

## Advisory Committee Meeting

Town of Foxborough

Wednesday March 10, 2021

RECEIVED  
TOWN CLERK

2021 APR -5 A 11: 57

FOXBOROUGH, MA 02035

**In Attendance (all participants are remote):** Larry Ooi, Brad Palter, Paul Ivanovskis, Thom Freeman, Jack Martin, Dennis Keefe, Sharon Weiskerger, Dan Peterson, Brian Guild. John Mahoney arrived shortly after vote on minutes.

**Minutes:** Taken by Tony Colangelo

**7 p.m. Larry O.**

Larry requested approval of the minutes as is for February 24, 2021. Brad P. made a motion to accept the minutes, and Paul I. seconded. Sharon W., Dennis K., Thom F., Jack M., Dan P., Brian G., Larry O. voted yes to accept. 9-0-0. John M. arrived shortly after the minutes were accepted.

**7:03 p.m. Larry O. – Welcome DPW Director, Town Warrant Articles #8, #18, #19, & #21 Chris Gallagher**

Chris G. - Article 8. This 11 million dollar bond was approved 2 years ago and we needed to clarify some language to meet some housekeeping needs.

Paul I. asked Chris G. if there are any other implications. George, from the town hall, replied no. Larry O asked if this was just a technical correction? Chris G replied yes.

Chris G. – Article #18 & #19. This is a new treatment plant built by our water department, on Oak St./ Lamson Rd., in 2013 – 2014. This parcel Article 18 is 30 acres. There was concern from MA Endangered Species Act to protect the Butterfly Habitat – Indigo Plants, so these transplanted to an open field near Gavin Pond. Also, these two parcels of land, one of which was owned by Town of Foxborough and the other owned by Foxborough Water Dept. were transferred over to the Foxboro Conservation Commission.

Brian G. asked if there was any cost to the town. Chris G. stated that the water department will continue to maintain the Butterfly Habitat / Indigo plants and make sure they are ok. Jack M. asked for clarity on the location of Oak St & Lamson Rd, wanted to know if this also included Atherton Rd.? Chris G. stated yes this is next to Atherton Rd, and abutted Town of Sharon.

Chris G. stated that the 2<sup>nd</sup> parcel was 60 acres and was owned by the Town of Foxborough.. This was split and 4.1 acres was used for the Butterfly Habitat / Indigo plants. Dennis K. asked if the Butterfly Habitat was open to the public? Chris G, stated that the Water Dept land is protected under DEP, Zone 1 & 2 restrictions, and you'll be able to walk along paths there once transferred to Conservation Commission. Sharon W. asked so we can't go there till land has been transferred? Chris G. stated, no, people can go now, the water treatment plant will be fenced off. Just need to understand it is a source of our drinking water so if you go there pick up after yourself or your pets.

Chris G. – Article 21 Joined Mansfield and Norton for the Sewer District Division. 96 – 98 Mechanic Street property, which includes 2 buildings with 14 units have some residents interested. Chris G. asked, do properties need to be added to the sewer district before residents can connect? Chris G. stated there is an area at the center of town, around the Commons, where properties are already part of the sewer system and they can connect if they want to. Also, we can't deny a 40B project / property. In addition, if a resident has sewer available and they have a failed septic system, they can be added. Larry O. asked Chris do we have enough capacity, is that a concern. Chris G. stated that is not a problem, we have 170,000 gallons per day capacity. John M. asked, does a property have to do anything with the town when they join? Does the property owner need to do anything with the town to disconnect or remove the old septic system? Chris G. stated when property joins? Chris G, stated anything they need to do falls with the Town Board of Health. Larry O. – Thank you Chris for joining our meeting.

**7:18 p.m. Larry O. – Welcome Paige Duncan, Town Planner, Warrant Articles #22 thru #25**

Paige D. made slides available for her presentation which were very helpful.

Article #22: Discussed our flood plain bylaw revision. Worked with FEMA and coordinated with the state, in order to comply with a Mandatory Bylaw for National Flood Insurance.

Article #23: Replace town map which covers the Historic District of Baker St. Current map was not very good. The new map is much better picture so the area can be viewed in more detail.

Article #24: We made a correction of the table used for determination of special permits required for Assisted Living Facilities in order to meet the bylaws.

Article #25: Acceptance of Congdon Circle, located within Highlawn Farms subdivision as a public way.

John M. asked, why is only ½ of the Doolittle home in the historic district? Paige, said that was a mistake, the ½ that's not in it is the newer section. The new map will show it all in the historic district. Thom F. stated I don't think we can split a building in two, is there a divider in that building? Paige stated I actually don't know. Thom F. asked, if the Flood Plan would have to be

redone once the Dam Project on West St. is completed? Paige stated it won't change the bylaw itself. Don't think it will have to be reevaluated. Chris G. added, every 10 years they send maps to every town to review and approve or revise.

Jack M. commented re: required to provide base flood elevation data for subdivision projects greater than 50 lots on less than 5 acres. Shouldn't that be a smaller number? Do we have any of that size? Paige answered I don't think we have any of that, maybe we can ask. But they are not allowed to build on a flood plain. Chris G. commented, I agree with Paige on that. They are not allowed to build on a flood plain. The important thing is the town process; the permit, who is notified, who is supposed to be notified, record keeping. Jack M. Comment, the purpose of the clause is to require the developer to show they are not in a flood plain zone.

Dennis K. Regarding the historical district, are there any requirements or advantages for tenants that live there? Paige stated there are some restrictions on making changes there and there are very lovely homes there on Baker St. Larry O. = Thank you Paige for joining our meeting.

#### **7:36 p.m. Larry O. – Welcome Shelby Kornbluth, Warrant Article #26 (Citizen Petition)**

I have been working with a group of other Foxboro residents to propose a warrant article for the Town Meeting that would change the way the CIP process gets funded. The CIP Committee now consists of the Town Manager, School Superintendent, a member of the Board of Selectmen, a member of the Advisory Committee and the Director of Public Works. The way it is done today: the budget for CIP is proposed by the Town Manager, School Superintendent and the Director of Public Works to the Advisory Committee and Town Meeting. I think it would be better if voting residents of the town of Foxboro can be part of the Committee for future CIP's. Things have been working in the past – but want to protect the future. Would like to have residents involved with recommendations that residents want. In the past I haven't paid much attention to this because I was focused on my younger children. For the past couple of years I have been paying attention and realize that what the Committee recommends is what is agreed upon by the Advisory Committee and Town Meeting for the most part. Now we would like to be sure that we are fully represented by town residents / tax payers in order to get the best recommendations going forward.

Dan P. asked, did someone help you write this article, and was anyone a lawyer? Shelby answered, we had a couple of other people involved but no lawyer. Dan P. comments, some things look good ie., CIP approved should follow over 5 years. But other, no CIP should be approved by depts. At town meetings unless first approved by the Committee? Question if town voters can control these things? Shelby stated, intent was that everything should be submitted thru proper channels. Dan P. noted, just want to recommend we look at legality of town voters to prohibit or propose something at Town Meetings. Just to be sure we put this Article together correctly. Bill K. stated that the language that is being proposed has same

identical language that's currently there. The reason included so that the Committee can evaluate what is being proposed, is it worth paying for, and the need for it. Dan P. commented, all members should comply with MA state conflict of interest law. If this is accepted as proposed then there should not be any conflict of interest? Shelby answered possibly. It could be someone who works part time in town if recommended to be on board. Larry O. I thought you stated that these members should not have full or part time employment in the town? Bill K. stated, conflict of interest is a very specific term. You have to have personal financial interest and what is being proposed will affect your personal wealth. It is well defined and just because you work in town is not a conflict.

Dan P. Question for Larry O.; Is the member of the school committee that proposes the budget – the same person that sits on the CIP Committee? Bill K. offered to answer the question. It goes thru their process and then has to go all other committees including the CIP Committee and then to the Town Selectman and Advisory Committee and ultimately to the Town Meeting for approval. Things can and usually do get changed thru the process before going to the Town Meeting for final approval. What's wrong with our process now? Why should we bring in another committee that meets once a year and questions what the town is doing? Shelby commented; the town has been fiscally responsible. The people that work on dept. budgets are usually on these committees. We just want more input and be able to provide recommendations going forward.

Larry O. comment; I support every citizen right to bring any article to the Town Meeting. A concern is if you let the school dept and water dept appoint someone, they will represent them. I understand what you are looking for. Are you looking for – 3 town employees out 5 on the committee. Are you looking for more non-employees on the committee? Shelby, stated employees have very good insights on what we need for the town but it would be good to add more non-town employees to decide on the budget. Larry O. stated, I know what you are saying – that people appointed will vote to represent their areas. If this passes the town needs to go out and find 5 residents to serve.

Jack M. commented, at the annual town meeting Article #4 was presented to voters. It was for 75 million dollars and we had input from 24 departments, prepared by several groups and committees that work for the town. The 5 million dollar CIP budget is small compared to the 75 million operating budget that is prepared in a similar process. If we are dissatisfied with the CIP process, why wouldn't we look at that much larger budget first? Shelby stated we are not dissatisfied, your group goes thru a lot. I just see this as another add on. Dennis K. commented, I have worked in both the public and private sectors and the Town's process is similar to what I have seen. It has all the checks and balances to ensure a fair process. Also, the Advisory Committee, who are independent citizens of Foxborough, already provides the oversight envisioned throughout the process and ultimately at the end as well. What is being suggested is duplicative. Shelby, stated I understand conflict of interest. Just that depts are still

going to try and prioritize their depts. We don't know what might happen in the future and we want to present that.

Bill K. presented some examples of how things are processed. Brian G. stated I think there is a lot of merit in the article, but I also think there is a lot of complexity in the article. I have a question for Bill, is there any reason why additional representatives will prevent us from doing our town business? Bill K. answered, I don't think anyone will object to adding a couple of residents on the committee. But just having residents on a committee may be a concern without the people that are involved. Dan P. asked what is the best case and the worst case or stay the same? Bill K. people that serve are the most knowledgeable for what's needed. What's unclear is why this is coming forward? There hasn't been any problems or complaints with our process. Larry O. I support what you are but I don't see a need to dismantle the committee. Shelby said intent is not to dismantle – it's just adding 2 other members – things are alright for people now.

Jack M. stated, one of the lines in the proposal is a concern. Every article that comes thru, we have to review and approve. If the Committee doesn't vote on these it just blocks what tried to come through. Shelby said, that's not the intent. Bill K. stated, the language seems to indicate that. Bernard commented, we just need to understand what is requested and what is approved. Benchmarking, data, facts, etc. are all important. Shelby stated that last years Town Meeting was an exception, very few people in attendance.

### **8:30 p.m. Larry O. – Welcome George Samia, Finance, Town Warrant Articles #6 & #7**

Both Articles are based on revolving funds which have to be set up in legal fashion – the money comes in and goes out without appropriation. These are 2 new revolving funds that will be added to existing list. Article #6 adds two more lines for the fire dept.- public health for inoculation and health services reimbursement. Article #7 deals with IT Technology for the school department. This includes I-Pads & Chrome books to be able to do home-work with. Be able to fix and repair them as needed. Every year the town meeting approves spending limits for appropriation funds. For these 2 new accounts we set up a special meeting, but the town council stated they would just be approved as part of FY '21 – FY '22. Dan P. asked, it looks like these two new funds, Articles #6 & #7 will allow \$100,000 each in FY '21 7 FY '22? George stated yes but that may not be what is spent.

Paul I. commented that the Senior Trips account was \$120,000 last year and now it's \$250,000. Why, is their revenue way up?? George stated that the COA Director Mark C. anticipating if we get out of this disease period, there will probably be an increase in trips going forward. The accounting office controls this and will be approved only if the funds are there. Paul I. stated Maria thinks they are planning a very large trip in the spring. Bill K stated, that's right, a large trip to Europe. They had trips planned before COVID, but didn't get to go and got returns.

John M. asked about the Police and Fire revolving funds of \$100,000. Is that for buying vehicles? George it is used for other apparatus. Capital funds are used for buying vehicles. Bill K. stated the revolving funds used for renting vehicles or repairing damaged vehicles. George stated, most of income goes to general funds with the exception of enterprise funds which will be redistributed. Revolving funds to not get used in general funds. John M. asked if these funds get approved how will our reporting get updated, ie. How much they have and use? George responded we are adding 2 new funds, but we already have 5 others. We can pull up a sheet with what came in and what was spent. Thom F. asked, regarding the Police and Fire Revolving accounts, is there any reservation for civil forfeiture assets going into the revolving account. George answered, I believe we had somebody's art and then sold it but it goes into another account just for that. Bill K. stated there is a forfeiture account but it is not intended for civil forfeiture. George stated, it goes into an account that the police have and use.

Larry O. – Thank you George for your presentation.

Bill K. – Brief Note: We are tracking Federal legislation that passed the house today. We will follow up to see how much it impacts Foxborough.

#### **8:50 p.m. Larry O. – Election of Vice Chair for Term Ending 2021**

Bernard needs to step down from his position because of work demands. The Vice Chair should take the Chair position next year. Two people have expressed interest, Thom F. and Paul I. Would like to request motions to nominate from the committee. Brian G. made a motion to nominate Thom F. and Dennis K. seconded the motion. Dan P. made a motion to nominate Paul I. and Jack M. seconded the motion.

Larry O. asked for a vote for those in favor of Thom F. 4 voted yes, -- John M., Brian G., Thom F., Dennis K.

Larry O. asked for a vote for those in favor of Paul I. 7 voted yes – Jack M., Paul I., Sharon W., Dan P., Brad P., Bernard D., Larry O. Paul I will be our next Vice Chair. Thank you. Bernard, we all thank you so much for your service.

Bernard; I have served here for a over 7 years. I have enjoyed and want to thank everyone.

Larry O. – next week we have 4 more Articles for our agenda. I will also add another item on the agenda to discuss tonight's agenda articles for approval and to propose any amendments that might be needed.

**8:55 p.m. Larry O. asked for motion to adjourn: Brian made a motion to adjourn and Jack seconded the motion. Everyone voted yes. 11-0-0**

*Larry Ooi*