

TOWN OF FOXBOROUGH
ADVISORY COMMITTEE
MINUTES
DATE 4/16/2014

Committee Members Present: Paul DeFazio, Tracey Vasile (formerly Tracey Metivier), Larry Thomas, Larry Stern, Sue Dring, Heidi Krockta, Cal Calnan, Patrick Mosesso, John Chlebek, Kevin Powers, Thom Freeman, Jeff Anderson

Members Absent:

Others Present: Sharon Wasson, Lorraine Brue, Ginny Coppola, Sharon Wasson, Steve Udden, Jim DeVellis, Deb Harding

Notes taken by: Kristin Meehan Papianou

The meeting was brought to order at 7:00PM by Paul DeFazio, Chairman. Paul announced that there will be no meeting tomorrow night because it wasn't posted. Tracey advised that we've got 19 articles left and the write ups are due next Friday.

7:05PM – Motion to vote No Action on Article #7 which is the Fire Contract brought by Tracey Vasile. Larry Thomas indicated we're not within two weeks of the Town Meeting. Larry Stern confirmed that we're unlikely to have a contract. Motion seconded by Larry Thomas.

Vote: 10-0-0

Motion to vote No Action on Article 11 Middle Managers, Department Heads Contract by Tracey Vasile. Seconded by Sue Dring.

Vote: 10-0-0

Motion to vote No Action on Article 8, dispatcher contract. Larry Thomas seconded.

Vote: 10-0-0

Article 16 – Cal advised that he didn't get any information back on it, but it seems straightforward. Larry Thomas advised Ad Comm approves this every year.

7:10 PM Motion to approve Article 16 as written brought by Tracey Vasile. Seconded by Cal.

VOTE: 11-0-0

Discussion of **Article 14**. Larry Stern is waiting for some information from Randy Scollins. Holding until next meeting.

Discussion of Article 20, the State Hospital property. Kevin Powers recommended voting in favor. Planning Board voted in favor. Heidi asked if there are restrictions as to what they can use the property for. Sharon Wasson advised that the deed from the State to the Town limits the use to recreational. They would look to remove that deed restriction which would open it up to small retail and general business units. Larry Thomas asked if there are residential abutters. Sharon advised that there are not. Additional discussion of the property, available parking and the area around it. Dick Heydecker said that the site is under study by the Seniors for their expansion and asked what this would do to that planning. Discussion of the zoning. Discussion of town liability for clean up if nothing is done and the building further deteriorates. Discussion of the costs of taking the buildings down as estimated by Bill Casbarra. Acknowledgement

Motion to accept Article 20 as written brought by Kevin Powers. Seconded by Tracey Vasile.

Vote: 9-1-1

Patrick Mosesso, against
Heidi Krockta, abstaining

7:20PM Motion brought by Tracey Vasile for no action on Article 28. Seconded by Larry Thomas.

Vote: 11-0-0

Discussion of Article 31, Marijuana Dispensaries, Kevin Powers liaison. He said this must be zoned for and this is as responsible a zoning proposal as possible. We either zone for it or it could be placed anywhere. This restricts it to an S1 district. Kevin noted that there is a severability clause in place. Discussion of how this differs from any other medical facility. Sharon advised that it is supposed to be not for profit.

Jeff Anderson arrived at the meeting.

Motion to approve Article 31 as written by Kevin Powers. Seconded by Tracey Vasile.

Vote: 10-1-1

Jeff Anderson abstaining
John Chlebek against

Article 22, Solar, Heidi Krockta liaison. No questions were submitted to Bob and Randy following the discussion last week. The questions were regarding the tie in and liability. Paul reminded Ad Comm that they approved this two years ago. Question as to whether there was a public hearing – no one present knew. Discussion of abutters, businesses and houses.

Motion to Accept Article 22 as written by Paul DeFazio. Seconded by Tracey Vasile.

Vote: 9-1-2

Larry Stern against.
John and Patrick abstaining.

Article 33, the Drive Through – The Planning Board amended as Ad Comm suggested for the most part. Special permit everywhere except down town and residential districts which is “no” for drive through. Larry Thomas clarified that this isn’t the way it was published in the warrant. Cal requested clarification as to the Ad Comm recommendation versus the Planning Board amendment. Discussion of the land use categories.

7:35PM Motion to approve Article 33 as written in the warrant brought by Tracey Vasile. Seconded by Paul DeFazio.

Vote: 0-12-0

Kevin Powers asked if a new bank wanted to open in a location in the center of town that is not a bank now, would that bank be permitted to have a drive through. Sharon said they would not be able to have a drive through by any means. They don’t allow use variances. Discussion of the existing drive throughs and ATM lanes. Larry Stern asked if there were public hearings for this. Sharon advised that there were four public hearings for this. Sharon advised that the Planning Board felt strongly that there should be no more drive throughs in the center of town to preserve pedestrian safety. Paul DeFazio said he doesn’t like the idea of handcuffing ourselves this way. We don’t know what the future might bring. Sharon said we can always change the zoning and be more detailed in the restrictions (McDonalds vs a bank). She referenced the downtown strategy and the focus on walkability. Additional discussion of the merits of both approaches.

Motion to approve Article 33 as amended by the Planning Board brought by Tracey Vasile. Seconded by Heidi Krockta.

Vote: 9-2-1

Paul and Cal against

Kevin Powers abstaining.

7:45PM Larry Thomas introduced the representatives from the Child Safety Committee (Jim DeVellis, Heather Harding, Lynda Walsh, Bob Correia). Larry Thomas discussed the meeting he attended and the response to what happened here during the late 1970s.

Jim said that he’s speaking on behalf of the Board of Selectmen and as a father. The Board has voted in favor (4 to 1) of this article. Discussed the Bill Sheehan issue and that some of the victims approached the Board of Selectmen which resulted in the creation of this committee. The focus of the committee isn’t the criminal action of the past but rather a focus on preventing future abuse, and certainly this type of undetected sustained abuse. The committee will bring awareness and create an environment in which people are free to talk about these issues. This article proposes a bylaw that sustains this committee going forward to ensure that this focus remains for years to come.

Jim said that they’ve been to seminars and were told that there isn’t any other town in the state that has done anything like this yet. Jim read the formal goal of the committee – to prevent abuse on town properties. To identify their members, they reached out to the public schools (Deb Spinelli is a

committee member), recreation (Jeff Downs is a member), Bill Dudley is a member for the Union Church in South Foxboro and has reached out to the other churches, Vickie Lowe is with Human Services and the Sr. Center and is a committee member, Bob Correia is the Chairman of the Committee, Lynda Walsh represents the institutional private organizations (like the Jaycees) and Detective Tim O'Leary, Youth Officer for public safety.

Jim said he's asking Ad Comm for a unanimous vote on this. The town has never said "I'm sorry" and this vote is a great way to say that we've learned from our past and we're moving forward positively.

Heidi asked what the basis was for one of the Board of Selectmen voting against. Jim said that it was not against the bylaw but about getting it on the warrant. Larry Stern asked who is responsible for appointments to the committee when someone vacates. Jim advised that it's a three year term and the appointment would be by the Board of Selectmen. Jeff Anderson asked what the scope of the power for this group would be. Jim said they don't make laws. They provide an annual report to the Board and they provide information to the town. Discussion of the "Darkness to Light" program, coach training programs and other outreach.

Jeff asked if there are costs associated with this. Jim said that the first year has been out of pocket but they are asking for \$2500 going forward. Thom asked whose line item this would be under. Jim said this by-law is written the same way the Advisory Committee is and they would have their own line item.

John Chlebek expressed a concern about more education for children leading to false accusations. Bill said that the whole focus is to promote awareness. You'll always get a percentage of false accusations and the police and the department of youth services investigates. It's done professionally and anonymously. Lynda said they aren't really reaching out to the children at this time. Right now they are focused on parents, babysitters, coaches. Bill advised that they've trained every town employee. By July 1 they will have over 800 people trained. Bill discussed additional focus of this committee including the statute of limitations for abuse, mandatory reporting and others.

Paul DeFazio asked if the Town has any liability for creating mandated reporters. Jim clarified that the state determined who mandated reporters are but the problem is that they aren't trained. Larry Thomas said that he talked with Frank Spillane about this as well. There may be a very small liability exposure under some very unusual circumstances but the benefits of the work this committee outweigh that potential unlikely liability. Dick Heydecker asked why this is limited to town property when there are areas that are designated as State Property. Bill advised that the awareness training applies everywhere but their reach is really just the town property.

Jeff Anderson asked if people will be barred from using town property if they don't do the training. Larry Thomas said that they couldn't actually bar anyone. They would have to go to the school and make a recommendation. Jim read the powers that are enumerated in the bylaw. Kevin Powers asked a question to determine whether he has a conflict. Jim DeVellis answered and there was no conflict.

Jim advised that this committee started out with a title that referenced sexual abuse and then it became child safety, but he's had feedback that suggests that they should change it back. They are going to discuss it at their next meeting and he wanted Ad Comm to be aware.

Sue Dring said that she spoke with Frank who felt this is a huge liability and asked how this group would feel about keeping this committee going but not making it a by-law. Jim DeVellis said that he feels strongly that this should be incorporated into the by-laws. He thinks it's critical to do this now and that there's more liability if it happens again and we haven't addressed it formally. He said that he thinks Frank is wrong on this. Jeff Anderson suggested that we have Frank come in to speak on this. Heidi said that the coaches put themselves on the line all the time and they are willing to accept a small chance of liability in the hope that much more good will come from that risk.

Thom Freeman asked what town legal counsel has said about liability. Jim said that they asked for a review on this and town counsel hasn't commented on it. Jeff Anderson asked what Bob Cutler's position is on this. Jim DeVellis said Bob's opposed to it being in the by-law but not opposed to the committee itself. Bob expressed that he isn't sure this committee rises to the same level as the Ad Comm which is created by a by-law. He also expressed that he wasn't sure it would be approved by the Attorney General.

8:30PM Sue Dring advised that it would be good for someone to come in next week to speak to the other side – address the liability. Jim DeVellis asked why it wouldn't be Town Counsel. Frank is a resident and our moderator, but he's not Town Counsel. Larry Thomas indicated that Frank may have to recuse himself at Town Meeting if he speaks before the Ad Comm on this article.

Lynda Walsh said that we owe this to the victims and to our children and, by putting this in the by-laws, the people who are on the Board and the Ad Comm in the future will carry this work on. She thinks this should go to Town Meeting and go to a vote to be included in our by-laws. Paul indicated that everything comes with liability to some extent, but this Committee isn't looking to police, they are looking to educate.

Tracey said she works in the insurance industry and we did dodge a bullet and we are going to have a spotlight on us if this happened again more so than a town that hasn't already been through this. If we can prove that we did our best, we will reduce our liability.

Larry Stern clarified that the Board of Selectmen voted to put this on the warrant, but are they going to vote about whether they are going to support it. Jim said it's not coming back to the selectmen again. Lorraine and Jim disagreed as to what the Board of Selectmen vote addressed – to get this on the warrant (Lorraine) rather than general support for it (Jim). Bob talked with the town liability insurance committee directly. They said that without a question we've got to do training.

Discussion of waiting to vote until next week versus this week. Jim DeVellis and Heather Harding both advised they can't be here next week. Larry Thomas advised that he can't be here next week either and,

if the vote is delayed, he urges the Ad Comm to vote in favor of this Article. Jim said that this has been discussed three times at the Board of Selectmen and neither Bob nor Frank has come to express their concerns.

8:45PM Motion to accept Article 23 as written by Tracey Vasile. Seconded by Thom Freeman.

Vote: 8-0-3

Jeff Anderson, Kevin Powers and Sue Dring abstaining.

Article 6, Personnel Wage By-law, Thom Freeman advised that this is to accept the wage tables. He recommends that we accept as written and doesn't have any reservations about it. Discussion of the amount of money in question. The article should have an amount of money in it, which we need before we vote. This article is being held.

Article 18, to amend the Sr. Tax program by-law, Thom Freeman advised that this brings us into compliance with the State. Discussion of the number of people who have participated in this program and there's no possibility of any participants becoming eligible for benefits. Questions as to whether they become eligible for workers compensation. Ad Comm agreed that they need to hold this article for more information from Randy Scollins.

Kevin Powers handed out a document titled: General Code Proposal for Codification Services for Town of Foxborough.

Article 29, Codification document. Kevin Powers asked Bob if there is a contract with the company and that is the document he handed out. Discussion of the impact of an error leading to inconsistency in a law. Kevin Powers considered no action until Town Counsel can review. Discussion of liability for errors and omissions and the proofreading requirement found in the document.

9:05PM Motion to approve Article 29 as written by Larry Thomas. Seconded by Tracey Vasile.

Vote: 12-0-0

Motion to accept Article 30 as written by Patrick Mosesso. Seconded by Tracey Vasile.

Vote: 12-0-0

Tracey spoke to scenic roads and read the amended article as submitted by the Planning Board. Discussion of the post card responses and the weight of those that were in favor versus those that were against. Sharon advised that if more than 50% were in favor, then they are moving forward with inclusion of the street in the article. Discussion of hearing process for those impacted if this article is approved. Discussion of who has adhered to the requirements for the existing scenic roads and the fact that one such hearing has been held. This designation appears to extend obligations that have not been followed. Ad Comm agreed to hold this article and recommendation will be made at town meeting.

Article 32, Amending Zoning Bylaws, Sue Dring liaison. Sue advised that this will limit the coverage that you can have on a lot (40% in the center of town and 25% otherwise). This is due to drainage issues. This would be a burden to small lot owners. Discussion of surrounding towns and the total amount of impervious land. Sue's recommendation is that we vote against as this creates an unfair burden to small lots. The small lot owners would have to incur the cost of a survey to prove that they do have the space needed. Sharon advised that we have impervious limits in other districts and this is important to provide for runoff as the town develops. Discussion of the surrounding towns and the process for special permitting to exceed these limits. Discussion of substandard lots in town. Sue advised that, according to the EPA website, this is an urban problem. We aren't anywhere near the point that we've got a problem.

9:35PM Motion to accept Article 32 as written brought by Heidi Krockta. Seconded by Tracey Vasile.

Vote: 3-6-2

Tracey, Cal, Jeff, Sue, Patrick and John against.

Larry and Thom abstaining.

Article 34 Amend Zoning Bylaw, John Chlebek liaison. This is the micro-brewery article. Sharon advised that this combines a number of issues pertaining to the town center. One section defines the production of beverages as a low hazard use. It would permit the brewing and consuming of beer on premises as well as food. It also creates an overlay district that incentivizes better design. John didn't have any concerns as the liaison. Sharon advised that they did work with a number of the merchants down town. This gives them some flexibility to respond to market changes. Jeff asked who over sees this. Sharon advised that it is done by the Planning Board through site planning review. No further questions.

9:45PM Motion to accept Article 34 as written brought by John Chlebek. Seconded by Tracey Vasile.

Vote: 10-0-1

Heidi abstaining.

Article 35, Sue Dring. Sue advised that if an owner wants to increase non-conformity, the owner would need to get a finding and a special permit. Currently the owner would need to get a finding only. She spoke with Bill Casbarra about it and provided some additional insight. Applying for a special permit is \$300. Sue doesn't have an issue putting a large house on a small lot. Sharon said that this came to the Planning Board from Bill Casbarra and the Zoning Board. Having the special permit allows them to say "yes" with conditions where, right now all they can do is say "yes" or "no". She advised that the Planning Board supported it. Tracy asked if this gives people a better chance of having their request approved. Sharon said that she thinks it does. When it's a special permit, the neighbors receive a notice. When it's just a finding, it's only on the Zoning Board agenda. Discussion as to whether it's footprint or floor area. Sharon will get that information to us. Article will be held until next week.

Discussion of who will be here next week. It looks like Ad Comm won't have a quorum next week, its school vacation week. Agreement to cancel the meeting next week and vote at the meeting the following week.

Larry Stern said that if there is no meeting next week, he'd like to vote on the revolving fund.

9:55PM Motion to accept Article 14 as written brought by Tracey Vasile. Seconded by Larry Thomas.

Vote: 10-0-1

Cal abstaining.

No meeting next week. On the 30th we'll vote on Articles 6, 18, 27 and 35.

Regarding the minutes of 4/9, Larry Thomas asked for a change – the minutes erroneously indicate that Larry Stern is the liaison to the Opeb. It should indicate Larry Thomas.

Motion to accept the minutes for 4/9/14 as amended by Tracey Vasile. Seconded by Larry Thomas.

Vote: 11-0-0

10:00PM Motion to Adjourn by Heidi Krockta. Seconded by Larry Thomas.

Vote: 11-0-0

Minutes approved by Vote of the Advisory Committee.

Date of Meeting:

Vote:

Signature of Chairperson

Signature of Secretary