

**TOWN CLERK'S REPORT**  
**SPECIAL TOWN MEETING**  
Monday, the Fourth Day of November 2019

The Special Town Meeting of the Town of Foxborough convened at 7:35 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Larry Ooi of the Advisory Committee led the Pledge of Allegiance.

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

There were two hundred thirty-seven (237) registered voters recorded as present [a quorum being one hundred (100) registered voters].

**ARTICLE 1:** Moved, that the Town vote to transfer from free cash a sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) into the Capital Stabilization fund for reserve balance purposes.  
**ADOPTED UNANIMOUSLY**            202 AFFIRMATIVE    0 NEGATIVE            7:37 P.M.

**ARTICLE 2:** Moved, that the Town vote to transfer from free cash the sum of Twenty-Six Thousand Five Hundred Dollars (\$26,500.00), to amend Article 4 of the May 13, 2019 FY 2020 Annual Operating Budget as follows:

<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '20 Budget</u>	<u>Funding Source</u>
01-123-100	Administration	\$481,291.06	\$26,500	\$507,791.06	Free Cash

**MOTION TO AMEND:** Motion to decrease the line item adjustment from \$26,500.00 to \$21,500.00.  
Motion To Amend            **ADOPTED**            178 AFFIRMATIVE    17 NEGATIVE    7:41 P.M.

**ARTICLE AS AMENDED**  
**ADOPTED**                            118 AFFIRMATIVE            76 NEGATIVE            8:11 P.M.

**ARTICLE 3:** Moved, that the Town vote to transfer from free cash the sum of Fifty-Six Thousand Seven Hundred Twenty Dollars (\$56,720.00), to amend Article 4 of the May 13, 2019 FY 2020 Annual Operating Budget as follows:

<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>FY '20 Budget</u>	<u>Funding Source</u>
01-210-320	Police Cruisers	\$170,160.00	\$56,720.00	\$226,880.00	Free Cash

**ADOPTED**                            172 AFFIRMATIVE    26 NEGATIVE            8:21 P.M.

**ARTICLE 4:** Moved, that the Town vote to transfer from free cash a sum of Forty Thousand Dollars (\$40,000.00) for the purpose of funding a Council on Aging/Human Services Senior Center Building Feasibility Study.

**MOTION TO AMEND** Motion to add the words “and/or Community Center Building” after the words “...Senior Center Building”.  
Motion To Amend **ADOPTED**            190 AFFIRMATIVE    12 NEGATIVE            8:39 P.M.

**ARTICLE AS AMENDED**  
**ADOPTED**

188 AFFIRMATIVE      10 NEGATIVE      8:41 P.M.

**ARTICLE 5:** Moved that the Town vote to accept as a public way Montgomery Way located within the “Durham Park” subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows:

Montgomery Way – from its intersection with Cocasset Street generally northerly approximately 751 feet more or less to its terminus at a cul-de-sac.

**ADOPTED UNANIMOUSLY**      163 AFFIRMATIVE      0 NEGATIVE      8:44 P.M.

**ARTICLE 6:** Moved, that the Town vote to accept as a public way VanDoorn Avenue located within the “Governor’s Meadow” subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows:

VanDoorn Avenue – from its intersection with Main Street generally westerly approximately 1,453 feet more or less to its terminus at a cul-de-sac.

**ADOPTED**      158 AFFIRMATIVE      1 NEGATIVE      8:46 P.M.

**ARTICLE 7:** Moved, that the Town vote to extend the Affordable Housing Trust, established by Article 20 at the May 13, 2013 Annual Town Meeting, to July 1, 2025.

**ADOPTED**      170 AFFIRMATIVE      2 NEGATIVE      8:49 P.M.

**ARTICLE 8:** **MOVED**, that the Town vote to revoke its acceptance of the provisions of M.G.L. c. 31, with respect to the position of Deputy Police Chief as voted under Article 27 of the March 2, 1931 Annual Town Meeting.

**ADOPTED UNANIMOUSLY**      175 AFFIRMATIVE      0 NEGATIVE      8:51 P.M.

**ARTICLE 9:** Moved, that the Town vote to transfer from free cash a sum of Two Hundred Fifty-Three Thousand Dollars (\$253,000.00) to fund the cost items for a collective bargaining contract between the Town of Foxborough and the Foxborough Police Department, Massachusetts Coalition of Police, Local 379 AFL-CIO, in accordance with Chapter 150E of the General Laws of the Commonwealth for the period of July 1, 2018 to June 30, 2020.

**ADOPTED UNANIMOUSLY**      160 AFFIRMATIVE      0 NEGATIVE      8:54 P.M.

**ARTICLE 10:** Moved, that the Town vote to amend Section 11 of the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, as follows:

- a. Delete the current definition of “Kennel, Commercial” and replace it with the following three definitions:

Kennel, Commercial - An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of

chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Kennel, Personal - a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Kennel, Veterinary - a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

*2/3rds vote required*

**ADOPTED**

**143 AFFIRMATIVE 5 NEGATIVE**

**8:58 P.M.**

*Approved by the A.G. February 20, 2020/REC*

**ARTICLE 11:** Moved that the Town vote to amend Section 3.1.6., Table 3-1 Table of Uses in the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, by (i) amending use item Group C. Retail Uses, 8. “Kennels - commercial” by replacing it with the following language: “Kennels, Commercial and Veterinary, (ii) amending use item Group G. Residential by adding a new item 15. “Kennels – Personal”, and (iii) include the letter “N” for each of the districts in such table for the new item 15. Kennels – Personal.

*2/3rds vote required*

**ADOPTED UNANIMOUSLY**

**142 AFFIRMATIVE 0 NEGATIVE**

**9:00 P.M.**

*Approved by the A.G. February 20, 2020/REC*

**ARTICLE 12:** Moved, that the Town will vote to amend Chapter 78 (Animals) of the Code of the Town of Foxborough as follows:

- A. Amend Section 78-1 Definitions by deleting the definition for “At Large” and replacing it with the following language, “Any animal shall be deemed to be at large when it is off the premises of its owner or keeper unless the animal is restrained at all times by a leash no greater than ten (10’) feet in length.
- B. Amend 78-1 Definitions “Public Nuisance” by replacing the words “a dog” with the words “ an animal” in the first line of said section and by replacing the word “dog” with the word “animal” where it appears in subsection D.
- C. Amend subsection A of Section 78-2. Violations and penalties for nuisance dogs. by replacing the word “dogs” in the title of the section with the word “animals” and the word “dog” in every place where it appears within the section with the word “animal”, and by deleting the fine structure listed in the second sentence of said paragraph and replacing it with a new fine structure to read as follows: “\$50 for the first

offense; \$100 for the second offense; \$300 for the third offense; for the fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered in accordance with MGL ch. 140, s. 173A.”

- D. Amend Section 78-5 A. and B. by adding the following language after the words “Selectmen” in lines 5 and 7 “or the Town Manager if the Selectmen have so designated” and by changing the lettering of these sections to C. and D. and by adding new sections A. and B. as follows:
- A. Any person may file a complaint in writing that a dog owned or kept in the Town is a nuisance or dangerous dog as those terms are defined in G.L. c.140, § 136A.
  - B. Such complaints shall be handled in accordance with G.L. c.140, § 157; provided that the complaint shall be initially investigated by the Animal Control Officer who shall report the findings to the Selectmen or the Town Manager, if the Selectmen have so designated as the Hearing Authority for purposes of investigating and disposing of such complaints.
- E. Amend subsection B of Section 78-8 by replacing the date of “January 31” contained within the second to last sentence of said paragraph with “February 28<sup>th</sup>” and by adding a new subsection C to read “C. Whoever violates section 78-8 shall be assessed a fine of not less than \$50, which shall be paid to the Town of Foxborough.”

**MOTION TO AMEND** Motion to delete Section D in its entirety and reletter Section E to be shown as Section D.

Motion To Amend **ADOPTED**                      **81 AFFIRMATIVE**      **43 NEGATIVE**                      **9:17 P.M.**

**ARTICLE AS AMENDED**  
**NOT ADOPTED**                                      **44 AFFIRMATIVE**      **78 NEGATIVE**                      **9:22 P.M.**

The Special Town Meeting was adjourned at 9:24 P.M  
A True Record Attest:  
Robert E. Cutler, Jr., Town Clerk