

# FOXBOROUGH

## ANNUAL TOWN ELECTION and ANNUAL TOWN MEETING WARRANT



**Annual Town Elections, May 1, 2017**

**Annual Town Meeting May 8, 2017**

PLEASE BRING THIS COPY WITH YOU TO THE ANNUAL TOWN MEETING

# **LEGAL NOTICE**

## **TOWN WARRANT**

### **ANNUAL TOWN MEETING**

**Monday, the first day of May, A.D., 2017**

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK S.S.**

**To either of the Constables of the Town of Foxborough:**

Greetings:

In the name of the Commonwealth of Massachusetts and in accordance with the provisions of the BY-LAWS of said Town, and Amendments thereof, you are hereby required to notify and warn the inhabitants of the Town of Foxborough, qualified to vote at elections and town affairs to assemble for the election of officers: those voting in Precinct No. 1, Precinct No. 2, Precinct No. 3, Precinct No. 4 and Precinct No. 5 in the gymnasium of the John J. Ahern Middle School on Mechanic St. in said Town on Monday, the first day of May A.D., 2017 between the hours of seven o'clock in the forenoon and eight o'clock in the afternoon, then and thereafter by adjournment of the voters of all Precincts to reassemble in the auditorium of Foxborough High School on South Street at 7:30 o'clock in the afternoon on Monday, the eighth day of May A.D., 2017 to act on the following articles:

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**ARTICLE 1**

**(Annual Town Elections)**

To bring their votes for one Selectmen for three years; one Assessor for three years; one School Committee member for three years; one Water and Sewer Commissioner for three years; one Board of Health member for three years; two Boyden Library Trustees for three years; one Boyden Library Trustee for two years; and two Planning Board members for three years.

Shall the Town prohibit the operation of all types of marijuana establishments as defined in G.L. c.94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, within the Town of Foxborough.

**Summary**

This proposal would prohibit all commercial businesses related to marijuana including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses. This proposal would not prohibit the personal use of marijuana or growing of marijuana at a residence, as permitted by law

- Yes
- No

**ARTICLE 2**

**(Annual Town Reports)**

To hear the report of the Town Officers and act thereon.

**Board of Selectmen**

**ARTICLE 3**

**(Reports of Committees)**

To hear the report of any committee and act thereon, and to choose any committee that may be wanted, and to see if the town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute such sums of money deemed necessary for expenses of any committee chosen under this article; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 4**

**(Operating Budget)**

To determine the compensation for elected officials and to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute sums of money for the operation of various town boards, officers, commissions and departments of the town during the Fiscal Year 2018, beginning July 1, 2017 and ending June 30, 2018 or take any other action related thereto.

**Board of Selectmen**

**FY 2018 OPERATING BUDGET - ARTICLE 4 ANNUAL TOWN MEETING MAY 8, 2017**

	FY 16 EXPENDED	FY 17 BUDGET	FY 18 REQUEST	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
<b>GENERAL GOVERNMENT:</b>							
122 SELECTMEN Expenses	7,434	31,400	31,400	31,400	31,400	31,400	Taxation, State Aid & Local Receipts
123 ADMINISTRATION							
Salaries	431,234	472,769	486,939	486,939	486,939	486,939	Taxation, State Aid & Local Receipts
Expenses	61,249	87,228	85,578	85,578	85,578	85,578	Taxation, State Aid & Local Receipts
	492,483	559,997	572,517	572,517	572,517	572,517	
125 AUDIT TOWN FINANCIAL RECORDS							
Annual Financial	39,500	39,500	40,500	40,500	40,500	40,500	Taxation, State Aid & Local Receipts
130 FINANCE							
Salaries	818,980	860,454	961,772	961,772	961,772	961,772	Taxation, State Aid & Local Receipts
Expenses	266,516	276,994	225,655	225,655	225,655	225,655	Taxation, State Aid & Local Receipts;
	1,085,496	1,137,448	1,187,427	1,187,427	1,187,427	1,187,427	150,655; Ambulance Receipts: 75,000;
141 ADVISORY COMMITTEE							
Salaries	236	2,200	2,159	2,159	2,159	2,159	Taxation, State Aid & Local Receipts
Expenses	236	300	341	341	341	341	Taxation, State Aid & Local Receipts
		2,500	2,500	2,500	2,500	2,500	
142 RESERVE FUND (Appropriated for Transfer, Not Expended.)	0	75,000	75,000	75,000	75,000	75,000	Taxation, State Aid & Local Receipts
151 LEGAL	242,096	178,000	174,000	174,000	174,000	174,000	Taxation, State Aid & Local Receipts
156 GIS Department Expenses	9,119	16,535	15,700	15,700	15,700	15,700	Taxation, State Aid & Local Receipts
161 TOWN CLERK							
Compensation	82,433	83,326	87,568	87,568	87,568	87,568	Taxation, State Aid & Local Receipts
Salaries	53,165	51,525	52,895	51,525	51,525	51,525	Taxation, State Aid & Local Receipts
Expenses	11,145	12,925	13,200	13,200	13,200	13,200	Taxation, State Aid & Local Receipts
Capital Outlay	2,500	3,000	3,000	3,000	3,000	3,000	Taxation, State Aid & Local Receipts
	149,244	147,776	156,663	155,293	155,293	155,293	
162 ELECTION & REGISTRATION							
Salaries	38,273	52,161	61,248	58,124	58,124	58,124	Taxation, State Aid & Local Receipts
Expenses	15,435	16,225	16,475	16,475	16,475	16,475	Taxation, State Aid & Local Receipts
Capital Outlay	8,000	9,000	7,500	7,500	7,500	7,500	Taxation, State Aid & Local Receipts
	61,708	77,386	85,223	82,099	82,099	82,099	

GENERAL GOVERNMENT (Continued):

	FY 16 EXPENDED	FY 17 BUDGET	FY 18 REQUEST	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
<b>171 CONSERVATION COMMISSION</b>							
Salaries	74,518	75,163	75,163	75,163	75,163	75,163	Taxation, State Aid & Local Receipts
Expenses	1,941	3,230	3,775	3,775	3,775	3,775	Taxation, State Aid & Local Receipts
	76,460	78,393	78,938	78,938	78,938	78,938	
<b>175 PLANNING BOARD</b>							
Salaries	142,551	170,281	170,460	170,460	170,460	170,460	Taxation, State Aid & Local Receipts
Expenses	21,478	47,825	48,200	48,200	48,200	48,200	Taxation, State Aid & Local Receipts
	164,029	218,106	218,660	218,660	218,660	218,660	
<b>176 APPEALS BOARD</b>							
Expenses	686	2,900	2,900	2,900	2,900	2,900	Taxation, State Aid & Local Receipts
<b>192 MUNICIPAL BUILDINGS</b>							
Salaries	91,139	115,008	94,404	94,404	94,404	94,404	Taxation, State Aid & Local Receipts
Expenses	454,632	402,515	421,514	421,514	421,514	421,514	Taxation, State Aid & Local Receipts
Capital Outlay	45,000	5,000	1,450	1,450	1,450	1,450	Taxation, State Aid & Local Receipts
	590,771	522,523	517,368	517,368	517,368	517,368	
<b>195 TOWN BUILDINGS (Sewer)</b>							
Expenses	24,847	25,000	26,500	26,500	26,500	26,500	Taxation, State Aid & Local Receipts
<b>TOTAL GENERAL GOVERNMENT</b>	2,944,109	3,112,464	3,185,296	3,180,802	3,180,802	3,179,302	
<b>PUBLIC SAFETY:</b>							
<b>210 POLICE</b>							
Salaries	3,377,613	3,540,672	3,613,806	3,613,806	3,613,806	3,613,806	Taxation, State Aid & Local Receipts
Expenses	284,308	314,689	362,889	362,889	362,889	362,889	Taxation, State Aid & Local Receipts
Capital Outlay	76,000	87,900	142,125	94,750	94,750	94,750	Taxation, State Aid & Local Receipts
	3,737,920	3,943,261	4,118,820	4,071,445	4,071,445	4,071,445	
<b>220 FIRE</b>							
Salaries	3,010,140	3,055,845	3,054,932	3,054,932	3,054,932	3,054,932	Taxation: 2,280,851; Ambulance: 774,081
Expenses	282,055	276,927	314,185	314,185	314,185	314,185	Taxation: 214,185; Ambulance 100,000
Capital Outlay	31,394	32,420	56,000	32,000	32,000	32,000	Taxation, State Aid & Local Receipts
	3,323,589	3,365,192	3,425,117	3,401,117	3,401,117	3,401,117	
<b>230 CENTRAL DISPATCH &amp; SERVICES</b>							
Salaries	533,688	578,199	610,751	610,751	610,751	610,751	Taxation, State Aid & Local Receipts
Expenses	12,204	25,400	25,400	25,400	25,400	25,400	Taxation, State Aid & Local Receipts
Capital Outlay	11,000	-	-	-	-	-	
	556,892	603,599	636,151	636,151	636,151	636,151	
<b>235 JOINT PUBLIC SAFETY BUILDING</b>							
Salaries	60,116	61,927	62,052	62,052	62,052	62,052	Taxation, State Aid & Local Receipts
Expenses	6,500	7,200	9,200	9,200	9,200	9,200	Taxation, State Aid & Local Receipts
Capital Outlay	-	-	-	-	-	-	
	66,616	69,127	71,252	71,252	71,252	71,252	

	FY 16 EXPENDED	FY 17 BUDGET	FY 18 REQUEST	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
<b>PUBLIC SAFETY (Continued):</b>							
241 INSPECTION							
Salaries	430,407	301,167	415,294	415,294	415,294	415,294	Taxation, State Aid & Local Receipts
Expenses	8,192	8,704	8,880	8,880	8,880	8,880	Taxation, State Aid & Local Receipts
	438,599	309,871	424,174	424,174	424,174	424,174	
292 ANIMAL CONTROL							
Salaries	53,846	52,524	52,600	52,600	52,600	52,600	Taxation, State Aid & Local Receipts
Expenses	4,096	6,873	6,873	6,873	6,873	6,873	Taxation, State Aid & Local Receipts
	57,942	59,397	59,473	59,473	59,473	59,473	
<b>TOTAL PUBLIC SAFETY</b>	<b>8,181,559</b>	<b>8,350,447</b>	<b>8,734,987</b>	<b>8,663,612</b>	<b>8,663,612</b>	<b>8,663,612</b>	
<b>EDUCATION:</b>							
300 FOXBOROUGH PUBLIC SCHOOLS							
Salaries & Expenses	31,709,686	32,969,309	34,089,604	34,089,604	34,089,604	34,089,604	Taxation, State Aid & Local Receipts
	31,709,686	32,969,309	34,089,604	34,089,604	34,089,604	34,089,604	
390 SOUTHEASTERN REGIONAL							
	308,722	370,255	395,764	395,764	395,764	395,764	Taxation, State Aid & Local Receipts
<b>TOTAL EDUCATION</b>	<b>32,018,408</b>	<b>33,339,564</b>	<b>34,485,368</b>	<b>34,485,368</b>	<b>34,485,368</b>	<b>34,485,368</b>	
<b>PUBLIC WORKS:</b>							
410 PUBLIC WORKS							
Salaries	1,224,142	1,277,479	1,459,560	1,376,082	1,376,082	1,376,082	Taxation, State Aid & Local Receipts
Expenses	434,337	413,888	414,238	414,238	414,238	414,238	Taxation, State Aid & Local Receipts
Capital Outlay	43,600	6,500	6,500	6,500	6,500	6,500	Taxation, State Aid & Local Receipts
	1,702,079	1,697,867	1,880,298	1,796,820	1,796,820	1,796,820	
423 SNOW & ICE							
Salaries	102,060	33,500	33,500	33,500	33,500	33,500	Taxation, State Aid & Local Receipts
Expenses	250,307	170,800	170,800	170,800	170,800	170,800	Taxation, State Aid & Local Receipts
Capital Outlay	11,000	11,000	11,000	11,000	11,000	11,000	Taxation, State Aid & Local Receipts
	363,367	215,300	215,300	215,300	215,300	215,300	
424 STREET LIGHTING							
	168,345	145,000	145,000	100,000	100,000	100,000	Taxation, State Aid & Local Receipts



PUBLIC WORKS (Continued):

430 SOLID WASTE (LANDFILL)

	FY 16 EXPENDED	FY 17 BUDGET	FY 18 REQUEST	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
Salaries	1,718	2,300	2,300	2,300	2,300	2,300	Taxation, State Aid & Local Receipts
Expenses	33,655	60,000	60,000	3,200	3,200	3,200	Taxation, State Aid & Local Receipts
	35,373	62,300	62,300	5,500	5,500	5,500	

433 SOLID WASTE (COLLECTION)

	23,408	38,450	38,450	38,450	38,450	38,450	Taxation, State Aid & Local Receipts
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450 WATER ENTERPRISE

Salaries	1,178,893	1,364,837	1,506,987	1,506,987	1,506,987	1,506,987	Water Receipts
Expenses	1,377,411	1,528,806	1,653,820	1,653,820	1,653,820	1,653,820	Water Receipts
Debt Service	1,097,323	2,201,093	2,042,906	2,042,906	2,042,906	2,042,906	Water Receipts
	3,653,627	5,094,737	5,203,713	5,203,713	5,203,713	5,203,713	

NOTE: Costs for Water Operation contained in other budgets:

123/127/125/192 Admin. & 130/156 Finance/GIS	120,560	121,231	130,601	130,601	130,601	130,601	Water Receipts
760 Debt Service	1,056	2,000	2,000	2,000	2,000	2,000	Water Receipts
911/913/915 Fringe Benefits	400,144	498,227	538,872	538,872	538,872	538,872	Water Receipts
945 Insurance	91,904	94,724	99,461	99,461	99,461	99,461	Water Receipts
General Fund Share DPW Bldg Credit	-53,000	-42,000	-37,000	-37,000	-37,000	-37,000	Water Receipts
	560,664	674,183	733,934	733,934	733,934	733,934	

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460 SEWER ENTERPRISE

Salaries	127,795	148,452	151,808	151,808	151,808	151,808	Sewer Receipts
Expenses	859,319	1,094,760	1,157,544	1,157,544	1,157,544	1,157,544	Sewer Receipts
Debt Service	95,689	92,603	70,597	70,597	70,597	70,597	Sewer Receipts
	1,082,803	1,335,835	1,379,949	1,379,949	1,379,949	1,379,949	

NOTE: Costs for Sewer Operation contained in other budgets:

123/127/192 Admin. & 130/156 Finance/GIS	29,064	29,152	31,435	31,435	31,435	31,435	Sewer Receipts
911/913/915 Fringe Benefits	57,205	70,793	72,616	72,616	72,616	72,616	Sewer Receipts
945 Insurance	10,339	10,656	11,189	11,189	11,189	11,189	Sewer Receipts
	96,608	110,601	115,240	115,240	115,240	115,240	

TOTAL PUBLIC WORKS

	7,029,001	8,589,489	8,925,010	8,739,732	8,739,732	8,739,732	
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	FY 16 EXPENDED	FY 17 BUDGET	FY 18 REQUEST	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
<b>HUMAN SERVICES:</b>							
510 BOARD OF HEALTH							
Salaries	200,272	215,418	222,542	222,542	222,542	222,542	Taxation, State Aid & Local Receipts
Expenses	6,782	7,569	7,750	7,750	7,750	7,750	Taxation, State Aid & Local Receipts
	207,054	222,987	230,292	230,292	230,292	230,292	
520 HEALTH AGENCIES							
Expenses	37,614	38,171	38,739	38,739	38,739	38,739	Taxation, State Aid & Local Receipts
541 COUNCIL ON AGING/HUMAN SERVICES							
Salaries	362,516	372,726	397,665	397,665	397,665	397,665	Taxation, State Aid & Local Receipts
Expenses	28,100	28,154	31,100	31,100	31,100	31,100	Taxation, State Aid & Local Receipts
Capital Outlay	27,383	-	2,500	-	-	-	
	417,999	400,880	431,265	428,765	428,765	428,765	
543 VETERANS							
Salaries	77,467	103,106	120,859	120,859	120,859	120,859	Taxation, State Aid & Local Receipts
Expenses	202,100	233,000	221,150	221,150	221,150	221,150	Taxation, State Aid & Local Receipts
	279,567	336,106	342,009	342,009	342,009	342,009	
<b>TOTAL HUMAN SERVICES</b>	<b>942,234</b>	<b>998,144</b>	<b>1,042,305</b>	<b>1,039,805</b>	<b>1,039,805</b>	<b>1,039,805</b>	
<b>CULTURE &amp; RECREATION:</b>							
610 LIBRARY							
Salaries	789,593	784,124	795,993	795,993	795,993	795,993	Taxation, State Aid & Local Receipts
Expenses	233,917	239,750	240,850	240,850	240,850	240,850	Taxation, State Aid & Local Receipts
Capital Outlay	2,775	3,000	3,000	3,000	3,000	3,000	Taxation, State Aid & Local Receipts
	1,026,285	1,026,874	1,039,843	1,039,843	1,039,843	1,039,843	
630 RECREATION							
Salaries	63,345	63,345	83,288	83,288	83,288	83,288	Taxation, State Aid & Local Receipts
	63,345	63,345	83,288	83,288	83,288	83,288	
691 HISTORICAL COMMISSION							
Expenses	10,882	14,175	14,175	14,175	14,175	14,175	Taxation, State Aid & Local Receipts
	1,100,512	1,104,394	1,137,306	1,137,306	1,137,306	1,137,306	
<b>TOTAL CULTURE &amp; RECREATION</b>	<b>1,100,512</b>	<b>1,104,394</b>	<b>1,137,306</b>	<b>1,137,306</b>	<b>1,137,306</b>	<b>1,137,306</b>	

	FY 16 EXPENDED	FY 17 BUDGET	FY 18 REQUEST	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
<b>DEBT SERVICE:</b>							
710 DEBT - PRINCIPAL	2,020,000	2,333,000	2,290,000	2,290,000	2,290,000	2,290,000	Taxation, State Aid & Local Receipts
751 DEBT - INTEREST	859,738	939,391	795,622	795,622	795,622	795,622	Taxation, State Aid & Local Receipts
760 DEBT - ISSUANCE & EXPENSES	1,056	25,000	25,000	25,000	25,000	25,000	Taxation, State Aid & Local Receipts
<b>TOTAL DEBT SERVICE</b>	<b>2,880,794</b>	<b>3,297,391</b>	<b>3,110,622</b>	<b>3,110,622</b>	<b>3,110,622</b>	<b>3,110,622</b>	
<b>INSURANCE &amp; OTHER:</b>							
911 PENSIONS/RETIREMENT	3,318,800	3,655,092	4,011,736	4,011,736	4,011,736	4,011,736	Taxation, State Aid & Local Receipts:
913 WORKERS COMPENSATION	220,000	242,000	254,100	254,100	254,100	254,100	Taxation, State Aid & Local Receipts
914 UNEMPLOYMENT COMPENSATION	69,062	100,000	85,000	85,000	85,000	85,000	Taxation, State Aid & Local Receipts
915 GROUP HEALTH/LIFE INSURANCE	6,461,284	7,176,264	8,108,341	7,893,518	7,893,518	7,893,518	Taxation, State Aid & Local Receipts: 7,158,929; Free Cash: 722,889; and Recreation Revolving: 11,700
945 GENERAL INSURANCE	490,734	517,622	550,959	550,959	550,959	550,959	Taxation, State Aid & Local Receipts
<b>TOTAL INSURANCE &amp; OTHER</b>	<b>10,559,880</b>	<b>11,690,978</b>	<b>13,010,136</b>	<b>12,795,313</b>	<b>12,795,313</b>	<b>12,795,313</b>	
<b>TOTAL ALL OPERATING BUDGETS</b>	<b>65,656,497</b>	<b>70,482,871</b>	<b>73,631,030</b>	<b>73,152,560</b>	<b>73,152,560</b>	<b>73,151,060</b>	

(CIP BUDGET)

**ARTICLE 5**

To see if the town will adopt the recommendations of the Capital Improvement Planning (CIP) Committee and to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute the sums requested for the purposes herein mentioned as listed in Appendix A in order to implement the CIP budget request for Town Departments for FY 2017.

**See APPENDIX A for a detailed breakdown of capital items**

DEPARTMENT	CIP FY 18				Recommended Funding Sources
	FY 17 Appropriated	CIP Committee Recommend	Selectmen Recommend	AdComm Recommend	
Information Systems	100,000	145,000	145,000	145,000	Free Cash
Municipal Buildings	-	32,000	32,000	32,000	Free Cash
Police	308,109	284,000	284,000	284,000	\$250,000 Free Cash, & \$34,000 Apparatus Revolving
Fire	337,103	-	-	-	
Inspection	30,000	-	-	-	
Public Schools	553,000	463,000	463,000	463,000	Free Cash
Highway	693,000	215,900	215,900	215,900	Free Cash
Highway (Chapter 90)	619,904	645,397	645,397	645,397	Chapter 90 State Allocation
Highway (Roads)	217,058	340,402	340,402	340,402	\$270,000 from Meals Tax Receipts, & \$70,402 Free Cash
Water Enterprise	553,106	495,000	495,000	495,000	Water Receipts
Sewer Enterprise	-	932,200	932,200	932,200	\$80,000 Sewer Receipts, \$227,200 Sewer Retained Earnings, \$125,000 Sewer Encumbrance & \$500,000 Free Cash
	<b>3,411,280</b>	<b>3,552,899</b>	<b>3,552,899</b>	<b>3,552,899</b>	

**Funding Summary:**

Free Cash	1,676,302
Apparatus Revolving	34,000
Chapter 90	645,397
Meals Tax Receipts	270,000
Water Receipts	495,000
Sewer Receipts	80,000
Sewer Retained Earnings	227,200
Sewer Encumbrance	125,000
<b>Total</b>	<b>3,552,899</b>

**ARTICLE 6**

**(Non-Union Wages)**

To see if the Town will vote to raise and appropriate a sum of money to supplement the wage and salary amounts voted under Article 4 of the Warrant; and to determine whether to meet said appropriation by taxation or by transfer from available funds; or take any other action related thereto.

**Town Manager**

**ARTICLE 7**

**(FY '17 Operating and Capital Budget Adjustments)**

To see if the Town will vote to raise and appropriate, transfer from available funds, or reduce budgeted amounts requested to amend Articles 4 & 5 of the May 9, 2016, FY 2017 Annual Operating and Capital Budgets in order to fund, or reduce the funding of expenses associated with: 1) Increase Inspection Department Salaries as a result of changing the Plumbing and Electrical Inspectors compensation from fee based to salaried employees; 2) Fire Department Portable Radio Capital Item received a grant allowing for this budget to be reduced; as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '17 Budget</u>	<u>Funding Source</u>
1)	241	Inspection Salaries	301,167	56,400	357,567	Local Receipts
2)	220	Fire Capital	337,103	-100,000	237,103	Returns to Ambulance Receipts

or take any other action related thereto.

**Town Manager**

**ARTICLE 8**

**(Elderly Real Estate Tax Exemption Qualification Changes)**

To see if the Town will vote to increase the current income and estate value qualifications, allow annual social security indexed increases to said income and estate thresholds, and lower the qualifying age to the limits allowed by Chapter 59 Section 5 Clause 41C of the Massachusetts General Laws regarding how to qualify for the real estate tax exemption allowed under said Clause 41C, in order to allow more seniors to qualify for this real estate tax exemption of \$1,000 (One-Thousand dollars); or take any other action related thereto.

**Board of Assessors**

**ARTICLE 9**

**(Real Estate Tax Deferral Qualification Changes)**

To see if the Town will vote to increase the current income qualifications to the limits allowed by Chapter 59 Section 5 Clause 41A of the Massachusetts General Laws regarding how to qualify for a real estate tax deferral allowed under said Clause 41A, and to lower the annual interest rate applied to tax deferrals from 8% to 4%, in order to allow more seniors to qualify for a real estate tax deferral; or take any other action related thereto.

**Board of Assessors**

**ARTICLE 10**

**(Senior Tax Work Off Program Bylaw Amendment)**

To see if the Town will vote to amend Sections 241.6, 241.8 and 241.10 of Chapter 241 Article 2 of the Town of Foxborough Code ("Senior Tax Program") by deleting these amounts

and replacing with the following by inserting the underlined sections, or take any other action related thereto:

Section 241.6 Purpose

A qualified resident will be paid toward a maximum gross credit of \$1,500 ~~\$1,000~~ per household during the fiscal year.

Section 241.8 Job development.

A.

The Foxborough Senior Tax Program is a jobs program. Qualified seniors, or their designee if the senior is physically unable to perform the job, will be hired to work for Town departments, including the schools.

Section 241.10 Earnings

A.

A maximum gross amount of \$1,500 ~~\$1,000~~, less required federal withholdings, per tax year to be applied as a rebate to each resident's Town of Foxborough property tax.

B.

125 hours worked will earn the full credit of \$1,500.

**Board of Assessors**

**ARTICLE 11**

**(Bylaw to Establish Department Revolving Funds)**

To see if the Town will vote to amend the General By-laws of the Town by adding a new section, Department Revolving Funds, as set forth below, to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44 § 53E ½, or take any other action relative thereto.

CHAPTER 20 FINANCES

ARTICLE IX - DEPARTMENT REVOLVING FUNDS

§20-29 Purpose:

This By-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E ½.

§20-30 Expenditure Limitations:

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- a. Fringe benefits of employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- b. No liability shall be incurred in excess of the available balance of the fund.
- c. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or an

increased amount of that authorization that is later approved during the fiscal year by the Board of Selectmen and Advisory Committee.

**§20-31 Interest:**

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

**§20-32 Procedures and Reports:**

Except as provided in General Laws Chapter 44, § 53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant/Finance Director shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant/Finance Director provides the department, board, committee, agency or officer on appropriations made for its use.

**§20-33 Authorized Revolving Funds:**

The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency, or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant/Finance Director,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund,
- F. The fiscal years each fund shall operate under this by-law.

<b><i>A</i></b> <b><i>Revolving Fund</i></b>	<b><i>B</i></b> <b><i>Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</i></b>	<b><i>C</i></b> <b><i>Fees, Charges or Other Receipts Credited to Fund</i></b>	<b><i>D</i></b> <b><i>Program or Activity Expenses Payable from Fund</i></b>	<b><i>E</i></b> <b><i>Restrictions or Conditions on Expenses Payable from Fund</i></b>	<b><i>F</i></b> <b><i>Fiscal Years</i></b>
Recreation Revolving Fund	Board of Recreation	Funds from program participation and field and	Expenses related to further operations of Recreation	Salary or wages of full time Recreation Director shall be paid subject to	Fiscal Year 2018 and subsequent

		building rentals	Department programs and services	General Fund budget appropriation upon recommendation of the Town Manager	nt years
Police and Fire Apparatus Utilization Revolving Fund	Police and Fire Departments	Vehicle apparatus rental fees collected from those hiring Police and/or Fire details requiring the use of Police and/or Fire vehicles	Repair, replacement or purchase of equipment for Fire and Police vehicles	Police and Fire department receipts and expenditures shall be accounted for separately and may only be credited or expensed to their respective departments	Fiscal Year 2018 and subsequent years
Highway Department Revolving Fund	Highway Department	Fee for services and various Town department payments for services	Fee for services and various Town department payments for services		Fiscal Year 2018 and subsequent years
Council on Aging Senior Trips & Programs Fund	Council on Aging Department	Funds from program participation	Council On Aging Department program related expenses	Council on Aging salaries or wages cannot be paid from this fund	Fiscal Year 2018 and subsequent years

**Board of Selectmen**

**ARTICLE 12**

**(Revolving Funds Annual Spending Limits)**

To see if the Town will vote to authorize annual spending limits for the Town's Revolving Funds pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ for the Fiscal Year 2018, beginning July 1, 2017; or take any other action related thereto.

<i>Name of Revolving Fund</i>	<i>FY 2018 Spending Limit</i>
Recreation Revolving Fund	\$350,000
Police and Fire Apparatus Utilization Revolving Fund	\$100,000
Highway Department Revolving Fund	\$40,000
Council on Aging Senior Trips & Programs Fund	\$60,000



Town Manager

**ARTICLE 13** (OPEB Trust Fund Statute Reacceptance)

To see if the Town will vote to reaccept Chapter 32B Section 20 of the Massachusetts General Laws regarding the "Governance of local other post-employment benefit (OPEB) funds", which makes technical corrections to the prior statute which will make the fund IRS compliant, add new state reporting requirements, clarify investment options, custody and appropriation rules; or take any other action related thereto.

Board of Selectmen

**ARTICLE 14** (Fund Qualified OPEB Trust)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Eight Hundred Sixty-Four Thousand and Sixty-Nine Dollars (\$864,069) 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. \$800,000 to be funded from Meals Tax receipts and \$51,256 from Water Enterprise receipts and \$12,813 from Sewer Enterprise receipts; or take any other action related thereto.

Board of Selectmen

**ARTICLE 15** (Fund Capital Stabilization)

To see if the Town will vote to transfer from free cash the sum of Five Hundred Thirty-Two Thousand Dollars (\$532,000.00) into the Capital Stabilization fund for future capital project purposes; or take any other action related thereto.

Board of Selectmen

**ARTICLE 16** (Expend Highway Funds)

To see if the Town will vote to authorize the Town Manager to expend any funds received or to be received from the State and/or County for the construction, reconstruction, improvements or other highway related activities; or take any other action related thereto.

Town Manager

**ARTICLE 17** (Denial of Licenses & Permits Statute Reacceptance)

To see if the Town will vote to reaccept Chapter 40 Section 57 of the Massachusetts General Laws regarding the "Local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges", which eliminates the greater than 12 month delinquency threshold and changes it to "in good standing" or current; or take any other action related thereto.

Board of Selectmen

ARTICLE 18

(Amend Sewer Service Area Map)

To see if the Town will vote to allow the following parcels that have so requested to be incorporated in to the Sewer Service Area, and to amend the Sewer Service Area Map with the parcels so designated as follows; or take any other action related thereto:

<u>ADDRESS</u>	<u>Map</u>	<u>Lot</u>	<u>Estimated Capacity</u>
46 Green Street	170	4285	260
0 Railroad Ave	79	2244	200
16 Railroad Ave	79	2245	300
0 Railroad Ave	79	2246	400
121 Main Street	54	1483	25,000
16-20 Chestnut Street	54	818-1	
28 Chestnut Street	54	10818	
34 Chestnut Street	54	6058	
2 Dexter Road #5-1	54	81801	
4 Dexter Road #5-2	54	81802	
6 Dexter Road #5-3	54	81803	
8 Dexter Road #5-4	54	81804	
10 Dexter Road #5-5	54	81805	
11 Dexter Road #7-11	54	81837	
12 Dexter Road #10-12	54	81828	
13 Dexter Road #7-13	54	81838	
14 Dexter Road #10-14	54	81829	
15 Dexter Road #7-15	54	81839	
16 Dexter Road #10-16	54	81830	
18 Dexter Road #12-18	54	81831	
20 Dexter Road #12-20	54	81832	
22 Dexter Road #12-22	54	81833	
24 Dexter Road #14-24	54	81834	
26 Dexter Road #14-26	54	81835	
28 Dexter Road #14-28	54	81836	
29 Dexter Road	54	81840	
31 Dexter Road #13-31	54	81841	
33 Dexter Road #13-33	54	81842	
35 Dexter Road #15-35	54	81843	

37 Dexter Road #15-37	54	81844	
1 Capone Road #1-1	54	81818	
2 Capone Road #2-2	54	81806	
3 Capone Road #1-3	54	81817	
4 Capone Road #2-4	54	81807	
5 Capone Road #1-5	54	81816	
6 Capone Road #2-6	54	81808	
7 Capone Road #1-7	54	81815	
8 Capone Road #2-8	54	81809	
9 Capone Road #1-9	54	81814	
10 Capone Road #2-10	54	81810	
11 Capone Road #3-11	54	81811	
12 Capone Road #4-12	54	81819	
13 Capone Road #3-13	54	81812	
14 Capone Road #4-14	54	81820	
15 Capone Road #3-15	54	81813	
16 Capone Road #4-16	54	81821	
18 Capone Road #6-18	54	81822	
20 Capone Road #6-20	54	81823	
22 Capone Road #6-22	54	81824	
24 Capone Road #8-24	54	81825	
26 Capone Road #8-26	54	81826	
28 Capone Road #8-28	54	81827	
30-34 Capone Road/19-21 Dexter Road	54	818-4	
3 Rockhill Street	78	2180	200
0 Rockhill Street	78	2180-1	200
9 Rockhill Street	78	2186	200
11 Rockhill Street	78	2187	200
12 Rockhill Street	78	2194	200
16 Rockhill Street	78	2195	200
14 Rockhill Street	78	2199	200
18 Rockhill Street	78	2594	200
34 School Street	79	223	650
28 School Street	79	228	200
15-17 Market Street	79	229	400
1 School Street	79	2219	200
22 Market Street	79	2221	200

21 Market Street	79	2222	200
0 Rockhill Street	79	2224	200
0 School Street	79	2225	200
16 School Street	79	2231	200
22 School Street	79	2232	200
0 School Street	79	2233	200
6-8 Centennial Street	79	2363	200
20 Market Street	79	2364	200
14 Market Street	79	2365	200
10 Market Street	79	2366	200
21 Centennial Street	91	2595	200
20 Centennial Street	91	2608	200
18 Centennial Street	92	2609	200
16 Centennial Street	92	2610	200
14 Centennial Street	92	2611	200
4 Market Street	92	2612	400
19 Centennial Street	92	2724	200
17 Centennial Street	92	2725	200
11 Centennial Street	92	2726	200

**Department of Public Works**

**ARTICLE 19**

**(Stormwater Bylaw)**

To see if the Town will vote to adopt a new Stormwater Management Bylaw to be codified in the Code of the Town of Foxborough to read as outlined herein; or take any other action related thereto:

*Town of Foxborough, MA*  
**STORMWATER MANAGEMENT**

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## **ARTICLE I – GENERAL PROVISIONS**

### **Section 1. Purpose**

- A. The purpose of this Stormwater Management Bylaw (Bylaw) is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
  - (2) Contamination of drinking water supplies;
  - (3) Contamination of downstream coastal areas;
  - (4) Alteration or destruction of aquatic and wildlife habitat;
  - (5) Overloading or clogging of municipal stormwater management systems; and
  - (6) Flooding.
- B. The objectives of this Bylaw are:
- (1) Protect water resources;
  - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
  - (3) To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
  - (4) To prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
  - (5) To establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  - (6) To establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
  - (7) To establish the Town of Foxborough's legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

### **Section 2. Definitions**

Definitions applicable to this Bylaw are as follows:

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete

discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Land Disturbance Permit for proposed land-disturbance activity.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CERTIFICATE OF COMPLETION (COC):** A document issued by the Planning Board after all construction activities have been completed, which states that all conditions of an issued Land Disturbance Permit have been met and that a project has been completed in compliance with the conditions set forth in the SWMP.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**CLEARING:** Any activity that removes the vegetative surface cover.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

**DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction related land disturbance activities.

**GROUNDWATER:** Water beneath the surface of the ground.

**GRUBBING:** The act of clearing land surface by digging up roots and stumps.

**ILLICIT CONNECTION:** A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

**ILLCIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article 2 Section 2-D. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article 2 Section 2-D of the Stormwater Management Bylaw.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. "Impervious surface" includes without limitation roads, paved parking lots, sidewalks, and rooftops.

**IMPOUNDMENT:** A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL):** Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards (see Standard 5 of the Mass DEP Stormwater Handbook, as amended).

**MASSACHUSETTS ENDANGERED SPECIES ACT (MESA):** G.L. c. 131A and its implementing regulations 321 CMR 10.00 which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The Standards issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by State regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, § 26-53. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Foxborough.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.



**NEW DEVELOPMENT:** Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

**NONSTORMWATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of stormwater.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

**OUTFALL:** The point at which stormwater flows out from a point source into waters of the Commonwealth.

**OWNER:** A person with a legal or equitable interest in property.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock; sand; salt; soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

**PROCESS WASTEWATER:** Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**REDEVELOPMENT:** Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER AUTHORITY:** Town of Foxborough Planning Board or its authorized agent(s).

**STORMWATER:** Runoff from precipitation or snow melt and surface water runoff and drainage.

**STORMWATER MANAGEMENT PLAN (SWMP):** A plan required as part of the application for a Land Disturbance Permit.

**TOXIC OR HAZARDOUS MATERIAL OR WASTE:** Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**TSS:** Total Suspended Solids.

**WASTEWATER:** Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS: Tidal and non-tidal areas characterized by the presence of hydrophytic (water dependent or tolerant) plant communities and evidence of hydrology (e.g., hydric soils) generally located between terrestrial (land-based) and aquatic (water) environments.

### **Section 3. Authority**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, the regulations of the Federal Clean Water Act found at 40 CFR 122.34, and Chapter 1, Article 1, § 1-1 of the Code of the Town of Foxborough, Massachusetts.

### **Section 4. Responsibility for administration**

- A. The Stormwater Authority shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

### **Section 5. Waivers**

- A. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where:
  - (1) such action is allowed by federal, state and local statutes and/or regulations; and
  - (2) is in the public interest; and
  - (3) is not inconsistent with the purpose and intent of this bylaw.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Bylaw does not further the purposes or objective of this Bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

### **Section 6. Compliance with EPA's General Permit for MS4s in Massachusetts**

This Bylaw shall be implemented in accordance with the requirements of EPA's most recent General Permit for MS4s in Massachusetts relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management. The Stormwater Authority shall include these requirements in any Regulations that it issues. The Stormwater Authority may establish additional requirements by Regulation to the further the purposes and objectives of this Bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

## **Section 7. Regulations**

The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

Such regulations, rules or guidance may include without limitation, provisions for the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this Bylaw. Administrative review approval shall comply with all other provisions of this Bylaw.

## **Section 8. Severability**

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

## **ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

### **Section 1. Applicability**

Article II of this Bylaw shall apply to all water entering the municipally owned storm drainage system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth, that is generated on any developed or undeveloped lands except as explicitly exempted in this Bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I Section 5.

### **Section 2. Prohibited Activities; Exemptions.**

- A. **Illicit Discharges.** No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth.
- B. **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. **Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Stormwater Authority.
- D. **Exemptions.**
  - (1) Discharge or flow resulting from fire-fighting activities.
  - (2) The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
    - (a) Waterline flushing;
    - (b) Flow from potable water sources.
    - (c) Springs;
    - (d) Natural flow from riparian habitats and wetlands;
    - (e) Diverted stream flow;
    - (f) Rising groundwater;
    - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Stormwater Authority;

- (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
- (i) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (j) Discharge from street sweeping;
- (k) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
- (l) Nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (m) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

### **Section 3. Additional Prohibited Pollutants**

- A. **Pet Waste:** Dog feces are a major component of stormwater pollution; it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a service dog or other service animal registered as such. Persons walking dogs must carry with them a device designed to dispose of dog feces including, but not limited to, a plastic bag or “pooper scooper.” For specific requirements and penalties for violations see Code of the Town of Foxborough, Chapter 78, § 78-2.
- B. **Pavement Sealers:** Coal tar based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the US Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons. Therefore, application of coal tar based driveway and pavement sealers is prohibited for all paved areas directly connected to the MS4.

### **Section 4. Emergency Suspension of Storm Drainage System Access**

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency

suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

### **Section 5. Notification of Spills**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

### **Section 6. Enforcement**

The Stormwater Authority or its authorized agent shall enforce this Bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

- A. Civil Relief. If a person violates the provisions of this Bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders.
  - (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this Bylaw or any regulations thereunder, which may include:
    - (a) Elimination of illicit connections or discharges to the MS4;
    - (b) Performance of monitoring, analyses, and reporting;
    - (c) That unlawful discharges, practices, or operations shall cease and desist;
    - (d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
    - (e) Remediation of contamination in connection therewith.
  - (2) If the Stormwater Authority determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within

the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- (3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 after the thirty-first (31<sup>st</sup>) day at which the costs first become due.
- C. ~~Criminal Penalty.~~ Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than three hundred dollars (\$300). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. ~~Noncriminal Disposition.~~ As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D and Chapter 1, Article II, § 1-5 of the Code of the Town of Foxborough, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be one hundred dollars (\$100). The penalty for the third and subsequent violations shall be three hundred dollars (\$300). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. ~~Entry to Perform Duties under this Bylaw.~~ To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and Regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- F. ~~Appeals.~~ The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- G. ~~Remedies Not Exclusive.~~ The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

## **Section 7. Transitional Provisions**

Residential property owners shall have sixty (60) days from the effective date of this Bylaw to comply with its provisions provided good cause is shown for the failure to comply with the Bylaw during that period.



## ARTICLE III – STORMWATER MANAGEMENT AND LAND DISTURBANCE

### Section 1. Applicability

A. Article III of this bylaw shall apply to all activities that result in disturbance of one acre (43,560 square feet) of land or more that drains to the municipal separate storm sewer system (MS4). Except as authorized by the Stormwater Authority in a Land Disturbance Permit or as otherwise provided in the Stormwater Regulations, no person shall perform any activity that results in disturbance of one acre (43,560 square feet) of land or more. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04, are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act or require other permits from the Planning Board and demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an Order of Conditions issued by the Conservation Commission or permitted by the Planning Board, are exempt from compliance with these regulations. Any activity proposed or undertaken outside the areas specified in this bylaw is not subject to regulation and does not require the filing of a Land Disturbance Permit, unless and until that activity actually alters an area subject to protection under the bylaw. In the event that the Stormwater Authority determines that such activity has in fact altered an area subject to protection under the bylaw, it may require the filing of a Land Disturbance Permit and/or issuance of an Enforcement Order and shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interests identified in Article I, Section I. Exemptions:

- (1) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
- (2) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (3) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
- (4) Normal maintenance and improvement of land in agricultural or aquacultural use; and
- (5) Disturbance or redevelopment of land that is subject to jurisdiction under the Wetlands Protection Act (M.G.L. Ch. 131, § 40), Foxborough Wetlands Protection Bylaw (Chapter 267) or requires other permits from the Planning Board and demonstrates compliance with the Massachusetts Stormwater Management Standards and the Town of Foxborough Stormwater Management Regulations as reflected in a valid Order of Conditions issued by the Conservation Commission or permitted by the Planning Board.

Permit procedures and requirements are outlined in the Town of Foxborough Stormwater Regulations (Regulations).

Any person that fails to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Regulations shall be in violation of the Code of the Town of Foxborough.

## **Section 2. Approval and/or Permit**

An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this Bylaw and in regulations adopted by the Stormwater Authority. Approval or permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on thresholds described in the Regulations.

The Stormwater Authority shall hold a public hearing within thirty (30) days of the receipt of a complete application and shall take final action within thirty (30) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Stormwater Authority. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the office of the Town of Foxborough Planning Board.

## **Section 3. Entry**

Entry to perform duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

## **Section 4. Inspection and Site Supervision**

The Stormwater Authority or its designated agent shall make inspections as outlined in the Regulations to verify and document compliance with the Land Disturbance Permit.

## **Section 5. Surety**

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

## **Section 6. Final Reports**

Land Disturbance Permit: Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (PE), or Professional Land Surveyor (PLS), certifying that all erosion and sedimentation control devices, and approved changes or modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. Any discrepancies shall be noted in the cover letter.

## Section 7. Enforcement

- A. Civil Relief. If a person violates the provisions of this Bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan is creating an adverse impact to a water resource, or if the Stormwater Authority determines that an activity not otherwise required to obtain a Land Disturbance Permit is causing an adverse impact to a water resource, then the Authority may issue a written Order to the person to remediate the adverse impact, which may include:
- (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw and provisions of the Land Disturbance Permit
  - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
  - (3) Monitoring, analyses, and reporting; and
  - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
- C. If the Stormwater Authority determines that abatement or remediation of pollutants is required, the Order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.
- D. Criminal and Civil Penalties. Any person who violates any provision of this Bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- E. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.

F. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

**DPW/Planning/Conservation**

**ARTICLE 20**

**(Winter Parking Ban-Bylaw)**

To see if the Town will vote to authorize The Town Manager, or its designees, may declare a Winter Parking Ban on all ways within the town during the period beginning November 1 through April 30 for the purposes of snow and ice removal, or take any other action related thereto;

The Town Manager, or its designees, may declare a Winter Parking Ban on all ways within the town during the period beginning November 1 through April 30 for the purposes of snow and ice removal.

No motor vehicle shall be parked on any way within the town during the Winter Parking Ban

**Motor Vehicle Removal:** The Chief of Police and/or the Director of Public Works or their designee may remove or cause to be removed any motor vehicle parked in violation of the Winter Parking Ban

**Owner Responsible for Charges:** The owner or operator of a motor vehicle which is removed pursuant to this by-law shall be subject to an additional fine and shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle.

**Penalty for Violation of this Bylaw:** In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Foxborough Code.

**DPW/Police/BOS**

**ARTICLE 21**

**(Snow Removal Bylaw)**

To see if the Town will vote to approve a Snow Removal Bylaw, described herein; or take any action relative thereto:

**1. Introduction**

The Town of Foxborough believes that it is in the best interest of the residents for the Town to assume basic responsibility for control of snow and ice on the Town streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The Town will provide

such control in a safe and cost effective manner, keeping in mind safety, budget, personnel and environmental concerns. The Town will use Town employees, equipment and/or private contractors to provide this service.

## **2. Procedures**

The Director of Public Works will decide when to begin snow or ice control operations. The criteria for that decision are:

- a. Snow accumulation of 2 inches or more.
- b. Drifting of snow that causes problems for travel.
- c. Ice conditions that seriously affect travel.

## **3. Method of snow removal**

Snow will be plowed in a manner so as to minimize any traffic obstructions. Snow will be plowed from inside out except where it is windrowed and these areas are specified in item #4. In times of extreme snowfall, streets will not always be able to be completely cleared of snow.

## **4. Snow Removal and Schedule**

The Director of Public Works will determine when snow will be removed by truck from the area. Such snow removal will occur in areas where there is no room on the street for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other operations have been completed. Snow removal operations may be delayed depending on weather conditions and personnel availability. The snow will be removed and hauled to a snow storage area within Foxborough. The snow storage area will be located as to minimize environmental problems.

The Town has classified Town streets based on the importance and the welfare of the community. These are streets of the Town that provide access for emergency fire, police and medical services.

The second priority streets are those streets providing access to schools and commercial businesses. The third priority streets are low volume residential streets. The fourth priority areas are Town parking lots.

A snow emergency may be declared any time during the year at the discretion of the Town Manager when two or more inches of snow or ice have covered or drifted over a street.

## **5. Work Schedule for Snow Plow Operators**

Snowplow operators are emergency personnel. Operators will take a fifteen (15) minute break every two (2) hours and a half hour meal break after four (4) hours.

**Weather Conditions** Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of Town employees and equipment. Factors that may delay snow and ice control operations include, severe cold, significant winds and limited visibility.

## **6. Use of Salt, Sand and Other Chemicals**

The Town will use salt, sand and other chemicals when there is hazardous ice or slippery conditions. The Town is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

## **7. Sidewalks**

The Common and School Routes will be maintained throughout and after storms. If schedules allow, additional sidewalks may be cleared in the days following a storm. Some sidewalks are not able to be cleared due to width restrictions and obstacles including but not limited to telephone poles, fire hydrants and stonewalls.

## **8. Parking Lots, Entrances, and Driveways**

Responsibility for private parking lots, entrances to lots and driveways shall rest with the individual property owners. This includes the clearing of additional snow that may accumulate once the Town plows have gone by.

Town snow plowing crews will be responsible for plowing the Municipal parking lots including the Schools.

## **9. Placement of Snow on Public Property or Obstructing Views**

In accordance with the provisions of the Town code and state law it is unlawful for any person to place snow or ice upon public property, including public streets. Furthermore, cleared snow shall be piled and accumulated in a manner, which does not block visibility of drivers on public streets or cause other hazardous conditions. The Director of Public Works shall have the authority to notify property owners who violate this section, and shall require them to remedy the situation.

## **10. Property Damage**

The Town recognizes that on occasion private property is damaged during snow and ice control operations. Where this happens it shall be the policy of the Town to handle damages in the following manner:

1. Mailboxes. Where mailboxes are placed adjacent to the street, it shall be the policy of the Town that snow shall be plowed as close as practicable to the curb to allow for passage of traffic and mail delivery. It shall be the responsibility of the property owner to keep piled snow away from mailboxes so mail can be delivered.

Where damage to mailboxes occurs, the homeowner will assume responsibility for repair.

2. Grass & Lawn Repair.:

- a. The property owner shall be responsible to repair lawn damage due to plow equipment including both street and sidewalk plows.

3. Curbs. Concrete curbs will not be replaced unless the curb back is broken.

4. Driveway Aprons. The Town will not repair damage caused to driveway aprons of fillets where mountable curb is in place, unless authorized by either the Director of Public Works or the Town Manager.

**11. Snow & Ice Emergencies**

1. In order to facilitate the safe and orderly snow clearing operations, the Town Manger may declare a snow or ice emergency based on-existing or expected weather conditions.

2. During a snow or ice emergency all parking on Town roads is prohibited.

3. Vehicles parked on Town roadways in violation of the ban may be ticketed and/or towed at the owner's expense.

4. When possible, advance notice will be sent out through various media electronic means, including posting on the Town's website: [www.foxboroughma.gov](http://www.foxboroughma.gov)

**12. Annual Review of Snow Removal Policy and Procedures**

The Town Manager and Director of Public Works shall annually review and present changes if necessary to Board of Selectmen for adoption by resolution the Town's Snow Removal Policy and Operational Guidelines at its first regular meeting in October.

**Department of Public Works/Board of Selectmen**

**ARTICLE 22**

**(Amend Zoning Bylaws Section 4.1.3.4 of Chapter 275  
Language Pertaining to Height)**

To see if the Town will vote to amend Note 4 to Table 4-2, Section 4.1.3. of Chapter 275 of the Code of the Town of Foxborough, Massachusetts, by deleting the existing sentence and replacing it with the following; or take any other action related thereto:

4. Height requirements ~~may~~ can be increased pursuant to Section 4.4.2 of these By-Laws.

**Zoning Enforcement Officer/Building Commissioner**

**ARTICLE 23**

**(Accept Lincoln Hill as a Public Way )**

To see if the Town will accept as a public way Lincoln Hill Way located within the "Lincoln Hill Estates" subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows, or to take any other action related thereto:

Lincoln Hill Way – from its intersection with Oak Street generally westerly approximately 650 feet more or less to its terminus at a cul-de-sac.

**Planning Board**

**ARTICLE 24 (Marijuana General Bylaw Prohibition Language)**

To see if the Town will vote to adopt the following Bylaw under Section 162 of the current Bylaws relative to the prohibition of marijuana establishments in the Town and, to the extent such further action is required as a matter of law, to authorize the Board of Selectmen to place a ballot question on the next special or regular Town election warrant to ratify/ accept the adoption of said Bylaw, or take any other action relating thereto.

**162-7 Commercial/ Recreational Marijuana Establishments Forbidden**

“The operation of any commercial or recreational marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”

**Explanation:** This Article would amend the Town’s General Bylaws by adding a provision prohibiting all types of commercial marijuana establishments allowed by the petitioned ballot referendum question approved by the voters of the Commonwealth in November 2016. This Bylaw would not relate to medical marijuana facilities which are regulated by separate statutes, regulations and Bylaws. Section 3 of the General Law Chapter 94G, the new statute regulating the use and distribution of marijuana by commercial establishments, allows a town to limit the number of such marijuana establishments in the town, or to prohibit such establishments altogether, by “a vote of the voters of the town”. The new law has been the subject of speculation and varying interpretation with respect to the specific process by which such local control bylaws are to be adopted. The Massachusetts General Court is presently reviewing multiple bills proposing revisions to and/or clarifying language for Chapter 94G. To the extent that adoption of this Bylaw is determined to require approval by the voters of Town pursuant to a ballot question, this Article also authorizes the Selectmen to place a question seeking approval of the proposed Bylaw on the ballot at the next special or regular Town election. It is not anticipated that applicants for approvals for such marijuana establishments would be seeking approvals from the yet to be created Cannabis Control Commission until April 2018.

**Board of Selectmen**



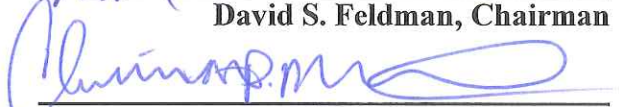
And you are requested to serve this warrant by posting attested copies thereof, one at the Town Office, and one at each place where the meeting is to be held, seven days at least before the day appointed for the holding of said meeting.


Hereof, fail not, and make due return of this warrant with your doings to the Town Clerk, at the time and place of said meeting.

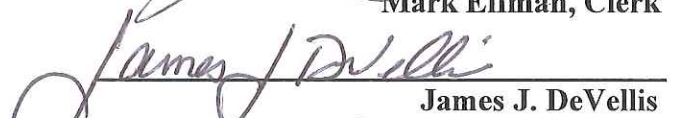
Given under our hands and the seal of said Town this eighteenth day of April the year of our Lord Two Thousand and Seventeen.

**BOARD OF SELECTMEN, TOWN OF FOXBOROUGH**

  
\_\_\_\_\_  
David S. Feldman, Chairman

  
\_\_\_\_\_  
Christopher P. Mitchell, Vice Chairman

  
\_\_\_\_\_  
Mark Elfman, Clerk

  
\_\_\_\_\_  
James J. DeVellis

  
\_\_\_\_\_  
Virginia M. Coppola

**A True Copy  
Attest**

..... **Constable, Town of Foxborough**

**APPENDIX A**

<u>DEPARTMENT/Description</u>	<u>FY 18</u>	<u>Funding Sources</u>
<u>INFORMATION SYSTEMS</u>	<u>C.I.P. Plan</u>	
<b>Equipment</b>		
Town wide Network System & Technology Upgrades	100,000	Free Cash
Website Replacement	45,000	Free Cash
<b>MUNICIPAL BUILDINGS</b>		
<b>Vehicles</b>		
Central Maintenance Van - Addition	32,000	Free Cash
<b>POLICE</b>		
<b>Vehicles &amp; Equipment</b>		
Communication System Upgrade	200,000	Free Cash
Technology Improvements Software & Hardware	50,000	Free Cash
Unmarked Administrative Vehicle - Addition	34,000	Apparatus Revolving
<b>PUBLIC SCHOOLS</b>		
<b>Vehicles &amp; Equipment</b>		
Computers/Hardware/Software/Network Upgrades	190,000	Free Cash
Qty 2 - 77 Passenger School Buses	156,000	Free Cash
27-35 Passenger Mini Bus	77,000	Free Cash
Qty 4 - Copiers	40,000	Free Cash
<b>PUBLIC WORKS</b>		
<b>Vehicles &amp; Equipment</b>		
Trackless Multi-Purpose Tractor	175,000	Free Cash
Asphalt Recycler	40,900	Free Cash
<b>Road Infrastructure</b>		
Street Reconstruction	645,397	Chapter 90 Roads Program
Street Reconstruction	270,000	Meals Tax Receipts
Street Reconstruction	70,402	Free Cash ( <i>accumulated from Meals Tax</i> )
<b>WATER</b>		
<b>Vehicles &amp; Equipment</b>		
System Improvements	200,000	Water Receipts
Qty 2 - One Ton Utility Trucks replaces Trucks #3 & #	110,000	Water Receipts
Water Meters	75,000	Water Receipts
Hydrants	60,000	Water Receipts
<b>Road Infrastructure</b>		
Roadway Improvements at Water Sites	50,000	Water Receipts
<b>SEWER</b>		
<b>Equipment</b>		
Scada System	80,000	Sewer Receipts
<b>Infrastructure</b>		
Downtown Sewer Infrastructure	500,000	Free Cash
Sewer Capacity Purchase from Cannon Forge	352,200	\$227,200 Sewer Retained Earnings, & \$125,000 Sewer Encumbrance
<b>TOTAL</b>	<u><u>3,552,899</u></u>	

**5 YEAR CAPITAL PLAN and ASSUMED FUNDING**

DEPARTMENT/Description	5 YEAR HISTORY					5 YEAR FORECAST					TOTAL FY 13-17	TOTAL FY 18-22	
	FY 13 Budget	FY 14 Budget	FY 15 Plan	FY 16 Plan	FY 17 Plan	FY 18 Plan	FY 19 Plan	FY 20 Plan	FY 21 Plan	FY 22 Plan			
<b>TOWN WIDE</b>													
<b>Vehicles &amp; Equipment</b>													
Management Information Systems	50,000				100,000					100,000			600,000
Website			71,150	155,000		45,000							45,000
Election & Registration													
<b>Infrastructure</b>													
Conservation-Dam Repairs													
<b>MUNICIPAL BUILDINGS</b>													
Facilities & Equipment													
Fire SubStation													
Town Hall			557,535	6,860,000									
Conservation Rental Property			16,500										
Upgrade Telephone & Email Systems		300,000											
<b>Vehicles &amp; Equipment</b>													
Vehicles						32,000							32,000
<b>POLICE</b>													
<b>Vehicles &amp; Equipment</b>													
Vehicles	58,500	112,000			250,000	34,000	34,000			34,000			102,000
Communications System Upgrade						200,000							200,000
Technology Improvements						50,000							50,000
Security Cameras for Public Bldgs.													225,000
Mobile Data System / Plate Reader													
Body Armor			57,100										
Weapon / Finger Print Systems			30,365		58,109					25,000			25,000
<b>CENTRAL DISPATCH</b>													
<b>Vehicles &amp; Equipment</b>													
Database Management Software			47,500										
PC & Server Replacements		48,750											
<b>ANIMAL CONTROL</b>													
<b>Vehicles &amp; Equipment</b>													
Vehicles			32,334										
<b>FIRE</b>													
<b>Vehicles &amp; Equipment</b>													
Ambulance & Related Equipment				266,000									
Ladder Truck	325,000												
Fire Support & Rescue			34,500										
Engine #21	570,000												
Engine #24					565,000								
S.C.B.A. System	51,406	43,076	206,628		565,000								
Squad 1 & 4	54,572				301,110								
Engine #23 / Pumper					110,507								
Cars 1, 2, 4 & Pick-Up			53,676	46,586	63,100					150,000			150,000
Communications System Upgrade					134,618					575,000			575,000
Database Management Software					83,450					55,000			165,000
<b>INSPECTIONS</b>													
<b>Vehicles &amp; Equipment</b>													
Permitting System					30,000								
Vehicles				29,000		30,000							30,000

## 5 YEAR CAPITAL PLAN and ASSUMED FUNDING

DEPARTMENT/Description	5 YEAR HISTORY					5 YEAR FORECAST					TOTAL FY 18-22	
	FY 13 Budget	FY 14 Budget	FY 15 Plan	FY 16 Plan	FY 17 Plan	TOTAL FY 13-17	FY 18 Plan	FY 19 Plan	FY 20 Plan	FY 21 Plan		FY 22 Plan
<b>Five-Year CIP Plan (FY 18-22)</b>												
<b>HIGHWAY</b>												
Infrastructure												
Street Reconstruction	742,759	895,000	1,809,638	873,904	836,962	5,158,263	985,799	1,000,000	1,000,000	1,000,000	1,000,000	4,985,799
Storm water Plan												
Facilities												
Replace Furnace/Generator	60,000					60,000						60,000
Building Improvements					113,000	113,000		50,000				50,000
Equipment Storage Bldg					335,000	335,000						
Vehicles & Equipment												
Highway Division		269,000	305,000		175,000	749,000	215,900	95,000	200,000		40,000	510,900
Tree & Park Division	126,000	47,000	30,000	135,000	70,000	408,000						75,000
<b>BOARD OF HEALTH</b>												
Vehicles & Equipment	25,000					25,000						
SUV												
<b>COUNCIL ON AGING</b>												
Facilities												
Senior Center												
Vehicles & Equipment		51,000		27,500		78,500				4,000,000		4,000,000
Van / Car												
<b>BOYDEN LIBRARY</b>												
Facilities												
Building Renovation & Expansion												
<b>HISTORICAL COMMISSION</b>												
Facilities												
Memorial Hall Renovations			175,000			175,000	1,662,699	2,048,000	1,574,000	1,815,000	7,772,160	14,871,859
<b>TOTAL MUNICIPAL</b>	2,063,237	1,765,826	3,339,461	8,480,455	2,870,174	18,519,153						
<b>FOXBOROUGH PUBLIC SCHOOLS</b>												
Facilities												
Burrell School Rehabilitation					700,000	700,000						13,550,000
MSBA Feasibility Studies				30,000		30,000				700,000		700,000
Asbestos Removal												
Athletic Fields/Facilities	1,265,000			165,000	125,000	1,555,000		1,150,000				1,150,000
Blacktop/Playground Equipment												
Emergency Power/Lighting												
Elevator												
HVAC/Replace Oil Tanks/Boilers												
Gyms/Bleachers/Dividers												
Paving												
Energy Management Systems												
School Carpets/Floors												
HS Water Tanks												
Roofs/Doors/Windows												
Fire Alarm / Security Systems		112,000		78,000		190,000						55,000
Locker Rooms/Bathrooms												
Vehicles & Equipment												
Buses & Vans	164,000	216,000	160,000	150,000	213,000	903,000	233,000	217,500	160,000	160,000	160,000	930,500
Technology/Networking	168,750	253,750	365,688	175,000	175,000	1,138,188	190,000	175,000	175,000	175,000	175,000	890,000
Office Copiers	56,000	40,000	40,000	40,000	40,000	216,000	40,000	40,000	40,000	40,000	40,000	200,000
Music/Band Equipment		38,000				38,000						
<b>TOTAL FOXBOROUGH SCHOOLS</b>	1,653,750	659,750	565,688	638,000	1,253,000	4,770,188	463,000	15,187,500	375,000	1,075,000	375,000	17,475,500

**5 YEAR CAPITAL PLAN and ASSUMED FUNDING**

**Five-Year CIP Plan (FY 18-22)**

**6 YEAR HISTORY**

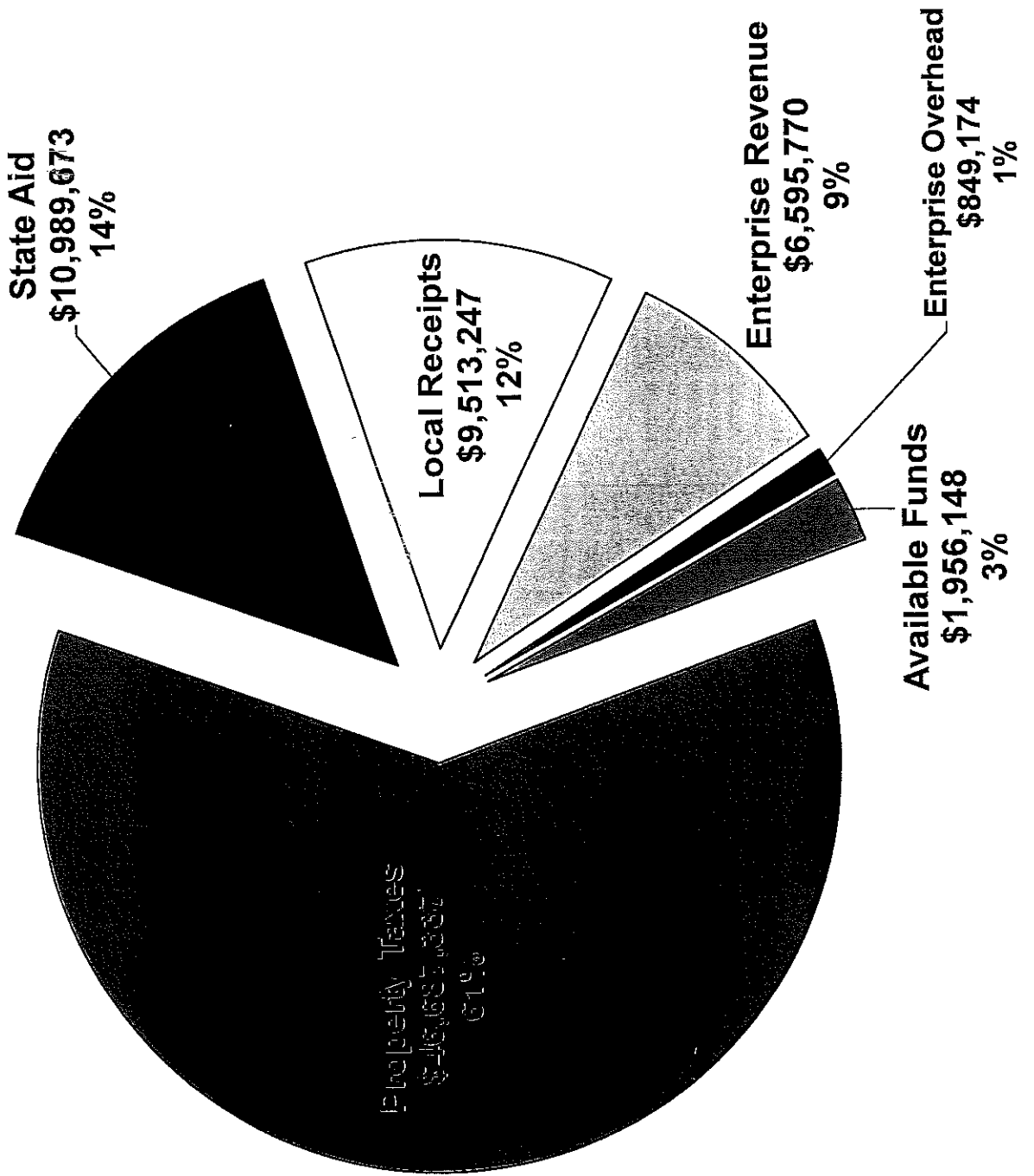
**5 YEAR FORECAST**

DEPARTMENT/Description	FY 13	FY 14	FY 15	FY 16	FY 17	TOTAL	FY 18	FY 19	FY 20	FY 21	FY 22	TOTAL
	Budget	Budget	Plan	Plan	Plan	FY 13-17	Plan	Plan	Plan	Plan	Plan	FY 18-22
<b>LANDFILL</b>												
Infrastructure												
Capping & Expansion												
<b>WATER</b>												
Infrastructure												
Site Investigation Test Wells	60,000		200,000		200,000	460,000	TBD	TBD	TBD	TBD	TBD	240,000
Recondition Wells							60,000	60,000	60,000	60,000	60,000	60,000
Hydrants												
Main Replacement			350,000	1,300,000		1,650,000	TBD	TBD	TBD	TBD	TBD	
Roadway Improvements at Water Sites							50,000					50,000
Meter Replacement & Meter Reading							75,000					75,000
System Security & Improvements							200,000					200,000
<b>Facilities</b>												
Storage Tanks	250,000	500,000	1,000,000		353,106	2,103,106						
Water System Treatment & Pipe Lines	150,000	500,000	450,000		16,700,918	17,800,918						
Modular Building			600,000			600,000						
<b>Vehicles &amp; Equipment</b>												
Vehicle Replacement			25,000	142,000		167,000	110,000					110,000
Compressor/ Generator / Other		222,000				222,000						
<b>SEWER</b>												
Infrastructure												
Town WWTF & Collection System												
Purchase Sewer Capacity							500,000	TBD	TBD	TBD	TBD	500,000
Infiltration & Repair						100,000	352,200					352,200
Mansfield Sewer Plant & WWTF	220,550		100,000			220,550		100,000	100,000	100,000	100,000	400,000
Rebuild Flow Meter-Sears Estates												
<b>Vehicles &amp; Equipment</b>												
Vehicle Replacement							80,000					80,000
<b>TOTAL ENTERPRISE FUNDS</b>	680,530	1,222,000	2,725,000	1,442,000	17,254,024	23,323,554	1,427,200	160,000	160,000	160,000	160,000	2,067,200
<b>GRAND TOTAL</b>	4,397,517	3,947,576	6,630,149	10,560,455	21,377,198	46,612,895	3,552,899	17,395,500	2,109,000	3,050,000	8,307,160	34,414,559

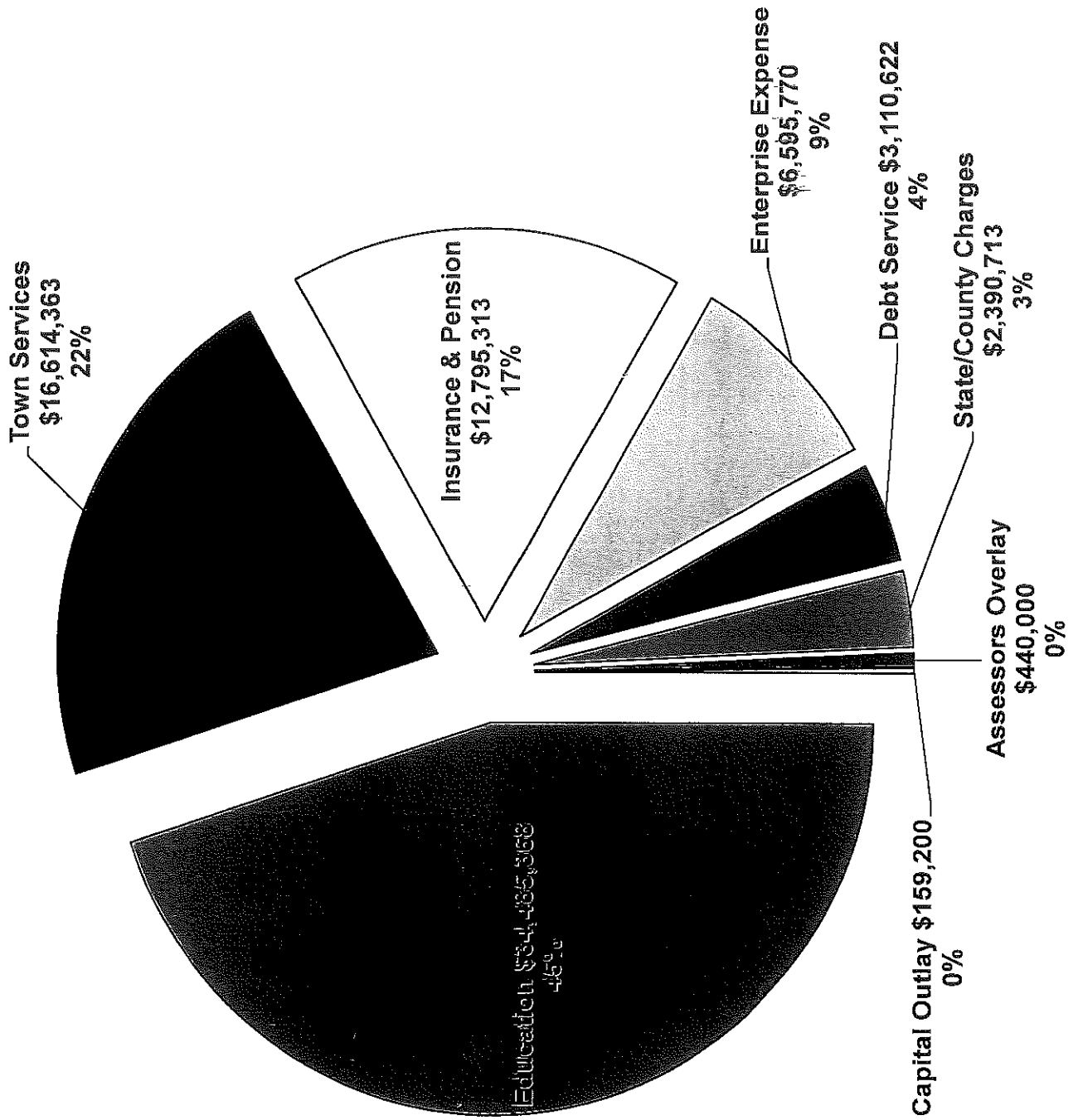
Actual / Proposed Funding:	FY 13	FY 14	FY 15	FY 16	FY 17	TOTAL	FY 18	FY 19	FY 20	FY 21	FY 22	TOTAL
	Budget	Budget	Plan	Plan	Plan	FY 13-17	Plan	Plan	Plan	Plan	Plan	FY 18-22
<b>General Obligation Bonding</b>												
MSBA / State Grant Reimbursement				6,860,000		6,860,000	6,681,505	6,868,495			5,300,000	11,981,505
Taxation					345,000	345,000						6,868,495
Free Cash and / or Deferral	1,047,000	1,359,500	1,972,489	1,030,515	1,597,547	7,007,151	1,676,302	1,242,500	825,000	1,210,000	569,000	5,542,802
<b>Stabilization-Capital</b>												
Ambulance Receipts	629,978	34,777	294,804	312,586	846,168	2,118,313		552,000			508,160	552,000
Overlay Surplus	125,000	50,000		50,000	200,000	425,000		341,000		630,000	50,000	1,479,160
Chapter 90	594,113	600,000	929,656	619,904	619,904	3,363,777	645,397	550,000	50,000	50,000	50,000	700,000
Meals Tax	100,000	295,000	269,000	205,450	165,620	1,035,070	270,000	645,397	645,397	645,397	645,397	3,226,985
Reallocation of Prior Yr. Vote	1,048,646	8,299	1,975,791		200,918	3,233,654		354,603	354,603	354,603	354,603	1,688,412
Special Revenue Funds	172,250	77,900		10,000	235,935	496,085	34,000	60,000	74,000		700,000	808,000
Water Receipts & Bonding	460,000		1,025,000	172,000	17,053,106	18,710,106	495,000	60,000	60,000	60,000	60,000	735,000
Water Surplus		1,222,000		1,300,000		2,522,000						
Sewer Receipts & Bonding	220,530		50,000			270,530	80,000	100,000	100,000	100,000	100,000	480,000
Sewer Surplus & Encumbrance			113,209			113,209	352,200					352,200
<b>GRAND TOTAL</b>	4,397,517	3,647,576	6,630,149	10,560,455	21,377,198	46,612,895	3,552,899	17,395,500	2,109,000	3,050,000	8,307,160	34,414,559

# FY 2018 OPERATING BUDGET SOURCES of FUNDS

Town of Foxborough



**FY 2018 OPERATING BUDGET USES of FUNDS**  
**Town of Foxborough**



## NOTES



## NOTES