

TOWN CLERK'S REPORT
SPECIAL TOWN MEETING

Monday, the Thirtieth Day of January 2023

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. Michael Brown of the Advisory Committee led the Pledge of Allegiance.

Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.
There were two hundred one (201) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: Select Board Amendment to Special Acts, General Bylaws and Zoning Bylaws

MOVED, that the Town 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.

2/3rds VOTE REQUIRED
ADOPTED 132 AFFIRMATIVE 20 NEGATIVE 7:44 P.M.
Approved by the A.G., April 27, 2023/REC

ARTICLE 2: Rename Booth 1 to Bayuk Field

MOVED, that the Town vote to rename the athletic field commonly known as "Booth Field 1", located at the Booth Recreation Complex to "Bayuk Field" in memory of Stu Bayuk.

ADOPTED 146 AFFIRMATIVE 6 NEGATIVE 7:45 P.M.

ARTICLE 3: Establish Adopt/Re-Adopt OPEB Trust

MOVED, that the Town vote to adopt/re-adopt and accept the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the

Board of Selectmen and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws.

ADOPTED 156 AFFIRMATIVE 3 NEGATIVE 7:48 P.M.

ARTICLE 4: Fund Qualified OPEB Trust

MOVED, that the Town vote to transfer from Free Cash the sum of Nine Hundred Eighty-Five Thousand One Hundred Thirty-Five Dollars (\$985,135), the sum of Sixty-Three Thousand One Hundred Fifty-Six Dollars (\$63,156) from Water Enterprise Retained Earnings, and the sum Fifteen Thousand Seven Hundred Seventy-Eight Dollars (\$15,778) from Sewer Enterprise Retained Earnings for a total transfer amount of One Million Sixty-Four Thousand Sixty-Nine Dollars (\$1,064,069) into the Other Post-Employment Benefits (OPEB) Liability Trust fund to be used towards the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees.

ADOPTED 159 AFFIRMATIVE 2 NEGATIVE 7:51 P.M.

ARTICLE 5: Stabilization Fund

MOVED, that the Town vote to transfer from Free Cash the sum of Two Hundred Thousand Dollars (\$200,000) into the Stabilization Fund for reserve balance purposes.

ADOPTED UNANIMOUSLY 163 AFFIRMATIVE 0 NEGATIVE 7:53 P.M.

ARTICLE 6: Transfer from Fire Stabilization

MOVED, that the Town vote to transfer from the Fire Stabilization Fund the sum of Fifty Thousand Dollars (\$50,000) to be expended by the Fire Department to fund the wages, in part, of the Department's mechanic.

2/3rds VOTE REQUIRED

ADOPTED UNANIMOUSLY 172 AFFIRMATIVE 0 NEGATIVE 7:54 P.M.

ARTICLE 7: CIP Budget Request

MOVED, that the Town vote to transfer from available funds and appropriate the sums of money herein specified, from the sources herein specified, for the purposes listed in the summary table of the Warrant in order to implement the supplemental Capital Improvement Planning (CIP) Budget requested for Town Departments for expenditures within the Fiscal Year July 1, 2022 through June 30, 2023, as follows:

Department	Description	Amount	Funding Sources
Fire	Replace Staff Vehicle	\$75,150	Ambulance Fund
Fire	Replace Garage Doors	\$88,000	Free Cash
Facilities	Laundry Building Demolition	\$200,000	Free Cash
Police	Replace Tasers	\$49,844	Free Cash

Funding for Entire Plan	
Free Cash	\$337,844
Ambulance Fund	\$75,150

ADOPTED 176 AFFIRMATIVE 4 NEGATIVE 7:58 P.M.

ARTICLE 8: DPW Building and Site Renovation Project

MOVED, that the Town vote to transfer the sum of Eight Hundred Thousand Dollars (\$800,000) from the unspent borrowing authorization as approved under Article 7 of the 10/1/2018 Special Town Meeting for the renovation and construction of the Burrell School and that such unspent borrowing authorization be repurposed to pay for architecture and engineering plans, including preliminary design and construction estimate documents for the renovation and improvement of the DPW Main Garage and Fuel Depot located at 70 Elm Street in Foxborough, MA (Map 107 Parcel 036 and consists of 9.75 Acres). Such plans to include renovation of the existing garage, fuel depot and include any planned expansion(s) of said facilities. Said site plans would also include improvements to the site’s storm water drainage system, grading, and other site improvements as needed.

ADOPTED 168 AFFIRMATIVE 9 NEGATIVE 8:03 P.M.

ARTICLE 9: Sign Bylaw Amendments – Interstate Highway Billboards

MOVED, that the Town vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 213 “Signs” as follows.

Amend Section 213-5.A.(1) Table 1: Permitted Signs as follows: (i) deleting the letter N under the column for Sign District 2 for the Billboard line, (ii) replace such letter with the letters SSP, (iii) add footnote 2 to the letters SSP, (iv) change current footnote 2 to footnote 3, and (v) add the following text for footnote 2: “Electronic billboards are permitted in Sign District 2 pursuant to Section 213-6.B.(2)(c) with respect to lots that are specifically described in Section 213-6.B.(2)(c)[1]. Static billboards are not permitted in such sign district.”

Delete the last sentence of footnote 2 in Section 213-6.A. (1) Table 2: Sign District 1 Dimensional Requirements, and replace it with the following: “Billboards that are permitted in Sign District 1 may be installed only on lots that have frontage on Washington Street.”

Add the following new wording to Section 213-6.B. (2):

- “(c) Electronic billboards that comply with the following requirements may be authorized in Sign District 2 by means of a special sign permit:
- [1] Such billboards are permitted only on lots that abut Interstate 95 or are on lots with a lot line that is not more than 250 feet from Interstate 95, and that are situated within the Limited Industrial District as the same is shown on the Town of Foxborough Zoning Map as provided in Section 2.3. of the Town of Foxborough Zoning Bylaw.
 - [2] No billboard may exceed 672 square feet in sign area.
 - [3] No billboard may be placed within 1,500 feet of another billboard.
 - [4] Such billboards must be set back at least ten feet from the lot line.
 - [5] No billboard may be placed within 1,000 feet of an existing residential unit on the same side of Interstate 95 or within 500 feet of an existing residential unit on the opposite side of Interstate 95.
 - [6] No billboard may be placed adjacent to or within 1,000 feet of any interchange of Interstate 95 as measured from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main travel way of such highway.
 - [7] At least two separate business, industrial or commercial activities must be conducted within a distance of 500 feet from the proposed location of the billboard, measured from such proposed location to the buildings or parking lots or other places of actual business, industrial or commercial activity as required under 700 CMR 3.07 (3) (a);”

HAND COUNT

ADOPTED 116 AFFIRMATIVE

71 NEGATIVE

8:52 P.M

Approved by the A.G., April 27, 2023/REC