

TOWN OF FOXBOROUGH

ADVISORY COMMITTEE

MINUTES

October 18th, 2017

Committee Members Present: Bernard Dumont, Thom Freeman, Seth Ferguson, Stephanie McGowan, Jen Frank, Larry Ooi, Brent Ruter, Sue Dring, Michelle Raymond

Members Absent: Robert Canfield, Sean McCarthy, Sharon Weiskerger

Others Present: Kate Connolly, Virginia Coppola, Bill Keegan, Roger Hill, Mary Beth Bernard, Randy Scollins. Lorraine Brue

The meeting was brought to order at 7:08 by Bernard Dumont.

7:10 PM Municipal Charges Lien. Town Legal Counsel Kate Connolly and Randy discussed the Municipal Charges Lien (MCL) Article. In the article are three bylaws relating to fines for properties allowing unpermitted parking for stadium events. Mary Beth explained that there are a certain number of vehicles allowed on a property before permitting is required. The third relates to violations for sewer bylaws such as an illegal connection. Bill and Randy stated this was another tool for the town to receive payments owed. The cost of escalating these infractions to the courts would be detrimental to the town given the amount the fees total to. Kate stated that each of the items in the article could be broken out and voted on individually. Michelle observed that the article allows the town a cost savings measure to deal with non-criminal dispositions.

7:32 PM Charter School Reimbursement. Bill stated that this bill was put forward by the Board of Selectman as the City of Lowell, a city with a charter school within its limits, is seeking support in asking legislature to reimburse the community. Town is seeking reimbursement from the State for having a charter school in town. This article allows the town to petition legislation. Randy claimed that the State doesn't fully fund the formula to reimburse. Seth inquired if this was mostly a symbolic measure and if there was a better way. Kate responded that it is symbolic however the legislature can make statues for specific towns with Bill stating the need to build the message for appropriate recourse.

7:45 PM Acceptance of Statute, Chapter 138-Section 33B. This article will allow vendors to sell alcoholic beverages on premises on Sundays and certain legal holidays. Kate stated that the statute has specific dates and times built in. Mary Beth furthered the discussion by stating that license holders would have to follow proper procedure by coming before the BOS and requesting the license per the usual method. Bill stated that the Board will evaluate each request on their own merit, including both one-off and recurring requests.

7:53 PM Stormwater Management Bylaw. Kate stated the purpose of this article was to clean up the language within the bylaw and to allow the town to impose MCLs on violations of the Stormwater Bylaw enacted at the last town meeting. Sue inquired to the amount a fine would cost to a property that violated the bylaw. Kate stated that under noncriminal disposition a fine would be under \$300 per day per violation. Bernard asked the town manager for a summation of the intent of the article. Bill stated that all runoff dumps into a drainage system that then empties into a river, and the current law states that the water needs to be cleaned and without a proper runoff process the town and offender could be fined. Brent asked if this was another collection method. Bill responded that it would allow the town to lien the offending property if the initial fine wasn't paid. Seth asked about the process to abate or remediate violations, to which Kate responded that the violator can pay the costs up front to fix the violation, but if the town has to correct the problem a lien can be imposed. Seth then asked about due process for the offending properties. Bill stated the town would give the violator a chance to correct the offense before going to lien the property. Bernard then asked what would happen if town properties were in violation, to which Bill responded that the EPA or DEP could fine the town.

8:02 PM Commercial/Recreational Marijuana Prohibition. Town Counsel stated that the Attorney General has rationalized that the definition of a "marijuana establishment" is broadly defined in the existing statute and includes many of the uses that may be more appropriately regulated by a zoning amendment. A zoning bylaw prohibiting the operation of a recreational marijuana facility would be much more defined than a general bylaw. Larry asked if the existing bylaw would be weakened by the change, to which Kate responded that it will be clearer and strengthened.

8:10 PM Amend Marijuana Bylaw. Town Counsel stated that amending the currently accepted bylaw to clarify between medical marijuana versus commercial, and to adjust the fine amount from \$200 to \$300. Bill had suggested looking at this article out of order following the Commercial/Recreational Marijuana Prohibition article due to the similar topics, to which Bernard asked for this to be noted in the minutes.

8:20 PM General update from Mary Beth Bernard regarding upcoming article presentations. Mary Beth stated that Chief Baker and Bill Casbarra will present on the Public Nuisance Bylaw and they are planning on doing so November 1st. Mary Beth also reported that the administration is planning to present on the Fire Contract and the Middle Managers, Dept. Heads & Clerical Employees Contract on November 8th.

8:25 PM Special Legislation- Land Transfer for Fire Department. Fire Deputies Thomas Buckley and Michael Kelleher presented on the possible transfer of state land to the town to be used by the Fire Department for a substation. They reported on the rising need is close to the Route 95-495 interchange zone as the development of Forbes Crossing and newer apartments are pulling the need of Fire and Medical Services in two directions as there is a large existing need closer to Route 1 on the other side of town. Sue inquired if this deal was in fact free and if there was language in the article to insure there was no cost to the town. Deputy Kelleher reported that the process was using same model as the recently acquired area used by the Housing Authority, which was free. Mary Beth stated that the staffing study will give the town an overview of response times that would further this goal. Bill stated that this is a strategic move, not only making it is easier to plan for, but also allowing the possibility of another regional venture between communities. Deputy Buckley stated that obtaining this land now will be beneficial in the long run. Michelle inquired into what was the preferred response time for an emergency. Dep. Kelleher stated that under 4 minutes over 90% of the time was the preferred ratio. Michelle then asked if there was a financial downside besides the administrative costs. Dep. Buckley stated \$10,000 at the extreme, or \$5,000 normally for deeds, a subdivision plan and registering. Michelle followed up by inquiring what would happen if the land wasn't used, or if the use for the land changed. Bill stated that a petition to the State Legislation could change the usage. Larry asked when a survey for environmental considerations could be administered. Dep. Buckley responded that they needed permission from the State. Seth made constructive suggestions on how to improve their presentation.

9:00 PM The Chair addressed the ADCOM regarding liaison assignments. Bernard stated the ADCOM was in good shape for reviewing the articles before special town meeting and discussed strategies on Articles 3 and 4. The chair asked the ADCOM to review all articles from this meeting plus the FY'18 Budget Adjustments to vote in the next meetings. Bernard also suggested to the ADCOM to bring forward any concerns they had so that he could communicate them to the administration in order to best serve the community. Brent applauded DPW and Finance and requested an overview of Zoning and Planning as to the direction they will be heading in.

9:20 PM Bernard motioned to adjourn, seconded by Sue.

Vote: 9/0/0


Next meeting to be held and located at the McGinty Meeting Room on October 25th 2017, at 7:00 PM.

Minutes Taken by Matthew Mackenzie

Minutes approved by Vote of the Advisory Committee.

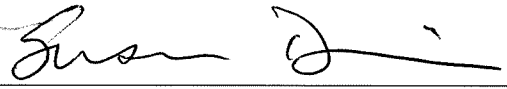
Date of Meeting:

Vote:



Signature of Chairperson

11-21-17



Signature of Vice Chairperson

11-01-17