

TOWN OF FOXBOROUGH

ADVISORY COMMITTEE

MINUTES

April 5<sup>th</sup>, 2017

**Committee Members Present: Sue Dring, Thom Freeman, Sean McCarthy, Stephanie McGowan, Seth Ferguson, Brent Ruter, Rob Canfield, Heidi Krockta, Michelle Raymond, Javed Hussein**

**Members Absent: Jessica Allen, Bernard Dumont**

**Others Present: Virginia Coppola, Bill Keegan, Randy Scollins, Mary Beth Bernard, Chris Gallager, Lorraine Brue**

**The meeting was brought to order at 7:07 by Susan Dring.**

**7:07 PM Chris Gallager presented on the new Storm Water Bylaw, also known as MS4.**

Chris provided the ADCOM with documents defining the new bylaw with an appendix clarifying engineering verbiage. The EPA was slowly building up to this over the last few years, goes into effect July 1<sup>st</sup> 2017. Adds to what the Planning Board and Conservation Commission (CONCOM) already does. The permit gets triggered on 1 acre if it is clear cut. Brent asked if there was a difference between wetland and waterfront. Chris stated that yes there was, and there is a determination process through CONCOM to define each. Chris then explained that if a negative effect to the storm water system is detected then there is language to identify it. Brent inquired who determines negative impact, to which Chris responded the Planning Board. Chris stated that his team used an Engineer Design Beta Group to help develop the plan along with the Neponset River Conservation Commission. Sean stated that there is a huge hole in a major document regarding no specificity in the time versus impact. Thom also inquired if 1 Acre across two plots triggered the language. Chris stated there is language for an Acre total for the project to trigger the impact definition. There is flexibility in the bylaw for the storm water management group to use and that this supplements the planning board and CONCOM processes as it adds a storm water regulation that both can cite. Sean stated his concern about litigation costs because of the language wasn't clear and requested the bylaw be reviewed by town lawyers for enforcement. Bill asked if the bylaw is a model used by other communities, what has been the impact in those communities. Chris stated Westwood has had the language trigger the bylaw for multiple projects. Sean asked if there was any conflict within the town in regards to the specificity of the language. Chris stated he was unaware of any events. Bill stated that the town of Dedham was one of the first communities to have a similar bylaw and explained most issues were settled in the administrative review phase, with little impact in the enforcement of the bylaw.

Thom asked if there was any fee or fine schedule regarding the bylaw. Chris stated the Fee Schedule is in the Planning Board process, most are TBD based on the type of project, and fines are defined in the bylaw. Thom then asked if any fines or fees could be taken out at the end of the project. Chris replied that the town can go after that bond if the developer is not following the rules. Seth asked what the town had in place now to compare and to gain insight of the trajectory of the new bylaw on the town. Chris stated that this should have been done prior to 2008, and that this year the EPA is making it mandatory, and that the town has been working slowly toward this end. Thom asked if there were any other capital expenses the town could incur. Chris replied there were not in regards to the bylaw and the regulation behind it as the bylaw puts the onus on the property owner if they impact the system. Chris stated the town has been encouraging new developments have homeowners associations to help manage these kinds of impacts at a community level which would help the town in its entirety. Thom asked if State ways such as Route 140, Route 95, and Route 495 were the town's responsibility to manage and oversee in regards to storm water. Chris if the property is within town the town is responsible for it, but the drainage system, if on a State way, is a State responsibility. Sean asked if the town was looking for additional labor for the cleaning of retention areas. Chris replied they were not. Michelle noticed an extra period on Page 14 Section 1a. Chris will make sure it gets changed.

Sue asked Chris how he felt about it. Chris stated he supports it as storm water is a utility that is forgotten about until it is an issue as it could lead to pipe damage thereby causing costly reconstruction. Javed asked were the storm water would end up, and if is it used for drinking purposes. Chris state that all of the water is going back into the ground. Javed asked if it acted like a recycle. Chris replied yes, and the storm water supports the wells in town. Seth asked if there would be a public forum on the article before town meeting. Chris stated that it should be following the article process, first time for comment would be in town meeting. Brent stated the current language at its basic level is to follow the law and not take on more above and beyond. Michelle stated that in regards the time limit if the language stipulated to an acre an year versus an acre total, it creates a functional loophole versus an encapsulating definition.

**7:47 PM Mary Beth discussed Article 6 Non-Union wages.** The article seeks to appropriate a 2% cola for this group and a copy is on file with the town clerk. Heidi asked for a complete history of the article and its function. Mary Beth responded that thirteen positions are considered to either handle confidential materials not to be shared with collective bargaining, salaried, or through contract and couldn't be within the collective bargaining. Heidi asked who developed the criteria. Bill stated the town surveyed the surrounding communities. Heidi asked if the non-union typically follow the union in compensation and other benefits. Bill responded yes. Heidi asked if non-union workers also receive longevity benefits. Mary Beth responded yes and she said the town was working on a compensation strategy that meets market equity, internal equity, look at the 5 year plan to see if it is sustainable, and to make it explainable. Stephanie had questions regarding some employees receiving 2% increases and others receiving 4%. Mary Beth

explained that there was two-step process that determines this based on performance and COLA. Bill stated that there are only a few employees that fail to perform well. Performance success leads to step increases, and at top of the step plan the only increase is the COLA. Sean was concerned that the COLA has increased for the employees but not for the town stating the average for the town was 2% while the rest of the community was 1.58%. Heidi asked what was the performance increase awarded for. Mary Beth responded that it is for those that exceed their performance review, clarifying that the town is trying to get every department to have reviews.

**8:07 PM Chris Gallager presented on the Winter Parking, and Snow Removal Bylaws.**

Heidi inquired why these bylaws were necessary. Chris stated that it provides a tool for enforcement in order to promote better efficiency and safety during the winter months. Heidi stated that the bylaw was very broad in regards to the November through April overnight hours. Seth stated that the town does not get a lot of snow in November or April and that those months might not need to be included.

Chris stated that the winter parking bylaw allows the Town Manager and the DPW director to clear the streets and set the time to clear vehicles off the road for snow and ice removal. It does not come into effect unless declared. Michelle stated that the concern isn't for Town Manager to abuse it, rather the concern is for very specific and targeted problem areas. Chris there is language regarding this in the bylaw. Bill there is no public safety rule regarding this and this will allow for problem areas to be addressed. Seth asked how issuing the declaration would be done. Bill stated in the current form the website and cable access would be used. Stephanie had concerns regarding the permanent ban described by the Snow Removal Bylaw, essentially setting people up for ticketing. Brent inquired if the removal of subsection 11, the section stating the permanent ban of parking between early morning hours between December and March, destabilized the functionality of the article. Bill stated that a compromise could be reached with the removal of subsection 11 and to keep the rest of the bylaw. Chris stated that removing subsection 11 now is fine and it could be revisited later.

**8:39 PM The Chair called for a vote on Article 20, Winter Parking Bylaw.** Motioned to approve as written by Stephanie, seconded by Heidi.

**Vote: 9/0/1**

**8:39 PM The Chair called for a vote on Article 21, Snow Removal Bylaw.** Motion to approve as amended, removing subsection 11, by Brent and seconded by Stephanie.

**Vote 10/0/0**

**8:40 PM The Chair called for a discussion and a vote on Article 7, FY 17 Operating and Capital Budget Adjustments.** Seth asked if the adjustment of \$56,500 was applied to electrical and plumbing. Randy responded that the positions were level-funded previously and didn't want to artificially build up that budget, further stating the administration changed the salary structure with the removal of the commission system. Randy stated the appropriation is to cover these new salaries, and that this is a savings. In addition, Randy stated that in moderate to strong years of development this becomes a massive savings. Heidi asked if health care and were included, and if so was there still a savings. Randy responded that the positions did receive health and retirement. In regards to a savings in strong years it is a savings, in moderate years it is a savings, it would take a prolonged amount of slow years to impact the savings, in which case it would need to be revisited. Randy reported a net savings to the town of \$40,000 each year with the health and pension included.

Motion to approve as written by Brent, seconded by Heidi.

**Vote: 8/0/2**

**8:47 PM Bob Cutler presented on a capital budget request for poll pads.** Bob reported a 35% voting turned out during this last election. Bob explained that the pads would allow you to connect to state computer systems, clear up accuracy and fraud issues, and enter individuals that come in to vote immediately. Current costs for the pads are between \$7500 and \$9000. Bob reported on the Commonwealth's 3% community recount, asking a select group of towns for recounts to be used as a test. Mr. Cutler stated that integration provided by the pads would improve efficiency in reporting. Sue asked how many pads were needed. Bob stated that the Clerk's office would require one for each precinct and main desk, further stating they could be used for town meetings when not for elections. Bob stated that his office took 3 days to enter all the voters into the system. Heidi asked if what he was requesting was hardware or software. Bob responded both. The pads would come with specialized software. Javed asked if this would remove the paper sign ins. Bob responded yes and the pad will help improve voter accuracy as it resolves issues regarding voters with same names. Brent stated to the ADCOM that this did not remove the paper ballot. Thom inquired about the security of the devices. Bob stated the devices communicate with each other and the state, using that infrastructure.

**8:58 PM The Chair called for a discussion and vote on Article 8, Elderly Real Estate Tax Exemption Qualification Changes.** Sue asked Randy questions on the current income limits for eligibility and what they would be changed to. Heidi asked if this was an abatement of taxes. Randy responded that it is a tax credit. Seth asked if this change would make it tougher for married. Randy responded that it would make it easier

Motion to approve as written by Brent, seconded by Michelle.

**Vote: 10/0/0**

**9:01 PM The Chair called for a discussion and vote on Article 9, Real Estate Tax Deferral Qualification Changes.** Sue asked who would handle the paperwork on the tax deferral program. Randy stated that the assessors office would be in control. Heidi stated that it the program sounded like a loan and would create more work for the town. Rob stated that the town already has this program, all this article would do is make the town more similar with the state practices. Randy stated the town is trying to be more accommodating to a vulnerable population. Michelle stated the issue could be revisited depending on the increase of participants in subsequent years. Randy stated that a key limiter in the process is that the participants would have to have a mortgage that a bank approves. Sean stated that it is an excellent tool, but there is crossover into a business. Michelle stated that this was more akin to shifting resources from enforcement regarding unpaid taxes to working with the individuals. Sean stated that the town is getting into an agreement with an elderly individual that they might not fully comprehend the agreement. Randy explained that a bank has to be on board with the agreement and that the board of assessors would screen the applicant thoroughly. Thom asked how the program works if there is nothing is escrowed and they still have a mortgage. Michelle stated that its not required. Randy reasserted that ultimately a bank needs to approve it in the end. Brent stated that in addition to those protections the process boils down to paying now or later with a lower interest rate, reasserting that it helps a vulnerable portion of the population. Bill stated that it's a tool, but people don't have to use it.

Thom asked if anyone has utilized it. Randy reported that it was not, stating that it is used more heavily in towns with higher residential taxes, explaining that too many tax deferrals can mean cash flow issues. Michelle pointed out that these changes would help offset the cost of living stagnation.

Motioned to approve as written by Javed, seconded by Brent.

**Vote: 8/2/0**

**9:17 PM The Chair discussed Article 4, Operating Budget.** Sue presented the ADCOM research she did personally on the Operating Budget and ran through each item, line by line. Seth asked about expectations from the individual research. Sue stated the ADCOM has to make budget recommendations and she presented her recommendations on how that budget could be trimmed for the ADCOM to approve or discuss. Heidi stated she would need time to review it, and requested a hold for a vote. Stephanie was concerned about salaries in the administration and sought clarification regarding it. Stephanie was confused about the Assistant Town Manager's salary increases, noting sudden upward trends. Bill and Randy explained that the Assistant Town Manager experienced a delayed salary increase, hence the sudden upward shift, based on a delay in a personal performance evaluation and from the elimination of the Human Resources Manager position that was rolled into her duties.

**9:36 PM The Chair called for questions and a vote on Article 10, Senior Tax Work Off Program Bylaw Amendment.** Stephanie asked if the volunteer individual would be compensated instead of the senior individual seeking the tax credit. Randy responded that the senior gets the tax credit, the other would be treated as volunteer, further stating the volunteer can donate their time to other seniors to get the tax credit and that no senior can exceed a max credit of \$1500. If the qualified individual or senior fails to complete their required hours they will get whatever they work towards through a calculation. Heidi asked about qualifications. Randy stated that Human Resources would step in to CORI an individual for example, stating it was for background checks and not health reasons.

Motioned to approve as written by Heidi, seconded by Thom.

**Vote: 10/0/0**

**9:42 PM The Chair called for discussion and vote on Article 17, Denial of Licenses and Permits Statue Reacceptance.** Michelle stated the language prevents it being abused. Sean stated that this article doesn't have proper limits. Randy stated that these are the new state regulations. Michelle stated that it made sense that before an individual can obtain a new permit, the individual would have to pay the outstanding ones. Bill stated that the proper methodology to this would be to pay the fee and then argue it.

Motion to approve as written by Rob, seconded by Thom.

**Vote: 10/0/0**

**9:49 Article 18, Amend Sewer Service Area Map vote held for next session.**

**9:50 The Chair called for vote on Article 22, Amend Zoning Bylaws Section 4.1.3.4 of Chapter 275 Language Pertaining to Height.**

Motion to approve as written by Thom, seconded by Brent.

**Vote: 9/0/1**

**9:52 Vote on Article 23, Accept Lincoln Hill Way as Public Way held for next session.**

**9:54 The Chair called for discussion and a vote on Article 24, Marijuana General Bylaw Prohibition Language.** Michelle asked if this article would authorize the BOS to add a ballot question regarding recreational marijuana. Randy stated that there would need to be a ballot box vote and the town meeting vote to ratify the results of the ballot. Bill stated that on the legislative level there are changes in place, providing for an 18 month prohibition. Thom asked if this would put a prohibition on apparatus. Bill responded that it did not. Javed asked why the town would want to prohibit it, citing it a taxable resource. Bill stated that the question isn't about debating the merits of marijuana as Foxborough previously did not agree to it in an earlier vote. Sue stated that there needs to change the language. Bill responded that town council already approved it in its current form. Sue stated the way it is written confuses town meeting versus town election. Bill stated the authors of the article will seek clarification. Vote held for next session.

**10:08 PM Bill stated that in respect to the budget if there any questions or concerns he would be happy to clarify on them.** Sue declined stating that there are no more questions, and that the ADCOM has to make its recommendations. Bill stated the departments should have a chance to respond if necessary. Sean stated it would be better for smaller groups to analyze pieces of the budget and then come together to review.

**10:13 PM Vote on Minutes:**

Motion to approve the minutes of March 8<sup>th</sup> by Sue, seconded by Brent.

**Vote: 10/0/0**

Motion to approve the minutes of March 15<sup>th</sup> by Javed, seconded by Brent.

**Vote: 10/0/0**

10:17 General discussion. Questions regarding write ups.

**Next meeting to be held in April 12 in the McGinty Room.**

**10:20 PM Adjourned.** Motioned to adjourn by Thom, seconded by Brent.


**Vote: 10/0/0**

**Minutes Taken by Matthew Mackenzie**

Minutes approved by Vote of the Advisory Committee.

Date of Meeting:

Vote:

  
ON BEHALF OF THE BOARD

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Signature of Chairperson

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Signature of Vice Chairperson