

TOWN CLERK'S REPORT
SPECIAL TOWN MEETING

Monday, the Fourth Day of December 2017

The Special Town Meeting of the Town of Foxborough convened at 7:32 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. The Pledge of Allegiance was delivered by Susan Dring from the Advisory Committee. Frank Spillane recognized special guest, Representative Jay Barrows.

Town Clerk, Robert E. Cutler, Jr., read the Warrant and Return.

There were one hundred twenty-two (122) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: Moved to vote to transfer from available funds to amend Articles 4 and 5 of the May 8, 2017, FY 2018 Annual Operating and Capital Budgets in order to fund expenses associated with: 1) Increase Administration department expense budget to fund staffing level studies for both the Police and

Fire departments; 2) Increase Public Works (Highway) department expense budget to fund the replacement costs of damaged sections of the Town Common fence; and 3) Increase Roads Capital Budget to fund updates to the Pavement Management System, as follows;

<u>Item #</u>	<u>Dept.</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '18 Budget</u>	<u>Funding Source</u>
1)	123	Administration Expenses	85,578	30,000	115,578	Free Cash
2)	410	Public Works Expenses	414,238	35,400	439,638	Free Cash
3)	410	Roads Capital Budget	340,402	24,000	364,402	Road Openings Surplus

ADOPTED 113 Affirmative 0 Negative 7:39 PM

ARTICLE 2: Moved to vote to establish, as per Chapter 40 Section 58 of Massachusetts General Law (M.G.L.), the right to impose a lien on real property located within Foxborough for the nonpayment of noncriminal dispositions pursuant to the provisions of M.G.L. Chapter 40 Section 21D and as provided for in the Code of the Town of Foxborough: Chapter 275 – Zoning, Section 10.1 Zoning Enforcement and Section 10.1.5 - Noncriminal disposition; Chapter 175 Article II Section 175-5 Prohibited Parking and Section 175-7 - Noncriminal disposition; Chapter 210 – Sewers, Section 210.6 Violations and Penalties and Section 210.7 Enforcement.

ADOPTED 112 Aff. 0 Neg. 7:39 PM

ARTICLE 3: MOVED, NOACTION.(Fire Contract)

ADOPTED 109 Aff. 1 Neg. 7:41 PM

ARTICLE 4: MOVED to transfer from Free Cash, Water Enterprise receipts and Sewer Enterprise receipts, the total amount of Two Hundred Ninety Thousand Eight Hundred Sixty-Nine dollars (\$290,869) funded as follows:

Sixty-Eight Thousand Seven Hundred Fifty-Seven dollars (\$68,757) from Free Cash for Fiscal Year 2017, Thirteen Thousand Seventy dollars (\$13,070) from Water Enterprise receipts for Fiscal 2017, One Thousand Nine Hundred Seventeen dollars (\$1,917) from Sewer Enterprise Receipts for Fiscal 2017, and Nine Hundred Forty-Seven dollars (\$947) from Recreation Revolving for Fiscal 2017;

One Hundred Seventy-Five Thousand Ninety-Four dollars (\$175,094) from Free Cash for Fiscal Year 2018, Twenty-Two Thousand One-Hundred Eighty-Four dollars (\$22,184) from Water Enterprise

receipts for Fiscal 2018, Five Thousand Five Hundred Fourteen dollars (\$5,514) from Sewer Enterprise Receipts for Fiscal 2018, and Three Thousand Three Hundred Eighty-Six dollars (\$3,386) from Recreation Revolving for Fiscal 2018;

in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service workers International Union AFL-CIO-CLC on behalf of its local unions, Foxborough Steelworkers Unit A: Department Heads-Supervisors, and Foxborough Steelworkers Unit B: Non-supervisors, in accordance with Chapter 150E of the General Laws of the Commonwealth.

ADOPTED 108 Aff. 1 Neg. 7:45 PM

ARTICLE 5: MOVED for the Town to vote to authorize the Board of Selectmen to file Special Legislation to require a 100 percent charter school reimbursement to the Town of Foxborough.

WHEREAS, Massachusetts General Laws, c.71, §89 provides a funding formula for students attending charter schools in the Commonwealth of Massachusetts; and

WHEREAS, in the past, the Commonwealth reimbursed districts for the full amount of each student placed in a charter school based on the charter reimbursement formula; and

WHEREAS, in recent years however, the Commonwealth has not reimbursed districts for a 100 percent of the charter school tuition as determined by the funding formula; and

WHEREAS, it is the desire of the Town of Foxborough to receive a 100 percent charter school reimbursement as determined by the statutory formula; and

WHEREAS, it is necessary for the Town of Foxborough to authorize the filing of Special Legislation in order to enact a 100 percent local reimbursement requirement; and

WHEREAS, a majority vote of the Foxborough Board of Selectmen is required for the filing of such petition and the Board of Selectmen, by a majority vote, voted to authorize and approve the filing of special legislation and authorizes the Legislature to make such editorial changes to the proposed language of the Act as it may deem necessary while maintaining the spirit and purpose of the Act, said special legislation to read as follows:

AN ACT AMENDING CHAPTER 71, SECTION 89, OF THE GENERAL LAWS AS IT APPLIES TO THE TOWN OF FOXBOROUGH

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 71, section 89 is hereby amended as it applies to the Town of Foxborough by adding the following requirement: That the town of Foxborough shall receive a 100 percent charter school reimbursement based on the funding formula.

SECTION 2. This act shall take effect upon its passage.

ADOPTED 110 Aff. 3 Neg. 7:54 PM

ARTICLE 6: MOVED, for the Town to vote to accept as a public way Annette Road located within the "Foxboro Industrial Park" subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows;

Annette Road – an approximately 1,526' long roadway located in a "T" configuration at the terminus of Lincoln Road.

ADOPTED 107 Aff. 0 Neg. 7:56 PM

ARTICLE 7: MOVED, for the Town to vote to amend Table 3-1, Table of Uses of Chapter 275 of the Code of the Town of Foxborough by changing the following uses to Not Permitted ("N") in the GB (General Business) zoning district column of the Table of Uses.

Section	Table 3-1, Table of Uses Use	GB
B.3.	Parking lots constructed to the standards found in Section 6.1	N
C.6.	Commercial storage garages and motor vehicle repair shops	N
D.7.	Self-storage mini-warehouse, rail storage or switching yards	N
D.8.	Truck terminal/general commodity/public warehouse	N
D.9.	Automobile storage or automobile auction facilities	N
L.6.	Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass Registry of Motor Vehicles exceeds 10,000 pounds	N

2/3rds vote required

ADOPTED 109 Affirmative 0 Negative 8:06 PM

Approved by the A.G. March 19, 2018 REC

ARTICLE 8: MOVED, to vote to accept the provisions of Massachusetts General Laws, Chapter 138, Section 33B, sales of alcoholic beverages by on-premise licenses on Sundays and certain legal holidays; sales between 10:00 A.M. and 12:00 P.M.

ADOPTED 108 Aff. 2 Neg. 8:07 PM

ARTICLE 9: MOVED, for the Town to vote to amend the Stormwater Management Bylaw approved at the Annual Town Meeting on May 8, 2017 (Article 19) by deleting the term Chapter 275 of the Code of the Town of Foxborough and replacing it with Chapter 232;

And by amending Section 6 Enforcement of Article II – Discharges to the Municipal Separate Storm System by adding a new Section 6.B.(4) to read as follows:

(4) Costs incurred by the Town to abate or remediate violations of this Bylaw shall constitute liens on the subject property for purposes of G.L. c. 40, §58 or have a Town Meeting vote authorizing the use of G.L. c. 40, §58;

And by amending Section 7.D of Article III Enforcement of the Stormwater Management and Land Disturbance by adding a new sentence to the end of that section to read as follows:

“Costs incurred by the Town to abate or remediate violations of the Bylaw shall constitute liens for purposes of G.L. c. 40 §58.”

NOT ADOPTED 41 Aff. 55 Neg. 8:31 PM
HANDCOUNT

ARTICLE 10: MOVED, for the Town to vote to amend Chapter 275 of the Code of the Town of Foxborough (Zoning Bylaws) to include the following provision relative to the prohibition of commercial and recreational marijuana establishments in the Town, by adding Section 7.5.8, the following;

Commercial/ Recreational Marijuana Establishments Forbidden

“The operation of any commercial or recreational marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”

2/3rds vote required

ADOPTED 74 Aff. 20 Neg. 8:39 PM

Approved by the A.G. March 19, 2018 REC

ARTICLE 11: MOVED, NO ACTION. (Public Nuisance Bylaw)

ADOPTED 102 Aff. 0 Neg. 8:39 PM

ARTICLE 12: MOVED, for the Town to vote to amend Chapter 162 of the Code of the Town of Foxborough "Marijuana" by adding the following language to the second sentence of this chapter immediately following the word "tetrahydrocannabinol": "of any kind including for medical purposes"; and by deleting the fine amount of \$200.00 and replacing it with the amount of \$300.00.

ADOPTED 88 Aff. 12 Neg. 8:41 PM
Approved by the A.G. March 19, 2018, REC

ARTICLE 13: MOVED, for the Town to vote to amend Section 7.5 of Chapter 275 of the Code of the Town of Foxborough (Zoning Bylaw) by replacing the words "Registered Marijuana

Dispensaries" in every place where that term appears with the following language "Registered Medical Marijuana Dispensaries".

2/3rds Required

ADOPTED 90 Aff. 10 Neg. 8:43 PM

Approved by the A.G. March 19, 2018 REC

The Special Town Meeting was adjourned at 8:43 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk
