prepared an executive summary of the estimated general fund operating revenue and expenses for FY15. He is forecasting an additional \$2.5 million in revenue with \$654,000 going to fixed costs which should result in an additional \$1.8 million available for the budget.

Ms. Brue suggested that since the town will be transitioning to a new Town Manager in the coming months that a conservative budget is prepared with no major initiatives. A different approach might be taken by the new manager the following year.

Update on Abuse Prevention Practices Town Wide

The Board met with Human Resources Director Cindy DePina in regards to the Abuse Prevention Policy.

Mr. Cutler stated that he has been working with Ms. DePina and consulting with the Norfolk Advocates for Children and feels that a policy may be a liability issue for the town. There are specific agencies in town that are mandated reporters as defined by the state.

Ms. DePina stated that the Police and Fire Departments, Council on Aging and Recreation employees fall under the state requirements as well as other groups in town that work with seniors as well as children. The Recreation Department staff uses a proactive process such as Darkness to Light training, some town hall employees have also taken this training.

Mr. DeVellis wanted to know what the liability for the town would be. Mr. Cutler explained that the policies would need to be updated as the law and statues change. Creating something for non-mandated reporters would be adding to the town's liability. The schools have their own policies and he will check to see what Recreation has for policies.

Ms. Brue would like to know what procedures youth groups in town have now. She would like to see a written policy with steps laid out, forms that could be filled out, etc.

Ms. Coppola stated that she is concerned with those that do not fall under the state mandate. She would like to see a yearly program for anyone involved with children, maybe develop a check list that the yearly CORI and SORI forms have been submitted. Mr. Cutler stated that the town cannot be responsible for non-town employees that work with children.

Mr. Sullivan asked if a bylaw should be drafted to petition the state to improve their mandating and reporting policies. Ms. Coppola asked if it could be looked at more as a Community Policy; the town needs to make sure that there are no other Sheehan type incidents in town ever again.

Reverend Bill Dudley would like to meet with the Human Resources Director to discuss the issue.

Ms. Brue would like to see a policy for new employees with a procedure that refers to the law.

This will be placed on the agenda again in four weeks for an update.

Warrant Articles

A motion that the Board of Selectmen approve the Town Warrant and all seven Articles in their current revision for the November 4, 2013 Town Meeting was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Town Manager Recruitment Discuss Search Committee and Draft Community Profile.

Ms. Brue stated that the Collins Institute has completed their interviews and prepared a Community Profile draft. They will still be meeting with the Department Heads and Committee members.

Ms. Brue has drafted an email to send to specific community members asking for their input on the Community Profile. She would like to send it to Marie Crimmins, Jack Authelet, Dave Brown, Bill Grieder, Tony LaChapelle, Rev. Bill Dudley, Bill Buckley and Larry Thomas. If any Board member would like to add to the list, please let her know.

Board members suggested that the ten people that were considered for the Search Committee be included. The original list of seventeen people has been reduced to seven.

The Board reviewed the draft document and Mr. Gray would like any reference to working only for a public entity removed to encourage private sector employees also. Other edits were also suggested.

The Board would like to limit the number of community members contacted for their comments on this document limited to ten.

Ms. Brue will check with the potential search committee members to see if they can commit.

Racino – Plainridge

Mr. Cutler and Mr. DeVellis met with Town Counsel to discuss the proposed racino. Penn National has designated the town as a Surrounding Community. Atty. Gelerman is working on mitigation; this may need to be discussed under a future Executive Session.

Mr. Sullivan would like an agenda item on Board members meetings outside of regular meetings to a future agenda.

Action Items

The minutes of September 17, 2013 and October 1, 2013 were reviewed.

A motion to approve the minutes of September 17, 2013 as amended was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to approve the minutes of October 1, 2013 as amended was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Mike Davison and Robert O'Rourke have submitted their resignations from the Racino Committee.

A motion to accept the resignations of Mike Davison and Robert O'Rourke with thanks for their service was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Erin Earnst and Trish Marshall would like to be appointed to the Racino Committee.

A motion to appoint Erin Earnst and Trish Marshall to the Racino Committee was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Thomas Whiting has requested renewal of his Constable Appointment.

A motion to renew the Constable Appointment for Thomas Whiting to expire on October 15, 2016 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

An application has been received in regards to a Community Innovation Challenge Grant to regionalize municipal stormwater management in SE Mass through collaborative education, data management and policy development. A vote is needed from the Board authorizing the town of Mansfield and the Southeastern Regional Services Group to file applications and execute agreements for this grant and to authorize the Town Manager to sign on behalf of the Selectmen.

A motion to authorize the town of Mansfield and the Southeastern Regional Services Group to file applications and execute agreements for the Community Innovation and Challenge Grant and to authorize the Town Manager to sign on behalf of the Selectmen was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Correspondence has been received from the Police Chief that a grant in the amount of \$500 has been received from MIIA for completing certification of the State Accreditation Process. Chief O'Leary would like to use these funds in the Drug Fund account to assist in the continuation of training.

A motion to deposit the \$500 grant funds in the Police Department Drug Fund for continuation of training in the community was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Correspondence has been received from the Postal Service in regards to their proposed relocation. The Postal Service has decided to proceed with the relocation of the post office and retail services in Foxboro. The Board and any member of the community can appeal this decision within thirty days of the date of the letter (September 30, 2013).

The Board would like Mr. Cutler to ask for clarification on what steps can be taken.

The Board has received copies of two applications that have been submitted to the Planning Board. The Public Hearing will be on October 24, 2013 and any comments are due two days before the hearing.

A letter has been received from State Representative Susan Gifford thanking the Board for their support on the Definition of Low and Moderate Income Housing bill. A Public Hearing will be held on October 22, 2013 at 10:00 a.m. at the State House. The Board asked Mr. Cutler to send an additional letter of support in advance of the meeting.

Correspondence has been received from Mass Housing in regards to a proposed 40B on Community Way. There will be a site visit on October 17th; the proposal is for twenty single family homes. Mr. DeVellis stated that he has worked with the applicant, Joe Lynch, and will be recusing himself from any future discussions.

The meeting is adjourned at 9:45 p.m.

Respectfully Submitted,

Diana Gray

John R. Gray, Clerk