

Foxborough Advisory Committee Virtual Meeting

Wednesday March 9, 2022

In Attendance: Paul Ivanovskis, Chairman, Dan Peterson, Vice Chairman, Sharon Weiskerger, Jack Martin, Marlowe Farrar, Raffaella Zizza-Feinstein, Mike Brown, Eric DeLisle, and John Mahoney.

Minutes: Taken by Tony Colangelo

7 p.m. Paul I. – Agenda Items – We will continue with Warrant Articles #16, #17, #18.

John Chlebek: I submitted a petition for Direct Mailing Notifications, prompted by accessory apartments. After checking, I do not feel people in town were aware about this. Old methods of letting them know don't seem to work. At the Special Town Meeting, they were ready to allow accessory apartments at every abutter around my home and there was no requirement that I be advised. I don't think this is a good method of letting people know what's going on in various neighborhoods. The town does mailings for other things. We should do mailings to inform residents of what is being proposed. **John, question for Bill;** this warrant article states this direct mailing should be no less than 60 days prior to the town meeting. What is the typical time line that warrant articles have to close before the town meeting? **Bill -** We typically get it around Apr. 15. Bylaw states, get it 14 days before election, and 21 days before the town meeting. **Marlowe asked,** -- if someone was missed from the mailing, what happens if they come and complain, are there any legal concerns? **Bill K. stated,** - I'm going to have Town Counsel Pat Costello respond because it is a legal question. **Pat Costello -** There is a provision in Chapter 40A, Section 5, as it relates to non-residents of the town, notifications for zoning. If there is a failure, it is not fatal to the process. I would suggest that the article for the bylaws, have a very detailed language that would describe impacted property, the mailing or acknowledgement if required. As Bill noted, the process of notice happens a number of different ways with appropriate language. **Bill Keegan –** I would like to go back to John's question; started by saying weren't a lot of people at the Town Meetings and not a lot of people aware of them. Circulation of newspapers are not what they use to be – it used to be the #1 thing. We are doing the best we can getting the word out, - but sending a mailer or two to everyone about the Town Meeting would be a good idea – and direct them to the town website so they can see what is being talked about – then they could decide if they are interested. **John -** Personally I would go with a blanket mailing and not try to finesse it. **Paul –** I'm still not clear all the options that are available – what are the implications, Pat? **Pat –** to be clear, this is not specific to article 18 – it is not really a by-law. It needs a lot more clarification before it's enforceable. Currently, it would be a non-binding article. **Jack -**

thank you John for bringing this up - long ago newspapers were the primary means of communication - no more today. What do we replace this with – do we go to the town web-site? But not all questions are answered at the town web-site. **Paul, question for John** – how should I think about the 60 days, vs 45 or 120?. **John;** Reason is to give people an opportunity to get organized if they need to. We still don't know which warrants need to be at the town meeting. But this one has to do with residential zoning which may impact property.

7:28 p.m. - Paul; I appreciate you coming and presenting this to the Committee. The next agenda item is -- **Article #16 – Easement on Market St. – Welcome Bethany Kenneway.** **Bethany** - I am the Trustee of property on 28 School St. We are doing some improvements there which include septic upgrade. We cannot install a septic because of the lot size but with a new sewer line on Market St. we have a proposal through for easement through the back lot just purchased by the Town, that will be demolished and parking lot put in. We want to run a sewer line from the front of the property to the back. We will be paying for the application and installation. Our proposal was sent over to the highway dept. and there were no objections. There was some conversation about the trees there, as a buffer to the next-door business but that will be part of the application process. **Chris G., DPW – comment;** I'm back. We worked on that sewer line to provide service a couple of years ago and that could be used for that property. This property is in the sewer district.

Paul I.; Next Agenda Item is Article #17 – South Street Sidewalk. **Bill King** – We are trying to get this extension added to the sidewalk on South Street for a cost of \$75,000. It is a very serious corner – a lot of activity and lots of accidents there. There are a lot of meetings there and it's a very busy area. **Dan P.** - he seems to have full support of all the neighbors there. **Chris Gallagher** - we have gone through complete street repairs, redesign projects and pavement management plans, etc. Funding for Chapter 90 funding is about \$620,000 annually. **Bill Keegan** - this is an individual request and we have a lot going on with our regular pavement repairs on existing sidewalks. **Chris Gallagher** - our roadway plan is coming out in a few weeks. It will focus on Market St., Union St., School St., Young Rd., Edwards, and Bourne. They are bad deteriorated roads and need new pavements. **Jack** - we are the worst town in the region with sidewalks. **Bill** - the town has made a priority of fixing roads first. **Raffaella** - the area this article talks about, there is a sign, "Dangerous Intersection" and my comment, – it is (West St & South St). **Paul** - Bill, what happens if we move forward to approve and the source of funding is not identified? **Bill** - it can't move forward unless the source of funding is identified and the only source we have right now would be free cash. The challenge is, this a petition article and we can't change the article itself and the funding source was not identified. The Advisory Committee could make a recommendation that we do that – "use free cash funding". **Paul** - Bill, this is the 2nd Citizens Petition Article where they need help with the draft, and this issue of addressing the funding source. **Bill** - I

completely agree. They usually don't reach out to us. **Marlowe** - if it passes who has to act on it. **Bill** - once it passes it would be given to the DPW and they would have issues; it's not engineered, and it's not laid out. We may not be able to get it done. **John M.** - looking at the language it seems pretty reflective of many other warrant articles submitted – the town will raise appropriate funds, similar to other workers contracts, etc. **Bill** - a specific amount is put forward in article, ie. \$75,000. What happens if it's above that? Need a different language. We can't just pull money from a different account without it being identified. **Paul** – but you could build it to the extent that the \$75,000 funding permitted? **Bill** – yes.

8:05 p.m. - Paul I. – Thank you for this presentation. **Next agenda Item- Warrant Article #28.** Bill K. signed the by-law amendment & Attorneys, Frank Spillane, representing a client, and Bob Burr, represents American Outdoor Advertising. Bill stated there has been a lot of work re: billboards over the years particularly on Rt. 1. But now stationary billboards have been moving towards digital billboards. They can rotate with multiple advertisements. We have a couple of examples on Rt. 1 and now have the opportunity to add more along Rt.95. Neighboring towns have done this already. Digital billboards have developed agreements so that the town receives % of income from the advertisements. Also, if the town locates them on town property the town can lease the land and receive rent revenue. These will require a 1,500 ft distance between them along Rt. 95. **Lorraine Brue** has helped draft the billboard by-laws. **Lorraine;** there are 3 zones town for signs now. Zone 1 is on Rt 1 which is a digital for one. This article, district 2, defined as follows: lots lined up next to Rt95 or Rt495 and they can't be more than 250 ft from the interstate highway. 1 is proposed for the East Belcher Rd. area and another is for Elm St., DPW lot. Also, 1 close to Clover Leaf, Foxboro Blvd. area near MA Premier. Potentially, 3 or 4 depending on what locations are approved. **Frank Spillane;** stated, I am representing those that requested these changes – the max I think would be 4. The intersection at Rt 95 & Rt495 would be very difficult. Also, we can't have one on the MA Premier side of Rt95. Because of location, probably a max of 3 would work. **Attorney Burr** - I can speak to this more. The state prevents billboards from being placed near on-ramps and off-ramps. There could be 2 or 3 billboards max in this area. **Frank Spillane** - the by-law states electric signs have to be 300 ft from residents and 250 ft from layout of Rt 95. The DPW put together a potential plan, 1 at the DPW and 1 at East Belcher and Springbrook and nothing else could go within 1,500 ft of these 2 sites – they create huge circles. Then there are only 2 possible locations, 1 is too close to the interchange and 1 near MA Premier that would probably have to be on the Mansfield side. Static billboards only have to be 500 ft. apart. **John M** - is there any limitation on the brightness of the electronic billboard or how quickly the images can rotate? **Attorney Burr** - digital billboards today have very good technology, have most of impact on the drivers going by and not on the surrounding community. Images flip every 8-10 seconds. I'm from Canton, and we haven't had to add any restrictions, or limitations on colors. Town of Foxboro is fortunate because they already have one on

Rt. 1. I helped establish our 1st billboard in Canton, on Rt 95, in 2010. We were concerned about the impact, but over the 1st 10 years there have been no concerns or rejections and it has produced revenue. **Jack** - after talking with Barney, it seems our by-law has serious limitations, how fast the signs can flash and various things that would distract drivers. One of my concerns is, who has done any research on the flickering signs distracting drivers? I could not find any info. **Frank Spillane** - I was involved reviewing the 1st electronic billboard on Rt. 1. While we were doing that pilot program, the state pilot program required that we provide the town and the state a traffic study if there had been any impact caused by the billboards and if there was, they would adjust the billboards or eliminate them. They found there were no issues. All billboards had to do this during their pilot program. **Mike asked;** how was the 300 ft from a resident determined? **Attorney Burr responded;** the state requires 500 ft. abutters to be notified – most by-laws don't have many restrictions. **Paul asked Bill;** potential revenue stream? **Bill** – it is still being negotiated. **Jack asked Lorraine;** what is the ZBA role with this? **Lorraine** - the bylaw gives authority to ZBA to administer this. There are 5 ZBA members on the board and they need 3 votes from regular members to grant a permit for this.

Paul I. - Thank you everyone. Maps will be sent before the next meeting that will show the Billboards locations. Marijuana will also be discussed.

8:50 p.m. - Next Agenda Item – review Revenue, Free Cash, etc. Bill K., George Samia, Marie Almodovar. Bill K. – Our goal tonight is to provide where we are with revenue budget & Free Cash budget for FY'23. Tax levy and new growth gives a 3.81% increase for FY'23. State Aid up 1.96%. Local Receipt & Enterprise Income up 3.34% - this was down recently because of COVID. Tickets and events at Gillette have a lot to do with this. **John M. question;** do we get any alcohol revenue from these events? **Bill answered;** - yes for meals and alcohol sales and also from any restaurants in town. Tax payments for these go to the state, they process and then send back to the town. Stadium is doing about \$250 million in renovations. Will not add any more seats in the stadium but probably will add more indoor seating. Other funds in the budget are Ambulance, Recreation Funds, etc. will go up 14.17%. Overall, increased revenue of \$3,372,087 or 3.83%. Expenses for FY'23, are expected to not increase as much – up \$2,299,744 or up 2.69%. Free Cash comes from the fund balance. If we collect more than we spend, or if we spend less than we estimate. This year we expect to use \$900,000 in free cash. That is down \$38,954 or (-4.15%). The budget has to be certified by the state after June 30th. Overall, our budget looks like we should have an increase in revenue of 3.4 million and expenses should be about 2.3 million. We should have a balance of free cash reserve of almost 1.8 million going into town meeting. Target a balance of free cash of 3-4 million at end of fiscal year in October, to be reviewed by Dept. of Revenue for approval. **Mike asked;** about the item on the budget labeled as "Other". It is way up & down – what is that? **Bill answered;** could be a number of

different things. **George** - once it was the close out bill for medical. **Bill** - we had 3 or 4 hundred thousand dollars and we were able to reappropriate that to some insurance expenses for the town. **Paul asked;** Bill what is the status of the Capital Committee – will we talk about that next week? **Bill answered;** we want to thank Dan for participating in our last meeting. We reviewed a lot of items that totaled about \$5.4 million. Includes Chapter 90 which includes up to \$1.2 million for roads. **Dan comment;** regarding the budget for next week – observation that we did not make the 2.5% limit increase on the budget. Think about that for next week. **Paul** - We will be meeting in person next week. **Jack asked;** Will we have cable access? **Paul** - we voted not to. What do you think? **Dan comment;** I do not feel there should be cable access, but I'm not totally opposed. **Paul** - Committee members can think about it and we can bring it up again at next week's meeting.

9:25 p.m. -- Paul asked for Motion to Adjourn. Dan made a motion to adjourn. John seconded the motion. All voted yes.

to review. I propose we put articles 10-15 on next week's agenda and that this Committee makes no-action on each of these and then we can change our recommendation if some info comes thru in time. **Bill K. – comments;** Mike J. is working very hard weekly on these. He is very close on a couple of them. More often than not, if a couple of them go thru, then the rest will closely follow. We are all working within a certain time frame. **Dan - question;** can we bring an earlier deadline? **Bill K. stated –** we have tried – but once people go past deadlines, it would be and it is hard to say no just for that. **Dan P. comment –** but there is no penalty for doing it late and no benefit for doing it earlier either. How can we make it more effective for everyone? What can we implement? Bill stated we have tried to implement deadlines. Dan asked, what is that date – the immediate impact - when do they expire? Bill stated- each contract expires June 30th. Then they have a clause that let's conditions continue till until another Town Meeting. Dan asked what is the date for this end negotiation. Bill stated, Mike is trying to get it done by the end of this month (March) or the middle if he can and I know he is very close on a couple of them this week. **Marlowe, - question for Paul or Dan.** What is the Adv Comm history regarding these contracts? How often have they come in-time for recommendation vs. no action, etc. What can Adv Comm do to 2nd guess or

make a recommendation or rejection? Bill K – stated, the only thing the Adv Comm can do with the review is the funding. Is the funding appropriate and reasonable – that’s all we can act on. The terms and conditions of the agreement are only for the Board of Selectmen. To impose a deadline on the process would be difficult – but, it is fair as a policy statement that we want this completed by x-week before the Town Meeting in order for us to review.

Paul I. – Next Agenda Items – Citizens Petition. Marlowe, have we heard anything back from her yet? No, we haven’t. Ok we’ll follow-up. **Sidewalks** – No info submitted with petition. We may hear from him next week. **Direct Mailing** – sent an e-mail & town council comment – not a law change – it is a recommendation for action. **#19 & #20** – still pending – we have talked about. **#21 & #22** – Zoning B-Laws Amendment – we may have to vote on again. **Also #23, #24, #25, #26. Also, 2 Marijuana Actions.**

Also, Billboards; difficult to understand if they may cause accidents while people are driving. **Bill K.** – the locations for these at the DPW in town, and the second is off of Belcher Rd. facing towards Rt. 95. Revenue from these come from the ground lease which may be over \$1 million and also for monthly payments for use of the signs. The marijuana and billboard items may be on the Adv Comm agenda next week. **John M. asked,** - regarding marijuana law, can we ask where in town they can go? There are regulations on how close they can be to schools, church, etc. **Bill K. stated** – I will provide that info when I get it.

9:05 p.m. Paul I. - asked for motion to adjourn. Eric made a motion to adjourn and Dan seconded. Everyone voted yes to adjourn including John M. who arrived later in the meeting.

