



TOWN CLERK'S REPORT
ANNUAL TOWN MEETING

Monday, the Tenth Day of May, 2010

The Annual Town Meeting of the Town of Foxborough convened at 7:45 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Rev. Rebecca Brown, of St. Mark's Episcopal Church, delivered the invocation. John Gray of the Advisory Committee led the Pledge of Allegiance, and Megan Lowey of the Foxborough High School Choir sang the National Anthem. Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.

There were six hundred sixty-three (663) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: The election of Town Officials was held on Monday, the third day of May 2010. The results of the following positions were announced at the John J. Ahern Middle School by Kathleen M. Brady, Town Warden: one Town Clerk for three years; two Selectman for three years; one Assessor for three years; two School Committee members for three years; one Water & Sewer Commissioner for three years; one Board of Health member for three years; two Boyden Library Trustees for three years and one Planning Board member for three years; one Housing Authority member for five years; one Housing Authority member for 3 years and; one Moderator for three year.

QUESTION #1

"Shall the Town of Foxborough be allowed to exempt from the provisions of proposition two-and-one-half, so-called, the amounts required to pay for the bonds to be issued in order to finance the renovation and expansion of Boyden Library, including the hiring of engineers, architects, and/or consultants for the purpose of preparing design plans and specifications, to include contract documents and estimates of probable site work, demolition, and construction costs relating thereto, as well as the original equipping and/or furnishing of said Boyden Library, said renovation and expansion to be conducted at the existing library premises?"

Yes - 1571

No - 1199

ARTICLE 2: Town Clerk, Robert E. Cutler, Jr., presented the 231st Annual Report of the Town Officers of Foxborough, Massachusetts together with the report of the School Department and Town Accountant/Finance Director for the year ending December 31, 2009.

ARTICLE 3: Moved to hear the report of any committee and act thereon, and to choose any committee that may be wanted, and to raise and appropriate such sums of money deemed necessary for expenses of any committee chosen under this appropriation by taxation or by transfer from available funds.

No reports were given.

ARTICLE 4: Moved that the Town vote the compensation for elected officials and to raise and appropriate the sums of money herein specified and requested by the Board of Selectmen for the various departments for expenditures within the Fiscal Year 2011, beginning July 1, 2010 and ending June 30, 2011, for the purposes herein mentioned and to meet said appropriations as follows:

Taxation, State Aid & Local Receipts	48,583,216.79
Free Cash	1,173,884.10
Ambulance Receipts	431,600.00
Unfunded Pension Liability Fund	674,252.00
Water Receipts	3,216,852.22
Sewer Receipts	1,000,229.15
Solid Waste Receipts	1,011,702.94
Solid Waste Retained Earnings	100,000.00
	<u>56,191,737.20</u>

ITEMS NOT HELD ADOPTED 580 Affirmative 0 Negative 8:16 PM

HELD ITEMS ADOPTED AS FOLLOWS:

Line Item #171 – Conservation Commission	550 Affirmative	35 Negative	8:25 PM
Line Item #210 – Police	580 Affirmative	40 Negative	8:53 PM
Line Item #220 – Fire	520 Affirmative	89 Negative	9:08 PM
Line Item #241 – Inspection	574 Affirmative	36 Negative	9:11 PM
Line Item #300 – Foxborough Public Schools	612 Affirmative	13 Negative	9:17 PM
Line Item #423 – Snow & Ice	620 Affirmative	6 Negative	9:20 PM
Line Item #610 – Library	612 Affirmative	8 Negative	9:24 PM
Line Item #915 – Group Health/Life Insurance	572 Affirmative	23 Negative	9:41 PM

RECONSIDERATION FAILED 1 Affirmative 599 Negative 9:44 PM

GENERAL GOVERNMENT:		FY '11	Recommended
		Budget	Funding Source(s)
122	SELECTMEN		
	Expenses	8,986	Taxation, State Aid & Local Receipts
123	ADMINISTRATION		
	Salaries	297,234	Taxation, State Aid & Local Receipts
	Expenses	26,100	Taxation, State Aid & Local Receipts
		<u>323,334</u>	
124	SOUTHEAST REGIONAL SERVICES GROUP	4,400	Taxation, State Aid & Local Receipts
125	AUDIT TOWN FINANCIAL RECORDS		
	Annual Financial	37,000	Taxation, State Aid & Local Receipts
126	PRINT TOWN REPORTS	6,500	Taxation, State Aid & Local Receipts
130	FINANCE		
	Salaries	606,644	Taxation, State Aid & Local Receipts
	Expenses	195,560	Taxation, State Aid & Local Receipts:
		<u>802,204</u>	171,560; Ambulance Receipts 24,000
141	ADVISORY COMMITTEE		
	Expenses	2,000	Taxation, State Aid & Local Receipts
	RESERVE FUND (<i>Appropriated for Transfer, Not</i>		
	<i>Expended.</i>)	105,000	Taxation, State Aid & Local Receipts
151	LEGAL	120,000	Taxation, State Aid & Local Receipts
156	GIS Department		
	Expenses	10,000	Taxation, State Aid & Local Receipts
161	TOWN CLERK		
	Compensation	68,495	Taxation, State Aid & Local Receipts
	Salaries	49,433	Taxation, State Aid & Local Receipts
	Expenses	9,225	Taxation, State Aid & Local Receipts
		<u>127,153</u>	

162	ELECTION & REGISTRATION		
	Salaries	43,967	Taxation, State Aid & Local Receipts
	Expenses	<u>15,575</u>	Taxation, State Aid & Local Receipts
		59,542	
171	CONSERVATION COMMISSION		
	Salaries	44,731	Taxation, State Aid & Local Receipts
	Expenses	<u>3,170</u>	Taxation, State Aid & Local Receipts
		47,901	
175	PLANNING BOARD		
	Salaries	101,940	Taxation, State Aid & Local Receipts
	Expenses	<u>32,283</u>	Taxation, State Aid & Local Receipts
		134,223	
176	APPEALS BOARD		
	Expenses	2,900	Taxation, State Aid & Local Receipts
180	MUNICIPAL COMMITTEES	500	Taxation, State Aid & Local Receipts
192	MUNICIPAL BUILDING		
	Salaries	38,449	Taxation, State Aid & Local Receipts
	Expenses	<u>59,200</u>	Taxation, State Aid & Local Receipts
		97,649	
195	TOWN BUILDINGS		
	Expenses	23,914	Taxation, State Aid & Local Receipts
	TOTAL GENERAL GOVERNMENT	<u>1,913,206</u>	
PUBLIC SAFETY:			
210	POLICE		
	Salaries	2,572,112	Taxation, State Aid & Local Receipts
	Expenses	253,799	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>59,000</u>	Taxation, State Aid & Local Receipts
		2,884,911	
220	FIRE		Taxation: 2,101,830; Ambulance: 387,000
	Salaries	2,488,830	
	Expenses	220,305	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>37,389</u>	Taxation, State Aid & Local Receipts:
		2,746,524	16,789; Ambulance: 20,600
230	CENTRAL DISPATCH & SERVICES		
	Salaries	399,857	Taxation, State Aid & Local Receipts
	Expenses	<u>28,050</u>	Taxation, State Aid & Local Receipts
		427,907	
235	JOINT PUBLIC SAFETY BUILDING		
	Salaries	36,635	Taxation, State Aid & Local Receipts
	Expenses	<u>200,301</u>	Taxation, State Aid & Local Receipts
		236,936	
241	INSPECTION		
	Salaries	263,735	Taxation, State Aid & Local Receipts
	Expenses	<u>6,400</u>	Taxation, State Aid & Local Receipts
		270,135	
292	ANIMAL CONTROL		
	Salaries	41,250	Taxation, State Aid & Local Receipts
	Expenses	<u>7,280</u>	Taxation, State Aid & Local Receipts
		48,530	

TOTAL PUBLIC SAFETY 6,614,943

EDUCATION:

300	FOXBOROUGH PUBLIC SCHOOLS		
	Salaries & Expenses	<u>26,952,693</u>	Taxation, State Aid & Local Receipts
		26,952,693	
390	SOUTHEASTERN REGIONAL	300,556	Taxation, State Aid & Local Receipts

TOTAL EDUCATION 27,253,249

PUBLIC WORKS:

410	PUBLIC WORKS		
	Salaries	1,082,270	Taxation, State Aid & Local Receipts
	Expenses	400,027	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>9,500</u>	Taxation, State Aid & Local Receipts
		1,491,797	
423	SNOW & ICE		
	Expenses	104,300	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>9,100</u>	Taxation, State Aid & Local Receipts
		113,400	
424	STREET LIGHTING	115,000	Taxation, State Aid & Local Receipts
425	ENGINEERING	15,000	Taxation, State Aid & Local Receipts
430	SOLID WASTE ENTERPRISE (LANDFILL)		
	Salaries	67,210	Landfill Receipts
	Expenses	<u>56,615</u>	Landfill Receipts
		123,825	

NOTE: Costs for Solid Waste Operation contained in other budgets:			
123/125/192 Admin. & 130/156 Finance/GIS	23,344	Landfill Receipts	
410 Public Works	24,810	Landfill Receipts	
915/945 Insurance	<u>27,326</u>	Landfill Receipts	
	75,480		

433	SOLID WASTE ENTERPRISE (COLLECTION)	912,398	Landfill Receipts: 812,398; and Landfill Retained Earnings: 100,000
450	WATER ENTERPRISE		
	Salaries	843,127	Water Receipts
	Expenses	1,144,250	Water Receipts
	Debt Service	742,505	Water Receipts
	Capital Outlay	<u>0</u>	Water Receipts
		2,729,882	

NOTE: Costs for Water Operation contained in other budgets:			
123/125/192 Admin. & 130/156 Finance/GIS	85,356	Water Receipts	
760 Debt Service	3,000	Water Receipts	
915 Fringe Benefits	309,074	Water Receipts	
945 Insurance	<u>89,540</u>	Water Receipts	
	486,970		

460 SEWER ENTERPRISE		
Salaries	102,826	Sewer Receipts
Expenses	737,170	Sewer Receipts
Debt Service	<u>92,535</u>	Sewer Receipts
	932,531	

NOTE: Costs for Sewer Operation contained in other budgets:

123/125/192 Admin. & 130/156 Finance/GIS	22,288	Sewer Receipts
915 Fringe Benefits	36,777	Sewer Receipts
945 Insurance	<u>8,633</u>	Sewer Receipts
	67,698	

TOTAL PUBLIC WORKS 6,433,833

HUMAN SERVICES:

510 BOARD OF HEALTH		
Salaries	176,747	Taxation, State Aid & Local Receipts
Expenses	<u>7,750</u>	Taxation, State Aid & Local Receipts
	184,497	

520 HEALTH AGENCIES		
Expenses	35,087	Taxation, State Aid & Local Receipts

541 COUNCIL ON AGING/HUMAN SERVICES		
Salaries	254,429	Taxation, State Aid & Local Receipts
Expenses	<u>47,022</u>	Taxation, State Aid & Local Receipts
	301,451	

543 VETERANS		
Salaries	33,380	Taxation, State Aid & Local Receipts
Expenses	<u>65,785</u>	Taxation, State Aid & Local Receipts
	99,165	

TOTAL HUMAN SERVICES 620,200

CULTURE & RECREATION:

610 LIBRARY		
Salaries	703,666	Taxation, State Aid & Local Receipts
Expenses	233,350	Taxation, State Aid & Local Receipts
Capital Outlay	<u>9,200</u>	Taxation, State Aid & Local Receipts
	946,216	

630 RECREATION		
Salaries	61,504	Taxation, State Aid & Local Receipts
Expenses	34,135	Taxation, State Aid & Local Receipts
Capital Outlay	<u>---</u>	
	95,639	

691 HISTORICAL COMMISSION		
Expenses	14,900	Taxation, State Aid & Local Receipts
Capital Outlay	<u>16,000</u>	Taxation, State Aid & Local Receipts
	30,900	

692 SPECIAL EVENTS	2,000	Taxation, State Aid & Local Receipts
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TOTAL CULTURE & RECREATION 1,074,755

DEBT SERVICE:

710	DEBT - PRINCIPAL	2,030,000	Taxation, State Aid & Local Receipts
751	DEBT - INTEREST	1,021,752	Taxation, State Aid & Local Receipts
760	DEBT - ISSUANCE & EXPENSES	25,000	Taxation, State Aid & Local Receipts
TOTAL DEBT SERVICE		<u>3,076,752</u>	

INSURANCE & OTHER:

911	PENSIONS/RETIREMENT	2,201,277	Taxation, State Aid & Local Receipts: 1,527,025, Pension Fund: 674,252
913	WORKERS COMPENSATION	185,850	Taxation, State Aid & Local Receipts
914	UNEMPLOYMENT COMPENSATION	100,000	Taxation, State Aid & Local Receipts
915	GROUP HEALTH/LIFE INSURANCE	6,299,972	Taxation, State Aid & Local Receipts: 5,126,082, Free Cash: 1,173,890
945	GENERAL INSURANCE	417,700	Taxation, State Aid & Local Receipts
TOTAL INSURANCE & OTHER		<u>9,204,799</u>	

TOTAL ALL OPERATING BUDGETS 56,191,737

ARTICLE 5: Moved that the recommendations of the Capital Improvement Planning ("CIP") Committee set forth herein be adopted and that the capital items set forth in the chart below be appropriated as specified therein, and that these appropriations be funded by the Funding Sources specified in the chart below, as follows:.

DEPARTMENT/Description	CIP FY 11	Recommended Funding Sources
Police	-	-
Fire	95,208	Ambulance Receipts
Highway	183,000	Free Cash
Highway (Chapter 90)	400,000	Chapter 90 State Allocation
Public Schools	587,000	Free Cash
Water Enterprise	1,337,400	\$812,400 Water Receipts, \$275,000 Retained Earnings, \$250,000 System Improvements Capital Account
Sewer Enterprise	210,000	Sewer Receipts
	<u>2,812,608</u>	

Funding Summary:	Free Cash	770,000
	Ambulance Receipts	95,208
	Chapter 90	400,000
	Water Receipts	812,400
	Water Enterprise Retained Earning	275,000
	Transfer from Water Capital Account	250,000
	Sewer Receipts	210,000
	Total	<u>2,812,608</u>

ADOPTED: 596 Affirmative 4 Negative 9:44 PM

ARTICLE 6: Moved that Seven Million Five Hundred Thousand Dollars (\$7,500,000) be appropriated for the renovation and expansion of the Boyden Library, including the hiring of engineers, architects, and/or consultants for the purpose of preparing design plans and specifications, to include contract documents and estimates of probable site work, demolition, and constructions costs relating thereto, as well as the original equipping and/or furnishing of said Boyden Library; said renovation and expansion to be conducted at the existing library premises; and to meet this appropriation, the Treasurer of the Town, with the approval of the Board of Selectmen, be hereby authorized to borrow Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to G.L. c. 44 Sec. 7(3) or any other enabling authority and to issue bonds and notes of the Town, provided however, that this appropriation shall not take

effect unless the town votes by ballot to exempt the amounts necessary to pay principal and interest thereon from the limitations on taxes imposed by G. L. Ch. 59, s. 21C, clause (k) (Proposition Two and One Half, so called).

ADOPTED 562 Affirmative 30 Negative 10:28 PM
 2/3rd vote required

RECONSIDERATION FAILED 26 Affirmative 550 Negative 10:30 PM

ARTICLE 7: Moved that Seven Million Dollars (\$7,000,000) is hereby appropriated to be spent by the Board of Water and Sewer Commissioners for the purpose of designing, constructing, equipping, and installing , treatment facilities, buildings, and pumping equipment for removing elevated iron and manganese at Oak Street in the town of Foxborough, together with water mains, any related equipment, and an access road thereto from Oak Street, and that to meet this appropriation, the Treasurer of the Town with the approval of the Board of Selectmen is authorized to borrow pursuant to any applicable statute Seven Million Dollars (\$7,000,000), and to issue bonds and notes of the town for this purpose as general obligations of the town with the intent that the principal and interest payments thereon shall first be paid out of water revenues.

ADOPTED 320 Affirmative 39 Negative 10:41 PM
 2/3rds vote required

RECONSIDERATION FAILED 2 Affirmative 310 Negative 10:42 PM

ARTICLE 8: Moved that a Revised Consolidated Personnel By-Law, as amended, be hereby adopted in accordance with the terms and conditions of a document entitled “Revised Consolidated Personnel By-Law 2011”, a copy of which is on file with the Town Clerk and incorporated herein by reference.

NOT ADOPTED 89 Affirmative 104 Negative 10:50 PM

ARTICLE 9: Moved that the three revolving accounts described as follows be re-authorized pursuant to Massachusetts General laws chapter 44, Section 53E ½ for the Fiscal Year 2011, beginning July 1, 2010.

Revolving Fund #	Name of Revolving Fund	Spending Authority	Revenue Sources	Use of Funds	FY 11 Spending Limit
1	Recreation Revolving Fund	Board of Recreation	Monies from Program participation	Recreation Department programs	\$120,000
2	Police and Fire Vehicle Apparatus Utilization Revolving Fund	Town Manager	Vehicle apparatus rental fees collected from vendors hiring Police and/or Fire details requiring the use a Police and/or Fire vehicle	Repair, Replacement or purchase of equipment for Fire and Police vehicles	\$50,000
3	Highway Department Revolving Fund	Town Manager	Fee for services and various town department payments	Pay for Highway Department overtime	\$20,000

ADOPTED 190 Affirmative 7 Negative 10:53 PM

ARTICLE 10: Moved that Section 4 of Chapter 73, of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 which allows additional real estate tax exemptions of one hundred percent (100%) to persons who qualify for property tax exemptions under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of Section 5 of Chapter 59 of the General Laws, is hereby accepted for the town, and gross income and estate qualifying limits for Clause 41C are set as follows: Married gross income limit of \$25,000, Married whole estate asset limit of \$30,000, Single gross income limit of \$18,500, and Single whole estate asset limit of \$28,000.

ADOPTED 170 Affirmative 3 Negative 10:54 PM

ARTICLE 11: Moved that G.L. c. 59, § 57C be accepted by the town for the purpose of adopting or establishing a quarterly tax payment system for the Town of Foxborough beginning fiscal year 2012, with the first quarterly tax bill being sent to taxpayers in July of 2011 and/or thereafter.

ADOPTED 134 Affirmative 102 Negative 11:05 PM

ARTICLE 12: Moved that the Town accept Massachusetts G.L. Ch. 32B, § 20 which governs group health insurance for active and retired employees of local governmental entities. This new section allows a city, town, district, county or municipal lighting plant to set up a special trust fund, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability of health care and other post-employment benefits for its retirees; as follows:

Chapter 32B: Section 20. Other Post Employment Benefits Liability Trust Fund; local option; funding schedule

Section 20. A city, town, district, county or municipal lighting plant that accepts this section, may establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and a funding schedule for the fund. The schedule and any future updates shall be designed, consistent with standards issued by the Governmental Accounting Standards Board, to reduce the unfunded actuarial liability of health care and other post-employment benefits to zero as of an actuarially acceptable period of years and to meet the normal cost of all such future benefits for which the governmental unit is obligated. The schedule and any future updates shall be: (i) developed by an actuary retained by a municipal lighting plant or any other governmental unit and triennially reviewed by the board for a municipal lighting plant or by the chief executive officer of a governmental unit; and (ii) reviewed and approved by the actuary in the public employee retirement administration commission.

The board of a municipal lighting plant or the legislative body of any other governmental unit may appropriate amounts recommended by the schedule to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. 1395w-132 may be added to and become part of the fund.

The custodian of the fund shall be: (i) a designee appointed by the board of a municipal lighting plant; or (ii) the treasurer of any other governmental unit. Funds shall be invested and reinvested by the custodian consistent with the prudent investor rule set forth in chapter 203C.

This section may be accepted in a city having a Plan D or Plan E charter by vote of the city council; in any other city by vote of the city council and approval of the mayor; in a town by vote of the town at a town meeting; in a district by vote of the governing board; in a municipal lighting plant by vote of the board; and in a county by vote of the county commission.

ADOPTED 157 Affirmative 4 Negative 11:12 PM

ARTICLE 13: Moved that the town's acceptance of G.L. Chapter 40, s. 13A to establish a Worker's Compensation self insurance fund, previously accepted by the town pursuant to Article 3 of the 1996 Annual Town Meeting, be rescinded.

ADOPTED 155 Affirmative 2 Negative 11:16 PM

ARTICLE 14: Moved that One Million Two Hundred Sixty Five Thousand Dollars (\$1,265,000) be appropriated for the Other Post Employment Benefits (OPEB) Liability Trust fund to be used towards the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees, and to meet this appropriation, One Million Two Hundred Sixty Five Thousand Dollars (\$1,265,000) be transferred from Free Cash in the treasury of the town.

ADOPTED 147 Affirmative 0 Negative 11:18 PM

ARTICLE 15: Moved that a Home Rule Petition to the General Court be presented on behalf of the Town of Foxborough as set forth below, that the town's representatives in the General Court be requested to seek enactment of special legislation for the Town in the form set forth below, it being the intent of the Town to authorize the General Court to make constructive changes to the text hereof, subject to the approval of the Foxborough Board of Selectmen and the Foxborough Board of Water and Sewer Commissioners, to accomplish the public policy purposes hereof, as follows:

AN ACT AMENDING AND UPDATING THE FOXBOROUGH SEWER ACT

SECTION 1. The Town of Foxborough is hereby authorized, through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, to lay out, construct, maintain and operate, a sewerage system for a part or the whole of its territory, as may be from time to time defined and established by adoption by town meeting of one or more by-laws as one or more designated Sewer Districts with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such by-law to such Sewer Districts in the Town of Foxborough as required for a system or systems of wastewater collection, conveyance, treatment and/or disposal facilities and such connections and other works as may be required for a sewerage system for said town, in accordance with plans made for said town and accepted and adopted by said town. No other sewers shall be constructed in any public roads or ways of the town of Foxborough which are not within such designated Sewer Districts and which are not under the control of said town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, except this provision may be waived by vote of said Board of Water and Sewer Commissioners. The Board of Water and Sewer Commissioners, as established pursuant to Chapter 46 of the Acts of 1986, shall have all the rights and powers under the General Laws and under applicable special acts, including, without limitation, and as applicable, chapter 196 of the acts of 1879, chapter 162 of the acts of 1890, chapter 424 of the acts of 1891, chapter 232 of the acts of 1892, chapter 339 of the acts of 1894, chapter 222 of the acts of 1897, chapter 346 of the acts of 1898, chapter 245 of the acts of 1911, chapter 175 of the acts of 1913, chapter 311 of the acts of 1925, chapter 227 of the acts of 1931, chapter 147 of the acts of 1949, insofar they do not conflict with the provisions of this act.

SECTION 2. The care and superintendence of the operation and maintenance of the system of wastewater collection, conveyance, treatment and/or disposal facilities and of all facilities subsequently built shall be placed in the hands of the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, who shall have and exercise all the powers, privileges and authority which are given to such board by the provisions of chapter 40N of the General Laws. Said Board of Water and Sewer Commissioners may establish rules and regulations pursuant to said chapter 40N for the connecting of estates and buildings with said facilities, and for the selection of materials to be used in said connections, and for the inspection of the construction, maintenance, alteration and use of all such connections entering into its sewers, and may impose penalties, not exceeding three hundred dollars in amount, for each violation of any rule or regulations; and upon such establishment shall be published not less than one a week for four successive weeks in some newspaper published in said town, and shall not take effect and become operative until such publication has been made. Upon the establishment of such rules and regulations all owners of estates and buildings within the territory covered by said Sewer Districts shall, subject to capacity and subject to such rules and regulations, be permitted to connect to the Town's system of collection, conveyance or treatment of wastewater, provided however such owners shall, at their own expense, construct such proper connections between such estates and buildings, and the town's system of collection, conveyance or treatment of wastewater as shall take proper care of all such sewage and waste as may be produced upon their premises, in such manner as shall meet the approval of the Board of Water and Sewer Commissioners of said town, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, and shall maintain such connections in proper working order and condition, under the supervision and to the satisfaction of said board.

SECTION 3. Notwithstanding any provision of law to the contrary, owners of land not within the sewer districts defined and established pursuant to section one of this act shall not be permitted to connect to the town's sewerage system except as is set forth in this act. The territory covered by said Sewer Districts may be amended from time to time by the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, after a public hearing conducted to consider such amendment, upon approval of the Massachusetts Department of Environmental Protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district. In the event that said board votes not to amend the territory of any sewer district in accordance with the foregoing sentence, the amendment may nevertheless be enacted in a form of a by-law upon a two-thirds vote of town meeting. Any by-law adopted pursuant to the authority granted to the town of Foxborough by this act may include authorization to the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3

of Chapter 46 of the Acts of 1986, to add to the Sewer Districts created pursuant to this act without the necessity of a town meeting vote, properties located within "needs areas" as defined by Foxborough's Comprehensive Wastewater Management Plan, April 2001 (CWSRF#584), or any equivalent successor revision or amendment thereto as may be approved by said board and the Massachusetts Department of Environmental Protection.

SECTION 4. Notwithstanding anything to the contrary contained herein, the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, may at any time permit extensions, new connections or increases in flow to the sewerage system, subject to capacity, to serve municipal buildings or public restrooms or other public service uses as defined by the municipality; provided, however, that such uses may include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and 40R of the General Laws, without thereby creating any entitlement on the part of any person to connect to such sewer system, and subject to capacity, in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within such Sewer Districts.

SECTION 5. Chapter 46 of the Acts of 1986, Chapter 144 of the Acts of 1985, Chapter 346 of the Acts of 1989 and the General Laws, insofar they do not conflict with the provisions of this act, shall apply to the town of Foxborough in carrying out the provisions of this act.

SECTION 6. This act shall take effect upon its passage.

<u>ADOPTED</u>	130 Affirmative	75 Negative	11:56 PM
<u>RECONSIDERATION FAILED</u>	40 Affirmative	120 Negative	12:00 PM

ARTICLE 16: Moved that an Agricultural Commission be hereby established to represent the Foxborough Farming community. The purpose of the Foxborough Agricultural Commission shall be to work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Foxborough. Said commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Foxborough; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues; shall work for preservation of prime agricultural lands; shall pursue all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Foxborough.

The commission shall consist of five members and three alternates appointed by the Board of Selectmen. The commission shall consist of a minimum of three members who are actively engaged in agriculture in Foxborough and another two members who are interested in farming. Two members for a term of three years, two members for a term of two years and three thereafter and one member for a one year term and three thereafter. These members do not have to be residents but are substantially engaged in agriculture in Foxborough.

The appointing authority shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the staggered cycle of appointments, based on recommendations of the Commission.

Appointing Authority	Board of Selectmen
Establish number of members of Commission	5 plus 3 alternates
Establish terms of service	Staggered, see article
Method for vacancies	Board of Selectmen based on recommendations of the Agricultural Commission

<u>ADOPTED</u>	110 Affirmative	3 Negative	12:08 PM
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ARTICLE 17: Moved that the Town of Foxborough Zoning By-Laws, Section 6.0, General Regulations, be amended as follows:
by renumbering the "Notes to Table 6-1" from 6.1.4 to 6.1.5 and renumbering the remainder of Section 6.1 accordingly.

<u>ADOPTED</u>	98 Affirmative	4 Negative	12:10 PM
2/3rds vote required			
<i>Approved by the A.G. June 1, 2010. REC</i>			

ARTICLE 18: Moved that the Town of Foxborough Zoning-By-Laws, Section 3.0 Use Regulations, Table 3-1 Table of Uses and Section 11, Definitions be amended as follows:

1. BY ADDING the following new entry to Section L Accessory Uses, in Table 3- 1

	R-15	R-40	GB	NB	HB	GI	LI	S-1
16. Drive-Through Facility	N	N	PB	PB	P	P	P	P

AND

2. BY ADDING the following new definition to Section 11:

Drive-Through Facility: The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use, i.e. in combination with other uses such as a bank or financial institution, restaurant, retail store, dry cleaners, laundry, or pharmacy. Despite the above, a drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

AND

3. BY ADDING the following new definition to Section 11 :

Essential Services: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of public utility facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water filter plants, *wireless communication facilities*, sewage treatment and refuse facilities, but including gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include, but are not limited to, poles, wires, drains, sewers, pipes, pump stations, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

AND

4. BY RENUMBERING THE REMAINDER OF THE SECTION ACCORDINGLY.

AMENDMENT TO ARTICLE 18: Moved to amend this article by replacing the published definition for Essential Services, to be added to Section 11 of the Foxborough Zoning By-Laws, by adding after "...water filter plants..." the words "...wireless communication facilities..."

AMENDMENT TO ARTICLE 18 ADOPTED 101 Affirmative 2 Negative 12:15 PM

ARTICLE 18 ADOPTED AS AMENDED 102 Affirmative 7 Negative 12:16 PM

2/3rds vote required

Approved by the A.G. June 1, 2010. REC

ARTICLE 19: Moved that the Foxborough Zoning By-Laws, Section 3.0 Use Regulations, Table 3-1 Table of Uses be amended as follows:

By Changing L. Accessory Uses 14. Adult Day Care Facility within the General Industrial District (GI) and Limited Industrial District (LI) from a use Not Permitted (N) to a use allowed with a Special Permit issued by the Board of Appeals (BA).

So that the Table of Use reads

	R-15	R-40	GB	NB	HB	GI	LI	S-1
14. Adult Day Care Facility	BA	BA	BA	BA	BA	BA	BA	N

AND

By Renumbering L.14 Adult day Care Facility from L. Accessory Uses 14. to E. Assembly 10. and renumbering the remainder of the Table of Use accordingly

AND

By Changing G.12. Assisted Living Facility within the Highway Business District (HB) General Industrial District (GI) and Limited Industrial District (LI) from a use Not Permitted (N) to a use allowed with a Special Permit issued by the Planning Board (PB).

So that the Table of Use reads

	R-15	R-40	GB	NB	HB	GI	LI	S-1
12. Assisted Living Facility	PB	PB	PB	PB	PB	PB	PB	N

AND

By Changing G.14. Nursing or Convalescent Home within the Highway Business District (HB) General Industrial District (GI) and Limited Industrial District (LI) from a use Not Permitted (N) to a use allowed with a Special Permit issued by the Planning Board (PB).

So that the Table of Use reads

	R-15	R-40	GB	NB	HB	GI	LI	S-1
14. Nursing or Convalescent Home	PB	N	PB	PB	PB	PB	PB	N

ADOPTED

102 Affirmative

0 Negative

12:18 PM

2/3rds vote required

Approved by the A.G. June 1, 2010. REC

The Annual Town Meeting was dissolved at 12:19 AM.

A True Record

Attest:

Robert E. Cutler, Town Clerk