

TOWN CLERK'S REPORT
SPECIAL TOWN MEETING
Monday, the First Day of October 2018

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. Seth Ferguson of the Advisory Committee led the Pledge of Allegiance. Frank J. Spillane recognized special guests Senator Paul R. Feeney and Representative Fred "Jay" Barrows.

Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.

There were one hundred thirty-four (134) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: MOVED, that the Town vote to transfer from Ambulance Receipts Reserved funds the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) to be used for the purchase and outfitting of a replacement Fire department Ladder Truck, as supplemental funding to an Eight Hundred Ten Thousand Dollar (\$810,000.00) Federal Grant awarded to the Fire department for this same purpose.

ADOPTED 114 AFFIRMATIVE 0 NEGATIVE 7:40 PM

ARTICLE 2: MOVED, that the Town vote to accept the provisions of Chapter 137, Section 1 of the Acts of 2003, An Act Relative to Public Employees Serving in the Armed Forces of The United States, which allows communities to pay public employees in the military service the difference between base salary and military pay.

ADOPTED 94 AFFIRMATIVE 0 NEGATIVE 7:49 P.M.

ARTICLE 3: MOVED, that the Town vote to amend Section 9.2.2 of Chapter 275 of the Town of Foxborough Code ("Zoning"), by adding School Street to the list of streets included in the Design Review District.

2/3rds vote required

ADOPTED 101 AFFIRMATIVE 12 NEGATIVE 7:52 PM
Approved by the A.G. January 4, 2019 REC

ARTICLE 4: MOVED, that the Town vote to amend Section 11 (Definitions) of Chapter 275 of the Town of Foxborough Code ("Zoning"), by deleting the existing definition of Brew Pub and replacing it with the following new definition:

An establishment wherein the primary use is a restaurant which specializes in producing craft beers in limited quantities for on-site retail sale to restaurant patrons. Other ancillary uses may include

tastings and tours as well as retail and wholesale sales of their products and related goods all of which are subject to all applicable statutes of the Commonwealth.

2/3rds vote required

ADOPTED 106 AFFIRMATIVE 0 NEGATIVE 7:54 PM
Approved by the A.G. January 4, 2019

ARTICLE 5: MOVED, that the Town vote to accept as a public way King Philip Place located within the “The Gables at Foxboro Green” subdivision, from its intersection with Green Street generally northerly approximately 791 feet more or less to its terminus at a cul-de-sac which has been constructed pursuant to the Planning Board Subdivision Control Regulations and is shown on a plan entitled “Roadway As built King Philip Place off Green Street located in Foxboro, Massachusetts,” prepared by Outback Engineering Inc., and dated November 10, 2017.

ADOPTED 108 AFFIRMATIVE 0 NEGATIVE 7:57 PM

ARTICLE 6: MOVED, that the Town vote to amend Section 9.43 and Attachment 5 of Chapter 275 of the Town of Foxborough Code (“Zoning”), by replacing the current Water Resources Protection Overlay District (“WRPOD”) map with a new map with the following title and date “WATER RESOURCE PROTECTION DISTRICT FOXBOROUGH, MASSACHUSETTS SPECIAL TOWN MEETING OCTOBER 1, 2018” a copy of which is on file with the Town Clerk.

2/3rds vote required

ADOPTED 104 AFFIRMATIVE 0 AGAINST 7:59 PM
Approved by the A.G. January 4, 2019

ARTICLE 7: MOVED, that the Town vote to appropriate the amount of Thirty-Three Million Nine Hundred Seven Thousand Five Hundred Sixty-Seven Dollars (\$33,907,567) for the purpose of paying costs of the renovation and addition to the Mabelle M. Burrell Elementary School, located at 16 Morse Street, Foxborough including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation, Two Million One Hundred Thousand Dollars (\$2,100,000) shall be transferred from the Capital Stabilization Account, One Million Dollars (\$1,000,000) shall be transferred from Overlay Surplus, Two Hundred Thousand Dollars (\$200,000) shall be transferred from Free Cash, and the Town Treasurer, with the approval of the Selectmen, is authorized to borrow Thirty Million Six Hundred Seven Thousand Five Hundred Sixty-Seven Dollars (\$30,607,567) under M. G. L. c. 44, or pursuant to any other enabling authority. In addition, \$64,000 of the \$700,000 previously appropriated to pay costs of the Burrell School Building Feasibility Study, which amount is no longer needed to pay costs of that aspect of the overall project, is hereby transferred from the Burrell School Building Feasibility Study Account to pay costs of the Project as described above. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by

and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Foxborough may receive from the MSBA for the Project shall not exceed the lesser of (1) 56.01 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

2/3rds vote required

ADOPTED

115 AFFIRMATIVE

1 AGAINST

8:26 PM

ARTICLE 8:

MOVED, that the Town vote to amend Chapter 184 of the General Code of the Town of Foxborough – “Peddling and Soliciting” by deleting it in its entirety and replacing it with the language to read as follows:

Chapter 184: Canvassing and Soliciting

Door-to-Door Canvassers and Solicitors

- A. This bylaw is intended to secure for residents of the Town of Foxborough the tranquility which they reasonably expect to enjoy in the privacy of their homes and to protect them from unreasonable intrusion by unrequested and unwanted solicitation and canvassing and perpetration of fraud or other crimes. It is framed with respect for and in alignment with the principles embodied in the constitutions of the United States and the Commonwealth of Massachusetts and attempts to achieve a workable balance between the right to free speech and the right to privacy.

- B. Definitions; applicability
 - 1. As used in this section, the terms “solicit” and “canvass” shall mean and include any one or more of the following activities conducted at residences without the previous consent of the owner:
 - a. Seeking to obtain the purchase, or orders for the purchase, of goods, wares, merchandise, foodstuffs, or services of any kind, character, or description whatsoever for any consideration whatsoever; or
 - b. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication.
 - 2. The provisions of this section shall not apply to officers or employees of the Town, county, state, or federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it apply to Foxborough-based charitable, benevolent, religious, and community organizations, nor shall it be construed

to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.

3. If any solicitor or canvasser is under the age of 18 years and is selling goods or periodicals for a commercial purpose, the provisions of M.G.L. c. 101, § 34, shall apply.
 4. The provisions of this section shall not apply to any person soliciting solely for religious, charitable, or political purposes.
 5. The provisions of this section shall not apply to hawkers and peddlers which shall be governed by rules and regulations adopted by the Board of Selectmen in accordance with G.L. c. 101, §17.
- C. Registration required. It shall be unlawful for any person to solicit or canvass or engage in or conduct business as a canvasser or solicitor without first having obtained a certificate of registration from the Chief of Police as provided in this section.
- D. Application for certificate of registration
1. Application for a certificate of registration shall be made upon a form provided by the Police Department along with a nonrefundable application fee of \$25. The fee for charitable organizations seeking a hawker and peddler license shall be waived.
 2. An authorized representative of the sponsoring organization shall apply to the Chief of Police or his/her designee either in person or by mail. All statements made on the application or in connection therewith shall be made under the pains and penalties of perjury. The applicant shall provide all information requested on the application, including:
 - a. Name, address and telephone number of the sponsoring organization, along with a listing of all officers and directors;
 - b. State and/or federal tax identification number of the sponsoring organization;
 - c. Applicant name, residential and business address, length of residence at such residential address, telephone number, social security number, and date of birth of each representative of the sponsoring organization who will be soliciting or canvassing in the Town,
 - d. Description sufficient for identification of the subject matter of the soliciting or canvassing in which the organization will engage;
 - e. Period of time for which the certificate is applied (every certificate shall expire on December 31st of each calendar year);
 - f. The date of the most recent previous application for a certificate under this section;
 - g. Any previous revocation of a certificate of registration issued to the organization or to any officer, director, or representative of the organization by any city or town and the reasons therefor;

- h. Any convictions for a felony, either state or federal, and any conviction in the last five years of any misdemeanor involving crimes against persons or property by the sponsoring organization, any of its officers or directors, or any representative who will be soliciting or canvassing in the Town;
 - i. Names of the three communities where the organization has solicited or canvassed most recently;
 - j. Proposed dates, hours, and method of operation in the Town;
 - k. Signature of authorized representative of the sponsoring organization.
 - l. A complete CORI background check of each individual applicant and each individual who will be canvassing or soliciting on behalf of a representative or organization. The applicant shall provide a license and the Police Department shall conduct the CORI check.
 - m. Applicants shall provide the make, model, color and plate number of any vehicle to be used in the solicitation as allowed by Chapter 101 Section 34 (C).
3. A color copy of a current Driver License or valid Government photo identification card of each applicant who will be soliciting or canvassing in the Town shall be made by the Police Department and shall be attached to the application.
4. No certificate of registration shall be issued to any person or to any organization having an officer or director who was convicted of commission of a felony, either state or federal, or of a misdemeanor crime against persons or property within five years of the date of the application, nor to any organization or person whose certificate of registration has previously been revoked as provided below.
5. Fully completed applications for certificates shall be acted upon within seven business days of receipt. The Chief of Police shall cause to be kept accurate records of every application received together with all other information and data pertinent thereto and of all certificates of registration issued under this section and of all denials.
6. Upon approval of an application, each solicitor or canvasser shall be issued a certificate of registration to carry upon his/her person at all times while soliciting or canvassing in the Town and to display the certificate whenever asked by any police officer or any person solicited.

E. Revocation of certificate.

1. Any certificate of registration issued hereunder may be revoked by the Chief of Police for good cause, including violation of any of the provisions of this section or a false statement in the application or the commission of a crime against persons. Immediately upon such revocation, the Chief of Police shall give written notice to the holder of the certificate in person or by certified mail addressed to his/her residence address set forth in the application.

2. Immediately upon the giving of such notice, the certificate of registration shall become null and void. In any event, every certificate of registration shall state its expiration date, which shall be one year from date of issue.
- F. Deceptive practices. No solicitor or canvasser may use any plan, scheme, or ruse to misrepresent the true status or mission of any person conducting the solicitation or canvas in order to gain admission to the home, office, or other establishment of any person in the Town.
- G. Duties of solicitors and canvassers
1. It shall be the duty of every solicitor and canvasser going onto any premises in the Town to first examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises.
 2. Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- H. Lawful hours to solicit or canvass. All canvassing or soliciting under this section shall be confined to the hours between 9:00 a.m. through one half hour after sunset throughout the year.
- I. Penalty for violations. This by-law maybe enforced by the noncriminal disposition process of M.G.L. c.40, section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer or duly authorized official of the Town of Foxborough and the fine shall be \$300.00 for the second and all subsequent offenses. The Town may additionally seek response costs associated with enforcement of this by-law. However, violation of M.G.L. c. 101, § 34, may be punishable by a fine of not more than five hundred dollars or imprisonment of not more than six months, as provided therein.

The provisions of this by-law shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated herein, nor shall they limit the Town of Foxborough's or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of any provision of this by-law.

ADOPTED 109 AFFIRMATIVE 0 NEGATIVE 8:33 PM
Approved by the A.G. January 4, 2019 REC

The Special Town Meeting was adjourned at 8:33 PM

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk
