

**ADVISORY COMMITTEE RECOMMENDATIONS
FOR THE
TOWN OF FOXBOROUGH'S
SPECIAL TOWN MEETING**

December 4th, 2017

Foxborough Advisory Committee

Mission Statement

The Foxborough Advisory Committee is responsible for providing recommendations to the Town residents on department budgets and Town Warrant articles as part of the Town Meeting process. In preparation for Town Meeting, the Advisory Committee reviews each department's budget and researches all Warrant Articles. This is done by meeting with each department head, holding public meetings for discussion and question opportunities and thoroughly researching each of the topics. Following this process, the committee then takes a vote and collectively puts forth a recommendation to the Town residents at the Town Meeting.

Members

Term Expires

Bernard Dumont (Chairman)	June 2018
Susan Dring (Vice Chairman)	June 2019
Jennifer L. Frank-Bonnet	June 2020
Seth E. Ferguson	June 2020
Thom H. Freeman	June 2018
Stephanie McGowan	June 2018
Robert W. Canfield, III	June 2019
Sean McCarthy	June 2019
Brent Ruter	June 2019
Michelle Raymond	June 2020
Larry B. Ooi	June 2020
Sharon E. Weiskerger	June 2020

**SUMMARY OF TOWN WARRANT RECOMMENDATIONS
SPECIAL TOWN MEETING
December 4, 2017**

Article No.	Article (AdCom Presenter)	Recommendation
Article 1	FY '18 Budget Adjustments (McCarthy)	Approval
Article 2	Municipal Charges Lien (Freeman)	Approval
Article 3	Fire Contract (Dumont)	Moved to no Action
Article 4	Steelworkers Contract (Raymond)	Approval
Article 5	Special Legislation-Charter School Reimbursement (Ooi)	Approval
Article 6	Accept Annette Road as a Public Way (Frank-Bonnet)	Approval
Article 7	Amend Zoning Bylaws (Ruter)	Approval
Article 8	Acceptance of Statute (Canfield)	Approval
Article 9	Stormwater Management Bylaw (Dring)	Approval
Article 10	Commercial/Recreational Marijuana Prohibition (Ferguson)	Approval
Article 11	Public Nuisance Bylaw (Dring)	Moved to no Action
Article 12	Amend Marijuana Bylaw (Ferguson)	Approval
Article 13	Amend Zoning Bylaw (Ferguson)	Approval

ARTICLE 1: FY '18 BUDGET ADJUSTMENTS

BOARD OF SELECTMEN

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 1:

VOTE OF 10-0-0

This article has (3) separate actions and includes the amendments of Articles 4 and 5 of the May 8th 2017, FY 2018 Annual Operating Budgets in order to fund;

- 1) \$30,000: Transfer from Free Cash to the Fire & Police Administration Budget to fund staffing level studies for the Police and Fire Departments. It has been over a decade since such a study was done and a new study should aid in planning future needs in public safety personnel. The study may also be used as a reference/mitigation tool for projects that may require additional public safety personnel. Town management feels this study will help to assess the response times of Public Safety and address new challenges moving forward.

- 2) \$35,400: Transfer from Free Cash to the Public Works Expense Budget to fund the manufacturing cost of sections of the Town Common fence. This should provide us with extra sections for the future as well. These funds are typically recovered by pursuing cost of repair from the party who damaged the fence. Any and all funds recovered, including the damaged fence scrap price, would be deposited to Free Cash for future appropriations.

- 3) \$24,000: Transfer from the Road Opening Surplus Fund to the Roads Capital Budget Fund. This is to update the Highway Departments Pavement Management System while using a surplus in the Road Opening Fund. The funds will be used to pay a consultant to evaluate local roads and update the priority list of roads needing repair. The update is preferred to be done every three years with the last updates done in 2012 and 2015.

ARTICLE 2: MUNICIPAL CHARGES LIEN

BOARD OF SELECTMEN

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 2:

VOTE OF 8-0-2

The Advisory Committee recommends the approval of Article #2. This article will provide the Town with an additional tool to secure revenue from the non-payment of non-criminal dispositions. This is in accordance with the Massachusetts General Laws, Chapter 40, Sections 21D and 58 which allows for municipalities to seek additional leverage by means of placing liens on real property. This article stems from the concern over scofflaws, who have been cited for non-permitted uses, (illegal parking on premises during stadium events for example) where the zoning laws are repeatedly ignored and fines have gone unpaid. This provision does not eliminate the ability of the property owner to seek adjudication through the courts.

ARTICLE 4: STEELWORKERS CONTRACT

BOARD OF SELECTMEN

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 4:

VOTE OF 9-0-2

The purpose of this article is to secure the funding for the collective bargaining agreement negotiated by and between the Town of Foxborough and the Foxboro Town Clerical Employees, Middle Managers and Department Heads.

The agreement was negotiated for a three-year term and will run from 7/1/2017 to 6/30/2020 (FY ' 18, FY '19 and FY ' 20). The terms of the agreement includes a simplification of the step plan which falls in the middle range compared to local communities and provides for a cap of the step increases. This simplification of the steps combined with the requirement that the employee receive at least a satisfactory rating to receive such step increase is more sustainable and affordable over the long term for the Town. The agreement also provides for removal of sick leave buyback for future employees which will be a future savings for the Town. The Grievance and Arbitration Procedures were streamlined between departments. In addition, Light/Modified Duty provisions were added which will assist the Town with savings on its worker's compensation insurance.

The agreement will add \$84,961 in additional cost to the FY '17 budget representing a 2% COLA increase. It will add to the FY '18 budget \$84,961 representing the anniversary of the COLA increase plus a \$121,486 for a 2% COLA for FY '18 and step increases for an approximate total of \$290,869. The total cost will be funded out of Free Cash and deposited into the respective departments budgets.

ARTICLE 5: SPECIAL LEGISLATION-CHARTER SCHOOL REIMBURSEMENT

BOARD OF SELECTMEN

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 5:

VOTE OF 9-0-1

The purpose of this article is to request the Board of Selectmen to file a Special Legislation to require a 100 percent charter school tuition reimbursement to the Town of Foxborough as determined by the Legislature funding formula.

The Town was approached by the City of Lowell to join them in filing special legislation to request the Commonwealth to reimburse school districts the full amount of charter school tuition due as determined by statutory formula. In recent years, the Commonwealth has not reimbursed school districts the full 100 percent of the charter school tuition as stated in the funding formula.

If approved by the Town, the Board of Selectmen, by a majority vote, will file special legislation that authorizes the Legislature to make an amendment to Chapter 71, section 89 of the General Laws as it applies to the Town of Foxborough with the following requirement: That the town of Foxborough shall receive a 100 percent charter school reimbursement based on the funding formula.

ARTICLE 6: ACCEPT ANNETTE ROAD AS A PUBLIC WAY **PLANNING**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 6: **VOTE OF 12-0-0**

The purpose of this article is to see if the Town will accept Annette Road as a public way. Street acceptance requests are initiated by the developer then approved by The Planning Board if all obligations are met. These obligations include sufficient width, suitable grades, adequate construction and installation of municipal services. If this article is approved, the Town will be responsible for maintenance of the roadway and all related infrastructure.

ARTICLE 7: AMEND ZONING BYLAWS **PLANNING**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 7: **VOTE OF 10-0-0**

This article would amend current zoning bylaws to restrict certain uses within the Town's General Business (GB) zoning district. The GB zoning district covers the area around downtown plus one area south of the Public Safety Building. There are six (6) proposed land use restrictions to this GB district outlined in the warrant that, together, generally restrict the following: commercial parking lots, vehicle repair shops, rail switching stations, truck terminals and self-storage or public warehouses.

These amendments to the Town's zoning were brought forward by the Town Planner then discussed and approved by the Planning Board. Now, Town Meeting must vote for final approval of these proposed changes to take effect. Voting to approve this article would mean that the outlined land uses would not be permitted for new businesses within the GB zoning district.

ARTICLE 8: ACCEPTANCE OF STATUTE **BOARD OF SELECTMEN**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 8: **VOTE OF 10-0-0**

The purpose of this article is to allow vendors to sell alcoholic beverages on premises on Sundays and certain legal holidays. The Statute has specific dates and times listed.

Holders of these liquor licenses will have to follow the standard procedure of making the request by coming in front of the Board of Selectmen. The Board of Selectmen will evaluate each request on its own merit for both recurring and one-off requests.

ARTICLE 9: STORMWATER MANAGEMENT BYLAW **DPW/PLANNING/CONSERVATION**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 9: VOTE OF 6-3-2

The purpose of this article is to amend the Stormwater Bylaw that was passed at Town Meeting in May 2017. This amendment would allow the Town to place liens on property where the Town incurred costs to remediate violations to the Stormwater Bylaw. In other words, if there is a storm water pollution issue that the Town must remedy on behalf of a property owner, the Town can place a lien on the property for the money the Town spent.

This article was heavily debated by the Advisory Committee. Those who voted for the article felt it was important for the Town to have power to enforce the Stormwater Bylaw, to give the bylaw "teeth". If a property owner has a pollution issue, that owner should have to pay, and not the Town. Those opposed to the article felt that there are no checks and balances in the Stormwater Bylaw, putting property owners at a disadvantage. A property owner can be required to make expensive changes to their property based on the Stormwater Bylaw without having the ability to challenge the charges. No second opinion is required of the Town. Some Advisory Committee members suggested waiting a year or two to see how the Stormwater Bylaw is enforced before approving this article.

To see the full 17 page Stormwater Bylaw, go to

http://www.foxboroughma.gov/Pages/FoxboroughMA_Planning/Stormwater%20Bylaw17.pdf

ARTICLE 10: COMMERCIAL/RECREATIONAL MARIJUANA PROHIBITION **BOARD OF SELECTMEN**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 10: VOTE OF 11-0-1

The purpose of Article 10 is to supplement and perhaps eventually replace the current *General* Bylaw which stipulates that commercial and recreational marijuana establishments are prohibited, with an added provision to the Town *Zoning* Bylaws that achieves the same effect.

This action is recommended by the Massachusetts Attorney General, due to the language of the related Massachusetts state law regarding commercial/recreational marijuana establishments that implies that this area is more appropriately regulated by a zoning amendment.

The Advisory Committee voted in favor of approving this article as is written as there would be no impact to the prohibition of these commercial/recreational establishments. The committee also had no issues with acting on the recommendation of the Attorney General.

ARTICLE 12: AMEND MARIJUANA BYLAW

BOARD OF SELECTMEN

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 12:

VOTE OF 10-0-0

The purpose of Article 12 is to increase the fine associated with violations of the marijuana Bylaw from \$200 to \$300 per occurrence, and to make clear that fines can be assessed for violations associated with medical as well as recreational marijuana usage.

The Advisory Committee voted in favor of approving this article as is written so that the language of the Bylaw would be unambiguous regarding medical marijuana. The committee was also in favor of moving to the maximum fine allowed by state law for this type of violation.

ARTICLE 13: AMEND ZONING BYLAW

BOARD OF SELECTMEN

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 13:

VOTE OF 9-0-1

The purpose of Article 13 is to make the language of Section 7.5 of Chapter 275 of the Town Zoning Bylaws explicit in that any reference to “Registered Marijuana Dispensaries” in all cases refers to “Registered *Medical* Marijuana Dispensaries.” The language would be updated to reflect this intent.

The Advisory Committee voted in favor of approving this article as is written in order to prevent any confusion in light of the recent vote to prohibit commercial/recreational marijuana establishments, and to ensure that the language of Section 7.5 is aligned with this restriction.