

**ADVISORY COMMITTEE RECOMMENDATIONS
FOR THE
TOWN OF FOXBOROUGH'S
ANNUAL TOWN MEETING**

May 9, 2022

Foxborough Advisory Committee

Mission Statement

The Foxborough Advisory Committee is responsible for providing recommendations to the Town residents on department budgets and Town Warrant articles as part of the Town Meeting process. In preparation for Town Meeting, the Advisory Committee reviews each department's budget and researches all Warrant Articles. This is done by meeting with each department head, holding public meetings for discussion and question opportunities, and thoroughly researching each of the topics. Following this process, the committee then takes a vote and collectively puts forth a recommendation to the town residents at the Town Meeting.

Members

Term Expires

Paul Ivanovskis (Chairman)

June 2022

Daniel Peterson (Vice Chairman)

June 2023

Sharon E. Weiskerger

June 2022

Jack Martin

June 2022

John T. Mahoney

June 2023

Marlowe Farrar

June 2024

Raffaella Zizza-Feinstein

June 2024

Mike Brown

June 2024

Eric DeLisle

June 2024

**SUMMARY OF TOWN WARRANT RECOMMENDATIONS
ANNUAL TOWN MEETING
MAY 9, 2022**

Article No.	Article (Advisory Committee Presenter)	Recommendation
Article 1	Annual Town Elections	N/A
Article 2	Annual Town reports	N/A
Article 3	Reports of Committees	N/A
Article 4	Operating Budget (Ivanovskis)	Approved
Article 5	CIP Budget (Peterson)	Approved
Article 6	Fire Stabilization Fund (DeLisle)	Approved
Article 7	Revolving Fund Annual Spending Limits (Brown)	Approved
Article 8	Unpaid Bills (Weiskerger)	Approved
Article 9	Fund Qualified OPEB Trust (Weiskerger)	Approved
Article 10	Fire Contract (Martin)	Approved
Article 11	Library Contract (Martin)	Approved
Article 12	Steelworker's Contract Unit A (Martin)	Approved
Article 13	Steelworker's Contract Unit B (Martin)	Approved
Article 14	Police Contract (Martin)	Approved
Article 15	DPW contract (Martin)	Approved
Article 16	Citizen Petition – Market Street Easement (Zizza-Feinstein)	Approved
Article 17	Citizen Petition – South Street Sidewalk (Peterson)	Disapproved
Article 18	Citizen Petition – Direct Mailing (Ivanovskis)	Disapproved
Article 19	Select Board Amendment to Special Acts, General Bylaws and Zoning Bylaws (Weiskerger)	Approved
Article 20	Revise Chapter 184: Door to Door Canvassers and Solicitors (Mahoney)	Approved

Article 21	Marijuana Cultivation and Sale (Mahoney)	Approved
Article 22	Sign Bylaw Amendment: Interstate Highway Billboard (Martin)	Approved

ARTICLE 4: Operating Budget

Board of Selectmen

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 4: VOTE OF 9-0-0

The Town of Foxborough FY23 Total Operating Budget proposal of **\$89,018,781** is being **Recommended** by the Advisory Committee.

The 9-0-0 vote by the Advisory Committee for the overall budget occurred during its session held on Wednesday, April 7th, 2021 at Town Hall. It was unanimous for each of the departments noted below except Culture & Recreation (including Library), which was 7-2-0.

Following is the summary breakdown by department of the FY23 Proposal vs. the FY22 Budget:

<u>Department</u>	<u>FY 22 Budget (\$)</u>	<u>FY 23 Recommended (\$)</u>	<u>Change</u>	<u>FY 23 % of Total</u>
General Government	4,012,773	4,260,779	6.2%	4.8%
Public Safety	10,096,106	10,294,944	2.0%	11.6%
Education	39,388,783	40,446,762	2.7%	45.4%
Public Works	2,463,307	2,480,650	0.7%	2.8%
Human Services	1,228,684	1,253,121	2.0%	1.4%
Culture & Recreation	1,153,319	1,182,614	2.5%	1.3%
Debt Service	3,637,570	3,492,054	-4.0%	3.9%
Insurance & Other	15,730,867	16,561,744	5.3%	18.6%
Total General Fund	77,711,409	79,972,668	2.9%	89.8%
Water Enterprise Fund	7,382,361	7,339,445	-0.6%	8.2%
Sewer Enterprise Fund	1,695,345	1,706,668	0.7%	1.9%
Total Enterprise Fund	9,077,706	9,046,113	-0.3%	10.2%
Total Operating Budget	86,789,115	89,018,781	2.6%	100.0%

The increase of +2.6% in appropriation over the current budget is the lowest in at least eight Fiscal Years, reflecting continued caution as the economy slowly rebounds from COVID.

General Government includes the transfer of approximately \$128,000 of gas/diesel expenses from other departments into a centralized cost center; otherwise, that increase would be +3.0%.

There was a substantial amount of discussion around the addition of a part-time Youth Librarian to the Library. The Committee (as well as town leaders) have been unwilling to add extra positions in recent years. This year, two facts weighed in the favor of the Library, however: 1) the position was funded by savings in other areas; and 2) in order to maintain state funding and access to services like SAILS, library books exchanges, etc., Massachusetts requires libraries to maintain minimum average increases in appropriation of +2.5%, and this year the Library came in at +2.54%. Given those facts, the majority of the Advisory Committee felt that reducing expenses to provide additional public services, while also keeping to a minimum increase, made sense.

Overall, the Advisory Committee believes that this budget proposal demonstrates the appropriate fiscal responsibility while continuing to provide quality services to the residents of Foxborough.

ARTICLE 5: CIP Budget **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE: VOTE OF 9-0-0

This Budget was developed by the CIP Committee and approved by the Board of Selectmen. The CIP Committee is responsible for reviewing spending requests for major, non-recurring tangible assets, including vehicles and equipment, which have a useful lifespan of at least 5 years AND cost over \$25,000. The total budgeted amount for the FY 2023 CIP is \$702,137, with \$160,000 coming from Free Cash, \$207,137 from Ambulance Receipts, \$10,000 from Supplemental Funding, and \$325,000 from Water and Sewer Retained Earnings. Refer to Warrant Schedule A for individual departmental expenditures, description of assets, costs, and the funding sources.

The Advisory Committee recommends approval of the Capital Improvement Planning Budget

NOTE: The approved Capital Budget total includes an additional \$4,650,080 of spending funded through grants and the American Rescue Plan.

ARTICLE 6: Fire Stabilization Fund **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE: VOTE OF 9-0-0

The Fire Department charges other towns for repair services of fire apparatus and equipment that are not associated with the needs of the Town of Foxborough. Initially, charges for repair services were turned over to the general fund on an annual basis.

In order to comply with Massachusetts General Laws, Chapter 40, Section 5B, the Town must establish a Stabilization account (revolving account) for Fire equipment apparatus repair. Funding for the account will be provided by anticipated revenues generated by Fire Department charges to other towns for repair services.

The Advisory Committee recommends approval of the Fire Stabilization Fund

ARTICLE 7: Revolving Funds Annual Spending Limits

Board of Selectmen

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 7: VOTE OF 9-0-0

Article 7 is designed to authorize maximum spending limits for certain town departments that receive fees and payments directly from the users of those department’s services. For instance, some departments (Council on Aging, Recreation, Public Health and IT) collect payments from residents to participate in their programs and others (Police and Fire, Highway) for services they provide to users. The proposed limits are:

- Public Health \$100,000
- IT Technology \$100,000
- Recreation \$450,000
- Police and Fire \$100,000
- Highway \$ 40,000
- Council on Aging
 - Senior Trips \$250,000
 - Human Services \$ 20,000
 - Community Events \$ 20,000

The Advisory Committee recommends approval of this article.

ARTICLE 8: (Unpaid Bills)

Boyden Library Trustees

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 8: VOTE OF 9-0-0

The purpose of this article is to appropriate and or transfer funds to a Boyden Library employee for tuition reimbursement occurring in FY21in the amount of \$3,000.

The Advisory Committee recommends approval of this article.

ARTICLE 9: (Fund Qualified OPEB Trust)

Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 9: VOTE OF 8-1-0

The purpose of this article is for the Town to appropriate the amount of \$1,064,069 monies to be paid into the Other Post-Employment Benefits (OPEB) Liability Trust fund in an effort to catch up delayed payment due to the Pandemic. This money is used towards the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees.

The Advisory Committee recommends approval of this article.

BACKGROUND FOR ARTICLES 10 - 15 (UNION CONTRACTS)

During the pandemic, some revenue sources were reduced. In response to this financial uncertainty, the Town signed one-year contracts with most of the Unions. Now, as we emerge from this difficult time, the Town has signed three-year contracts with each of the six Unions. The COLA in all of the contracts is 1.5%, 2% and 2% for the three years. However, the contracts differ in areas that are specific to each employee group.

It is noteworthy that all contracts were signed before the Annual Town Meeting and take effect on July 1, the first time this has happened in many years.

ARTICLE 10: Fire Contract **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 10: VOTE OF 7-0-0

Beyond the COLA, the major Fire contract changes are:

- Education incentives: Stipends for Associates, Bachelors and Masters degrees are increased. The 30-credit stipend will be eliminated for new employees.
- Detail rates are increased,
- A stipend linked to passing a new annual Physical Fitness Test is added,
- A 15-year Senior Step, effective at the end of the third year of the contract, is added,
- The sick leave buyback calculation is modified to encourage employees to give six months' notice before retiring.

ARTICLE 11: Library Contract **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 11: VOTE OF 7-0-0

Beyond the COLA, the major Library contract changes are:

- Education incentives: Stipends for Associates and Bachelors degrees are added,
- Double time for Sundays,
- A \$2/hour night differential is added,
- A 15-year Senior Step is added,
- Sick leave buyback is eliminated for new employees,
- Ten-day internal job posting prior to external job posting,
- Language defining Juneteenth as a paid holiday is added.

ARTICLE 12: Steelworker's Contract Unit A **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 12: VOTE OF 7-0-0

The Unit A contract covers supervisory employees. Beyond the COLA, the major contract changes are:

- Establishes the framework for creating a new performance evaluation system,
- Adds a one-time, one-week vacation within FY2023 for employees eligible for 3 or more weeks in FY2022,
- Adds a new 2% step for top-step employees who have been with the Town at least 15 years,
- Increases the new 15-year step by 1% after June 2025,
- Adds a new Grade 10,
- Establishes a Computer Use Policy,
- Changes in Weekend Duty, Tool Allowance and other benefits to establish parity.

ARTICLE 13: Steelworker's Contract Unit B **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 13: VOTE OF 7-0-0

The Unit B contract covers non-supervisory employees. Beyond the COLA, the major contract changes are:

- Establishes the framework for creating a new performance evaluation system,

- Adds a one-time, one-week vacation within FY2023 for employees eligible for 3 or more weeks in FY2022,
- Adds a new 2% step for top-step employees who have been with the Town at least 15 years,
- Increases the new 15-year step by 1% after June 2025,
- Adds Licensed Social Worker as a qualifying option for a stipend,
- Establishes a Computer Use Policy,
- Miscellaneous changes include Longevity Pay, additional Bereavement Day and shoe allowance.

ARTICLE 14: Police Contract

Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 14: VOTE OF 7-0-0

Beyond the COLA, the major Police contract changes are:

- Adds a 20-year Senior Step that is 2% higher than the current top step,
- Annual increases in Detail Rates,
- Night Differential increases by 0.5% in FY 2024 and again in FY2025,
- New employees must reside in a town that is within 15 miles of Foxborough,
- Agreement to impact-bargain a body camera policy,
- Modified supervisory policy with respect to overtime shifts.

ARTICLE 15: DPW Contract

Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 15: VOTE OF 7-0-0

Beyond the COLA, the major DPW contract changes are:

- Increases in Weekend Duty Pay,
- Modifications to work related license and certification provisions such as Welding, ASE (Automotive Service Excellence), Pesticide Applicator and Asbestos Pipe Removal,
- Minimum vacation is increased to three weeks,
- Adds a new 2% step for top-step employees who have been with the Town at least 15 years,
- Defines Water Tech career progression licensure requirements,
- Adds Juneteenth as a paid holiday,
- Tool Allowance change.

ARTICLE 16: Citizen Petition – Market Street Easement

Citizen Petition

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE: VOTE OF 9-0-0

A property at 28 School Street requests an easement through a property at 15 Market Street to allow a sewer line connection to the sewer line on Market Street. There is a sewer line on School Street but it would require connecting to a private sewer line that connects to the main sewer line on School Street, and no connections to that private line are allowed. The house/property at 15 Market Street that is the site of the easement will be torn down and made into a parking lot, and the sewer line connection to the sewer line on Market Street would occur when the parking lot construction occurs. The requested connection has been reviewed with the Planning Board and DPW and both support the article, and all costs will be borne by the petitioner.

The Advisory Committee recommends approval of this easement request.

ARTICLE 17: Citizens Petition – South Street Sidewalk

Citizen Petition

ADVISORY COMMITTEE RECOMMENDS DISAPPROVAL OF ARTICLE 17: VOTE OF 3-6-0 FOR APPROVAL

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Seventy-Five Thousand Dollars (\$75,000.00) or such necessary amount of money to be expected by the Department of Public Works or its contractors for the purpose of building a length of new sidewalk, where none currently exists, on South Street. With sidewalk to be placed on the south/eastern side of South Street connecting to existing sidewalk at 350 South Street, continuing to the Intersection of South Street with North Grove Street. A distance of about 900 feet or just under 2/10 a mile; or take any other action related thereto.

Discussion in Favor of Recommending the Petition:

- Safety of pedestrians on this stretch of road.

Discussion Against Recommending the Petition:

- Not enough money allotted in the motion to complete the project.
- Not on current ADA or Complete Streets Plan with Foxborough DPW.

The Advisory Committee does not recommend approval of this article as written.

ARTICLE 18: Citizens Petition – Direct Mailing

Citizen Petition

ADVISORY COMMITTEE RECOMMENDS DISAPPROVAL OF ARTICLE 18: VOTE OF 1-7-1 FOR APPROVAL

This citizen petition requests that property owners and voters be notified by mail, at least 60 days in advance of Town Meeting, of any zoning warrant articles that impact them. It was specifically prompted by the accessory apartment article at the most recent Special Town Meeting.

The Committee was interested in ways to better communicate the content of upcoming Warrant Articles, but had a couple of concerns about the article itself:

- Because the petition isn't written as a bylaw or regulation, it doesn't actually change the law; if approved, it would essentially function like a non-binding resolution.
- The process for identifying "impacted residential property owners and registered voters" wasn't outlined, making it potentially difficult to implement.

This petition did create a lot of discussion between the Committee and town leaders, and the Committee encouraged them to look for ways to create more transparency around the Warrant content (not just zoning articles). That said, since the article itself didn't create practicable requirements, the Committee voted against recommending it.

ARTICLE 19: (Select Board Amendment to Special Acts, General Bylaws and Zoning Bylaws)
Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 19: VOTE OF 10-0-0

The purpose of this article is to vote to authorize the Board of Selectmen to petition the General Court pursuant to Section 8 of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts (Article 89) for an amendment to the Acts of 2004, Chapter 5; as amended by Chapter 11 of the Acts of 2012 and Chapter 173 of the Acts of 2013, and Chapter 114 of the Acts of 2016 by striking out the words “Board of Selectmen”, “Selectmen” or “BOS” wherever they appear in the title or body of said Acts and inserting in place thereof the words “Select Board”; further, subject to, in furtherance of, and consistent with said legislative amendments, to amend the Foxborough General Bylaws by substituting the term “Select Board” for “Board of Selectmen” and “Selectmen” wherever they appear in said General Bylaws and by adding the following sentence to the end of Chapter 35, §35-2.B.(3) : “For purposes of these bylaws, the Select Board shall assume and retain the status of the formerly designated Board of Selectmen and shall assume all powers and duties vested in a board of selectmen by general or special law, home rule charter, these bylaws or other applicable authority.”; and, further, to amend the Zoning Bylaws by substituting the term “Select Board” for “Board of Selectmen” and “Selectmen” wherever they appear in said Zoning Bylaws; or to take any other action related thereto.

The Advisory Committee voted unanimously for approval of this article.

ARTICLE 20: Revise Chapter 184: Door to Door Canvassers and Solicitors **Board of Selectmen**

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 20: VOTE OF 9-0-0

The purpose of this article was to see if the Town would amend the current bylaw on Door-to-Door sales to create a “do not knock” list. Town residents may add their address on the list to reduce door to door solicitation of business.

The list will be maintained by the Town Clerk’s Office, with periodic updates from the town Assessor’s Office to remove from the list, any properties recently sold to new owners.

Upon applying for a solicitation license within Foxborough, Door to Door solicitors would be provided with the “do not knock” list by the police department. The police department would also be granted authority to enforce violations of the “do not knock” list.

The Advisory Committee recommends acceptance of this article.

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 21: VOTE OF 6-2-0

Introduction to the bylaw purpose and function

The purpose of this article was to see if the Town would amend the current zoning bylaws to permit allowing retail marijuana sales locations and other marijuana establishments within the Town of Foxborough. This bylaw would repeal the town's current bylaw which completely restricts retail marijuana businesses.

The new bylaw, written in accordance with state laws governing marijuana businesses, provides a set of rules, which would govern both the entry of new marijuana businesses and their ongoing regulations once established.

The bylaw provides for a zoning overlay district where marijuana businesses could operate, as long as they are not within 500 feet of an existing public or private school, library, church or other religious institution, child-care facility, park or playground. (Please refer to the marijuana zoning overlay district map to see potential locations that could host marijuana businesses)

A potential marijuana business must first apply to, and receive approval from, the Massachusetts Cannabis Control Commission. After that, the business may apply to the town for the right to operate a marijuana establishment, and must complete two regulatory steps with the town:

First the town and potential marijuana business must execute a Host Community Agreement. The Host Community Agreement sets forth the conditions under which a marijuana business can operate in the Town, it also establishes any community impact fees. Community impact fees must have some reasonable relationship to any potential adverse effects a marijuana business may cause and cannot exceed 3% of gross sales revenue.

Second a potential marijuana business must apply for and be approved for a special permit from the town's planning board. The conditions for issuance of a special permit are covered in sections 7.6.6 - 7.6.8 of the bylaw.

The bylaw also provides further regulations including: requiring a marijuana establishment to give an annual report to the planning board; regulations on the transfer or discontinuance of any marijuana business location; along with requiring a bond to cover removal costs of a marijuana business that ceases operation.

Number of establishments - Retail Stores vs Other Marijuana Establishments

Retail Store

A retail store may sell and deliver marijuana products to customers. Other Massachusetts communities may allow onsite consumption of marijuana products at retail locations, but Foxborough's proposed bylaw does not permit for any onsite consumption.

Current state law provides that the amount of permitted marijuana retail stores in a town is linked to the number of licensed liquor stores. The state law provides a 20% formula that rounds up. 1-5 liquor stores within a town allows for 1 retail marijuana store; 6-10 liquor stores = 2 retail marijuana stores, 11-15 liquor stores = 3 retail marijuana stores.

Two retail stores may open in Foxborough because Foxborough has 10 active Liquor stores. Should an eleventh liquor store be licensed in Foxborough then a 3rd retail marijuana store could be licensed. However, the number of permitted liquors stores a town may have is tied by state law to the town's population level, and Foxborough currently has the amount of liquor stores allowed under the state's alcohol laws. Thus a 3rd retail marijuana store could only open if the population level of Foxborough changes to allow for an 11th liquor store and if such an 11th liquor store is licensed.

Other Marijuana Establishments

“Other marijuana establishments” includes all other possible allowable marijuana businesses excluding retail sales locations. This can include marijuana cultivators, independent testing laboratories, and marijuana product manufacturers that could ship their product to other business entities.

State law provides that should a community allow for marijuana businesses to operate than there is not a limit on the number of other marijuana establishments.

Advisory Committee Evaluation of this Bylaw

The initial discussion of the Advisory Committee focused on the process, along with the rules and regulations marijuana businesses would be subject to under the bylaw.

The advisory committee received information showing a significant number of surrounding towns currently have or soon will have retail marijuana businesses. The Advisory Committee learned that in addition to any impact fees and normal taxes received from a business property, the town would receive 3% of the gross sales of a marijuana business as a tax paid directly to the town. The surrounding towns have seen various amounts of impact fees and taxes based on the ages of the marijuana businesses along with the draw of their retail locations. The levies in the surrounding towns amount to between tens of thousands to hundreds of thousands of dollars of payments to the respective towns each year. However, the overall earnings for each town would likely decrease as marijuana establishments increase throughout new communities in the state, and competition intensifies.

It was also presented to the Advisory Committee that the first handful of towns that opened marijuana establishments four years ago were swamped by customers due to the novelty of retail marijuana stores. Currently, newly opened stores don't receive such large crowds as there is a wide availability of existing retail marijuana stores in the state.

The advisory committee was notified that the Foxborough Police Department did not oppose this measure and thought that the police department would be able to address the expected impacts such businesses may have upon police business.

The Advisory Committee reached a general consensus that benefit of new funds to be received by the town would outweigh the limited negative impacts to the town from allowing marijuana businesses. The Advisory Committee consensus was that negative impacts would be limited based upon assurances from the town's Board of Selectmen and Police Department, along with having been able to observe that other towns have hosted marijuana businesses over the last 4 years without any significant ongoing issues.

The Advisory Committee recommends acceptance of this article.

Nota Bene: Existing Law formalizing the status of marijuana in our society is still evolving. Changes in state law which may affect this bylaw could reasonably be expected to occur in the near future.

ARTICLE 22: Sign Bylaw Amendment: Interstate Highway Billboard Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 22: VOTE OF 9-0-0

If adopted, this Article establishes both the process and the limits for placing electronic signs ("electronic billboards") along I-95. It was developed in response to a request from the owner of property near the intersection of East Belcher Road and Spring Brook Road. In addition to a size limitation, the proposed bylaw amendment restricts electronic billboards to:

- the Limited Industry District,
- property that is within 250 feet of I-95,
- more than 300 feet from a residential unit,
- more than 1500 feet from another billboard,
- more than 1000 feet from a highway interchange.

Given these restrictions, as well as Federal and State regulations, it is expected that a maximum of three double-sided electronic billboards could be located along I-95 in Foxborough, including one on Town land behind the Public Works Department on Elm St.

Installation of an electronic billboard will require annual payments to the Town as part of a Host Agreement, as well as annual rent/lease payments if the billboard is on Town-owned land. The amounts of these payments would be determined by negotiation.

Under the proposed bylaw amendment, applicants seeking to erect an electronic billboard must first obtain a special permit from the Zoning Board of Appeals.

This Article is the result of a lengthy review process that included the Planning Board, the Zoning Board of Appeals and the Board of Selectmen. Changes were made in response to public input to reduce the number of billboards and their impact on residents while still preserving revenue opportunities for the Town and landowners.

Advisory Committee members monitored this Article as it evolved and unanimously voted to recommend approval.