

TOWN OF FOXBOROUGH
ADVISORY COMMITTEE
MINUTES
November 18, 2009

RECEIVED
2009 DEC 29 PM 6:52
FOXBOROUGH, MA 02035

Committee Members Present: Christina Belanger, Lauren Bitar, Elizabeth Blair, Jim DeVellis, Kevin Donase, Michael Fitzmaurice, Thom Freeman, Bob Garber, John Gray, Cynthia Khalifa, Jeff Rudd, Jenna Strickland, Steven Udden, Brian Walton, Gary Whitehouse.

Others Present: Andy Gala, Town Manager, Randy Scollins, Finance Director, Martha Slattery School Committee, Paul W. Jackson, School Business Manager, Marc Resnick, Town Planner, Kevin Weinfeld, Bill Grieder, Gordon Greene, Planning Board members.

The meeting was brought to order at 7:30 PM by Jim DeVellis, Chairman.

7:30 – Discussion and Vote on STM Warrant Articles – Steve Udden, liaison for the BOH, spoke on Article 2, Water Pollution Projects, relative to borrowing from the State to assist homeowners in the repairs, replacements or upgrades of septic systems. Steve said he had attended meetings and the presentation was much the same as what the BOH had presented to the Committee. The big question was regarding the \$600,000 to be borrowed and how that would be distributed. He said it appears that about half of that sum has been set aside as a way to address the septic problems in a particular development and the remainder of the funds would be available to other homeowners. Randy Scollins explained that home owners, through this program, would be able to borrow from the Town, at a low interest rate over a period of ten or twenty years. Andy Gala explained that a similar program had been in place in the past when the Town borrowed \$200,000 for a like purpose.

Motion by Brian Walton to approve Article 2 as written. Seconded by Lauren Bitar.
Vote: 14-0-1

Article 1 – Budget Adjustments – Martha Slattery, School Committee, and Paul W. Jackson, School Department Business Manager, were present to discuss the Budget adjustments affecting the School Department budget in the amount of \$375,693. She said the School Department “absolutely” will share in the costs associated with balancing the overall budget but she does not want to see this “come from the students”. Martha explained that the School Department has the ability to move funds around and they would make cuts from other areas where they have to. She said the School Department has an “incredible Business Manager” and they would come back to the Committee with the numbers for a vote.

A brief discussion ensued regarding ways that the School Department might make necessary budget cuts, whether the 70/30 allocation of costs is acceptable, how this might affect the High School renovation and other funding initiatives. A question was asked if there is any plan or thoughts given in case more than expected money comes in from the State. Randy Scollins pointed out that the deficit of \$536,705 is based on the best estimates at this time and adjustments are determined accordingly.

Article 3 – Amend By-Laws – Establish due dates and interest rates for overdue payments.

Motion by Gary Whitehouse to approve Article 3 as written. Seconded by Lauren Bitar.
A brief discussion was held.

Vote: 15-0-0

Article 4 – Amend Earth Removal by-Law – This Article was discussed at a previous meeting. No further discussion was held.

Motion by Gary Whitehouse to approve Article 4 as written. Seconded by Brian Walton.
Vote: 14-0-1 (Bob Garber abstained)

Article 5 – Local Option – Meals Tax –

A brief discussion was held. Lorraine Brue noted that this was discussed at the last meeting. She suggested a "No Action" on this Article as it would be better addressed at the ATM in the spring. This Article was put on hold for voting at the Dec. 2nd meeting.

Article 6-10 – Re-codification of the Zoning By-Laws – This was deferred to later in the meeting.

Articles 11 – 16 – These were voted at the November 04th meeting.

NEW/OLD BUSINESS

Minutes – The Minutes for the Advisory Committee Meeting of November 04, 2009 were reviewed.

Motion by Lauren Bitar to approve the Minutes of November 04, 2009 as corrected. Seconded by Gary Whitehouse.

Vote: 15-0-0

Kevin Donase said his wife had just started working as a substitute teacher in the Foxborough schools and since he is a liaison to the School Department, he asked for clarification regarding conflict of interest. He said he had spoken to the Town Moderator, Frank Spillane, who found no issue in regard to conflict of interest. Kevin said that after reading the ethics material, he finds there is a "fine line" between the "do's and do not's" He has filed appropriate paper work with the Town Clerk. A brief discussion was held. Members of the Committee found no issue regarding conflict of interest in this situation.

Brian Walton reported that he had attended the Fire Department Open House. Fire Chief Roger Hatfield extended an invitation to the Committee to visit the Station in November. He feels it would give Committee members a better understanding of the Capital requests in the budget.

Further Discussion and Vote on Warrant Articles – Article 1 – Budget Adjustments –

Motion by Gary Whitehouse to approve Article 1 as written. Seconded by Michael Fitzmaurice.

A brief discussion ensued regarding the Capital Outlay budget for the Fire Department. Randy Scollins explained that there are various pieces of equipment, not large equipment, needing repair or replacement. He pointed out that the Capital Outlay budget for the Fire Department varies from year to year; this year the request was for approximately \$48,000. He and Andy Gala worked very hard with Chief Hatfield and determined that the Capital Outlay was the best place to make reductions. He pointed out that there is a request of \$330,000 for a new fire engine. It was agreed to move ahead with the request for the fire engine and to make the cuts in Capital Outlay.

Vote: 15-0-0

Article 6 – Re-codification of By-Laws –

State Hospital Article - A lengthy general discussion regarding the Chestnut Green project was held. Kevin Weinfeld explained the initial zoning allowed twenty-eight attached condo units separate from the offices and along the road, the change in zoning would allow single family condos to be no greater than 1400 sq. ft. He said the reason is basically economics and the market has stalled. This would give a developer an opportunity to buy up land to build single family units. If allowed, this would still have to be brought to the Planning Board for a Special Permit. Kevin said the Planning Board feels this is the right thing to see this project finished out. Kevin spoke to Andy Gala on the possibility of getting this on the STM Warrant. There is still time to have a Special Town Meeting within the Special Town Meeting and it would not be a financial burden on the Town.

Bill Grieder said the Planning Board is looking to tighten control, through the Special Permit process, on what has to be done. Andy Gala pointed out that there are three developers involved in this project. There is a problem with M. Intoccia of unpaid taxes to the Town in the amount of \$29,000 as well as other issues. Bill pointed out that historically the Planning Board has not issued permits to anyone who is delinquent in taxes. He said during the permitting process the Planning Board seeks input from all departments when a permit is denied. Kevin Weinfeld pointed out that agreements were made in good faith and there is an obligation to pay taxes and fees and the Planning Board is looking for ways that will make payments more enforceable. He said to give credit to the developers for getting additional funding from the State. Marc Resnick said there elements and changes they want that are of no expense to the Town, such as sidewalk construction, the rotary and street improvements and the Town should try to be cooperative.

John Gray asked what percentage of the project is completed. Marc Resnick said retail is 100% complete, office space partly leased, 203 housing units approved. He said approximately 70% housing units are constructed and that is being done in three phases. He pointed out that the urgency "is timing"; the developer is ready to buy a piece of property to get the project moving ahead and it all really depends on market demands. Further discussion was held regarding age restricted units, how this would benefit the Town, removal of an existing building and landscaping of the surrounding area and zoning requirements.

Motion by Gary Whitehouse to approve Article 6 as written. Seconded by Bob Garber.
Vote: 12-0-0

Article 7 – By-Law Definitions Added –

Motion by Gary Whitehouse to approve Article 7 as written. Seconded by Elizabeth Blair.

A brief discussion was held. Marc Resnick said this Article refers to allowed use, Section 2, wireless communications facilities. The Planning Board felt these definitions needed to be added for clarification.

Vote: 12-0-0

Article 8 – New Use Table –

Marc Resnick pointed out that this Article identifies new uses that are not in the existing By-Laws. He felt it is important to include this in order to be "true to the statement that there are no new uses" in the Re-codification. A brief discussion was held regarding adult day care.

Vote: 13-0-0

Article 9 – Accessory Apartments –

A brief discussion was held regarding accessory apartments, the number of such apartments in Town, family conversions and clarification of certain requirements.

Motion by Gary Whitehouse to approve Article 9 as written. Seconded by Lauren Bitar.
Vote: 13-0-0

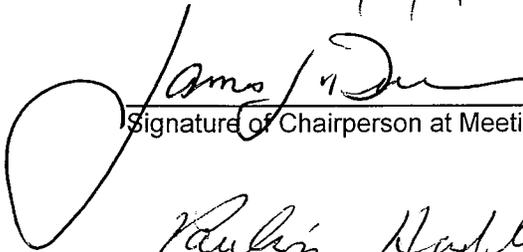
Article 10 – Home Occupation –

Motion by Gary Whitehouse to approve Article 10 as written. Seconded by Lauren Bitar.
Vote: 13-0-0

Motion to adjourn by Elizabeth Blair. Seconded by Lauren Bitar.
Vote: 13-0-0 Meeting adjourned at 10:15 p.m.

Minutes Approved by Vote of the Advisory Committee.

Date of Meeting: 12/02/09 Vote: 15-0-0



Signature of Chairperson at Meeting of Vote:



Signature of Secretary at Meeting of November 18, 2009