

FOXBOROUGH

ANNUAL TOWN ELECTION and ANNUAL TOWN MEETING WARRANT



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Annual Town Elections May 2, 2022
Annual Town Meeting May 9, 2022

PLEASE BRING THIS COPY WITH YOU TO THE ANNUAL TOWN MEETING

LEGAL NOTICE

TOWN WARRANT

ANNUAL TOWN MEETING

Monday, the Second day of May, A.D., 2022

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 second day of May A.D., 2022 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 ninth day of May A.D., 2022 to act on the following articles:

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ARTICLE 1:

(Annual Town Elections)

To hear the results of the Annual Town Election wherein the following positions were elected by the voters of the Town:

One Moderator for three years; One Town Clerk for three years; Two Selectmen for three years; one Assessor for three years; two School Committee Members 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 Planning Board Member for three years.

Board of Selectmen

ARTICLE 2:

(Annual Town Reports)

To hear the report of 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.

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 Fiscal Year 2023, beginning July 1, 2022 and ending June 30, 2023; or take any other action related thereto.

Taxation, State Aid, & Local Receipts	77,745,223
Ambulance Receipts	1,600,000
Recreation Revolving	11,700
Water Receipts	7,184,773
Water Retained Earnings	1,218,470
Sewer Receipts	1,586,778
Sewer Retained Earnings	269,103
Overlay Surplus	800,000
General Fund Free Cash	<u>1,000,000</u>
	91,416,046

Board of Selectmen

FY 2023 OPERATING BUDGET - ARTICLE 4 ANNUAL TOWN MEETING MAY 9, 2022

FY 2023 OPERATING BUDGET - ARTICLE 4 ANNUAL TOWN MEETING MAY 9, 2022								
GENERAL GOVERNMENT:	FY 21 Expended	FY 22 Budget	FY 23 Request	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)	
122 SELECTMEN								
Expenses	21,223	23,400	38,518	38,518	38,518	38,518	Taxation, State Aid & Local Receipts	
123 ADMINISTRATION								
Salaries	518,072	538,861	547,425	547,425	547,425	547,425	Taxation, State Aid & Local Receipts	
Expenses	60,798	84,925	85,209	85,209	85,209	85,209	Taxation, State Aid & Local Receipts	
	578,870	621,786	632,634	632,634	632,634	632,634		
130 FINANCE								
Salaries	994,520	1,102,949	1,101,013	1,101,013	1,101,013	1,101,013	Taxation, State Aid & Local Receipts	
Expenses	340,439	358,492	388,929	388,929	388,929	388,929	Taxation, State Aid, Local Receipts & Ambulance Receipts	
	1,334,959	1,461,441	1,489,942	1,489,942	1,489,942	1,489,942		
141 ADVISORY COMMITTEE								
Salaries	-	2,150	2,150	2,150	2,150	2,150	Taxation, State Aid & Local Receipts	
Expenses	245	350	350	350	350	350	Taxation, State Aid & Local Receipts	
	245	2,500	2,500	2,500	2,500	2,500		
151 LEGAL	69,541	180,090	180,090	180,090	180,090	180,090	Taxation, State Aid & Local Receipts	
156 GIS/IT Department								
Expenses	44,765	50,139	68,976	68,976	68,976	68,976	Taxation, State Aid & Local Receipts	
161 TOWN CLERK & ELECTIONS/REGISTRATION								
Salaries	230,711	239,123	238,357	238,357	238,357	238,357	Taxation, State Aid & Local Receipts	
Expenses	23,940	30,150	38,150	38,150	38,150	38,150	Taxation, State Aid & Local Receipts	
	254,651	269,273	276,507	276,507	276,507	276,507		
175 LAND USE								
Salaries	683,670	718,033	719,802	719,802	719,802	719,802	Taxation, State Aid & Local Receipts	
Expenses	34,449	74,601	75,104	75,104	75,104	75,104	Taxation, State Aid & Local Receipts	
	698,119	792,634	794,906	794,906	794,906	794,906		
192 MUNICIPAL BUILDINGS								
Salaries	88,636	101,860	107,706	107,706	107,706	107,706	Taxation, State Aid & Local Receipts	
Expenses	481,546	509,650	669,000	669,000	669,000	669,000	Taxation, State Aid & Local Receipts	
	580,182	611,510	776,706	776,706	776,706	776,706		
TOTAL GENERAL GOVERNMENT	3,582,555	4,012,773	4,260,779	4,260,779	4,260,779	4,260,779		
PUBLIC SAFETY:								
210 POLICE								
Salaries	4,240,047	4,659,227	4,824,954	4,802,195	4,802,195	4,802,195	Taxation, State Aid & Local Receipts	
Expenses	430,095	455,828	418,828	416,828	416,828	416,828	Taxation, State Aid & Local Receipts	
Capital Outlay	198,428	150,184	168,128	166,128	166,128	166,128	Taxation, State Aid & Local Receipts	
	4,868,570	5,265,239	5,407,910	5,385,151	5,385,151	5,385,151		
220 FIRE								
Salaries	3,780,284	4,083,265	4,216,580	4,187,881	4,187,881	4,187,881	Taxation & Ambulance Receipts	
Expenses	333,255	342,751	345,051	314,191	314,191	314,191	Taxation & Ambulance Receipts	
Capital Outlay	32,160	22,000	28,000	28,000	28,000	28,000	Taxation, State Aid & Local Receipts	
	4,145,699	4,448,016	4,589,631	4,530,072	4,530,072	4,530,072		
230 SEMRECC								
Expenses - SEMRECC ASSESSMENT	300,000	310,000	310,000	310,000	310,000	310,000	Taxation, State Aid & Local Receipts	

235	JOINT PUBLIC SAFETY BUILDING	FY 21 Expended	FY 22 Budget	FY 23 Request	Town Manager Recommend	Selectmen Recommend	Advisory Recommend	Recommended Funding Source(s)
	Salaries	56,433	62,909	59,530	59,530	59,530	59,530	Taxation, State Aid & Local Receipts
	Expenses	9,876	9,942	10,191	10,191	10,191	10,191	Taxation, State Aid & Local Receipts
	Capital Outlay	7,776	-	-	-	-	-	Taxation, State Aid & Local Receipts
		74,085	72,851	69,721	69,721	69,721	69,721	
	TOTAL PUBLIC SAFETY	9,388,354	10,096,108	10,377,262	10,294,944	10,294,944	10,294,944	
EDUCATION:								
300	FOXBOROUGH PUBLIC SCHOOLS							
	Salaries & Expenses	37,029,073	38,616,014	39,581,415	39,581,415	39,581,415	39,581,415	Taxation, State Aid & Local Receipts
390	SOUTHEASTERN REGIONAL	646,509	772,769	865,347	865,347	865,347	865,347	Taxation, State Aid & Local Receipts
	TOTAL EDUCATION	37,675,582	39,388,783	40,446,762	40,446,762	40,446,762	40,446,762	
PUBLIC WORKS:								
410	PUBLIC WORKS							
	Salaries	1,396,102	1,583,507	1,578,350	1,578,350	1,578,350	1,578,350	Taxation, State Aid & Local Receipts
	Expenses	492,754	513,450	539,950	539,950	539,950	539,950	Taxation, State Aid & Local Receipts
	Capital Outlay	-	-	30,000	30,000	30,000	30,000	Taxation, State Aid & Local Receipts
		1,888,856	2,096,957	2,148,300	2,148,300	2,148,300	2,148,300	
423	SNOW & ICE							
	Salaries	139,747	33,500	33,500	33,500	33,500	33,500	Taxation, State Aid & Local Receipts
	Expenses	360,029	170,800	170,800	170,800	170,800	170,800	Taxation, State Aid & Local Receipts
	Capital Outlay	12,000	12,000	13,000	13,000	13,000	13,000	Taxation, State Aid & Local Receipts
		511,776	216,300	217,300	217,300	217,300	217,300	
424	STREET LIGHTING	117,120	110,000	75,000	75,000	75,000	75,000	Taxation, State Aid & Local Receipts
430	SOLID WASTE (DISPOSAL & COLLECTION)							
	Expenses	25,159	40,050	40,050	40,050	40,050	40,050	Taxation, State Aid & Local Receipts
450	WATER ENTERPRISE							
	Salaries	1,493,581	1,736,631	1,764,894	1,764,894	1,764,894	1,764,894	Water Receipts & Retained Earnings
	Expenses	1,945,535	2,449,686	2,502,686	2,502,686	2,502,686	2,502,686	Water Receipts & Retained Earnings
	Debt Service	2,590,834	3,196,144	3,071,865	3,071,865	3,071,865	3,071,865	Water Receipts & Retained Earnings
		6,029,949	7,382,361	7,339,445	7,339,445	7,339,445	7,339,445	
NOTE: Costs for Water Operation contained in other budgets:								
	123/125/192 Admin. & 130/156 Finance/GIS	145,420	161,732	166,997	166,997	166,997	166,997	Water Receipts & Retained Earnings
	760 Debt Service	2,000	2,000	2,000	2,000	2,000	2,000	Water Receipts & Retained Earnings
	911/913/915 Fringe Benefits	766,823	732,277	729,015	729,015	729,015	729,015	Water Receipts & Retained Earnings
	945 Insurance	137,526	144,551	116,098	116,098	116,098	116,098	Water Receipts & Retained Earnings
	General Fund Share DPW Bldg	49,689	49,689	49,689	49,689	49,689	49,689	
		1,101,458	1,090,249	1,063,798	1,063,798	1,063,798	1,063,798	
460	SEWER ENTERPRISE							
	Salaries	154,853	181,056	185,143	185,143	185,143	185,143	Sewer Receipts & Retained Earnings
	Expenses	1,439,774	1,504,344	1,511,850	1,511,850	1,511,850	1,511,850	Sewer Receipts & Retained Earnings
	Debt Service	10,215	9,845	9,675	9,675	9,675	9,675	Sewer Receipts & Retained Earnings
		1,604,842	1,695,345	1,706,668	1,706,668	1,706,668	1,706,668	
NOTE: Costs for Sewer Operation contained in other budgets:								
	123/125/192 Admin. & 130/156 Finance/GIS	35,859	40,080	41,668	41,668	41,668	41,668	Sewer Receipts & Retained Earnings
	911/913/915 Fringe Benefits	97,516	95,177	94,483	94,483	94,483	94,483	Sewer Receipts & Retained Earnings
	945 Insurance	15,472	16,262	13,061	13,061	13,061	13,061	Sewer Receipts & Retained Earnings
		148,847	151,519	149,212	149,212	149,212	149,212	
	TOTAL PUBLIC WORKS	10,177,702	11,541,013	11,526,763	11,526,763	11,526,763	11,526,763	

		FY 21	FY 22	FY 23	Town Manager	Selectmen	Advisory	Recommended	
		Expended	Budget	Request	Recommend	Recommend	Recommend	Funding Source(s)	
HUMAN SERVICES:									
510	BOARD OF HEALTH								
	Salaries	274,027	265,720	263,789	263,789	263,789	263,789	Taxation, State Aid & Local Receipts	
	Expenses	20,463	22,445	26,570	26,570	26,570	26,570	Taxation, State Aid & Local Receipts	
		294,490	288,165	290,359	290,359	290,359	290,359		
541	COA/HUMAN SERVICES								
	Salaries	688,161	691,569	676,312	676,312	676,312	676,312	Taxation, State Aid & Local Receipts	
	Expenses	228,961	248,950	286,450	286,450	286,450	286,450	Taxation, State Aid & Local Receipts	
		897,122	940,519	962,762	962,762	962,762	962,762		
	TOTAL HUMAN SERVICES	1,191,612	1,228,684	1,253,121	1,253,121	1,253,121	1,253,121		
CULTURE & RECREATION:									
610	LIBRARY								
	Salaries	822,198	870,519	917,314	917,314	917,314	917,314	Taxation, State Aid & Local Receipts	
	Expenses	248,562	279,800	262,300	262,300	262,300	262,300	Taxation, State Aid & Local Receipts	
	Capital Outlay	3,000	3,000	3,000	3,000	3,000	3,000	Taxation, State Aid & Local Receipts	
	TOTAL CULTURE & RECREATION	1,073,760	1,153,319	1,182,614	1,182,614	1,182,614	1,182,614		
DEBT SERVICE:									
710	DEBT - PRINCIPAL	2,619,000	2,611,000	2,556,000	2,556,000	2,556,000	2,556,000	Taxation, Free Cash, State Aid, Overlay Surplus, & Local Receipts	
751	DEBT - INTEREST	1,069,743	1,001,570	911,054	911,054	911,054	911,054	Taxation, Free Cash, State Aid, Overlay Surplus, & Local Receipts	
760	DEBT - ISSUANCE & EXPENSES	151	25,000	25,000	25,000	25,000	25,000	Taxation, Free Cash, State Aid, Overlay Surplus, & Local Receipts	
	TOTAL DEBT SERVICE	3,688,894	3,637,570	3,492,054	3,492,054	3,492,054	3,492,054		
INSURANCE & OTHER:									
		FY 21	FY 22	FY 23	Town Manager	Selectmen	Advisory	Recommended	
		Expended	Budget	Request	Recommend	Recommend	Recommend	Funding Source(s)	
911	PENSIONS/RETIREMENT	5,185,943	5,473,537	5,871,763	5,871,763	5,871,763	5,871,763	Taxation, State Aid & Local Receipts	
914	UNEMPLOYMENT COMPENSATION	81,502	87,125	87,125	87,125	87,125	87,125	Taxation, State Aid & Local Receipts	
915	GROUP HEALTH/LIFE INSURANCE	7,385,074	9,075,700	9,415,611	9,415,611	9,415,611	9,415,611	Taxation, State Aid, Local Receipts Free Cash, & Recreation Revolving	
945	GENERAL INSURANCE	951,860	826,505	837,245	837,245	837,245	837,245	Taxation, State Aid & Local Receipts	
142	RESERVE FUND (Appropriated for Transfer, Not Expended.)	7,000	75,000	75,000	75,000	75,000	75,000	Taxation, State Aid & Local Receipts	
143	SALARY RESERVE FUND (Appropriated for Transfer, Not Expended.)	-	193,000	275,000	275,000	275,000	275,000	Free Cash	
	TOTAL INSURANCE & OTHER	13,611,379	15,730,867	16,561,744	16,561,744	16,561,744	16,561,744		
	TOTAL ALL OPERATING BUDGETS	80,389,838	86,789,115	89,101,099	89,018,781	89,018,781	89,018,781		

ARTICLE 5:

(CIP Budget)

To see if the town will vote to 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 Schedule A in order to implement the CIP budget request for Town Departments for FY 2023; or take any other action related thereto.

See SCHEDULE A for a detailed breakdown of capital items

DEPARTMENT	Amount	Funding Sources
Information Systems	125,000	Free Cash
Town Clerk	35,000	Free Cash
Fire	207,137	Ambulance Receipts
Water	275,000	Water & Sewer Retained Earnings
Highway (partial funding)	50,000	Water & Sewer Retained Earnings
Highway (Roads)	10,000	TNC (supplemental funding)
	<u>702,137</u>	
Funding Summary:		
Ambulance	207,137	
TNC	10,000	
Water Retained Earnings	301,500	
Sewer Retained Earnings	23,500	
Free Cash	160,000	
Total	<u>702,137</u>	

Board of Selectmen

SCHEDULE A

<u>DEPARTMENT/Description</u>	<u>FY 23</u>	<u>Funding Sources</u>
<u>INFORMATION SYSTEMS</u>	<u>CIP Plan</u>	
Equipment		
System Improvements & Upgrades	125,000	Free Cash
TOWN CLERK		
Equipment		
6 Voting Tabulation Machines - Replacement	35,000	Free Cash
FIRE		
Vehicles & Equipment		
Engine 22 & Ambulance (2) Leases	207,137	Ambulance Receipts
WATER		
Vehicles & Equipment		
Excavator - Addition	90,000	Water Retained Earnings
Chevy 3500	60,000	Water & Sewer Retained Earnings
Chevy 3500 - Meter Reading	75,000	Water & Sewer Retained Earnings
Chevy Tahoe	50,000	Water & Sewer Retained Earnings
PUBLIC WORKS		
Vehicles, Infrastructure, & Equipment		
Replace Two 6-Wheel Dump Trucks (partial funding)	50,000	Water & Sewer Retained Earnings
Road Infrastructure		
Street Reconstruction (supplemental funding)	10,000	TNC Funds
TOTAL	<u>702,137</u>	
Proposed Funding:		
	FY 23	
Ambulance	207,137	
TNC	10,000	
Water Retained Earnings	301,500	
Sewer Retained Earnings	23,500	
Free Cash	<u>160,000</u>	
TOTAL	<u>702,137</u>	

ARTICLE 6:

(Fire Stabilization Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money to fund the establishment of a Stabilization account for Fire equipment apparatus repair and acquisition pursuant to Massachusetts General Laws, Chapter 40, Section 5B or take any other action relative there to. Funding for the account will be provided by anticipated revenues generated by Fire department charges for repair services initially turned over to the general fund on an annual basis, or take any other action related thereto.

Board of Selectmen

ARTICLE 7:

(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 2023, beginning July 1, 2022; or take any other action related thereto.

Name of Revolving Fund	FY23 Spending Limit
Public Health	\$100,000
IT Technology	\$100,000
Recreation Revolving	\$450,000
Police and Fire Apparatus Utilization Revolving Fund	\$100,000
Highway Department Revolving Fund	\$40,000
Council on Aging Senior Trips & Programs Fund	\$250,000
Council on Aging Human Services	\$20,000
Council on Aging Community Events	\$20,000

Board of Selectmen

ARTICLE 8:

(Unpaid Bills)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the payment of a FY21 tuition reimbursement claim for a Boyden Library Employee; or act or do anything in relation thereto.

Boyden Library Trustees

ARTICLE 9:

(Fund Qualified OPEB Trust)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be paid into the Other Post-Employment Benefits (OPEB) Liability Trust fund; such funds to be used to reduce and eventually eliminate the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees, or to take any other action related thereto.

Board of Selectmen

ARTICLE 10:

(Fire Contract)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money deemed necessary to fund the cost items for Fiscal Years 2023, 2024, and 2025 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and Foxborough Permanent Firefighters Association Local 2252, in accordance with Chapter 150E of the General Laws of the Commonwealth; or take any other action related thereto.

Board of Selectmen

ARTICLE 11:

(Library Contract)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money deemed necessary to fund the cost items for Fiscal Years 2023, 2024, and 2025 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and The Boyden Library Employees Association, MLSA, MFT AFT, AFL-CIO, in accordance with Chapter 150E of the General Laws of the Commonwealth; or take any other action related thereto.

Board of Selectmen

ARTICLE 12:

(Steelworker's Contract Unit A)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money deemed necessary to fund the cost items for Fiscal Years 2023, 2024, and 2025 in a collective bargaining agreement under the provisions of MGL, Chapter 150E between the Town of Foxborough and the United Steelworkers, AFL-CIO CLC "Unit A", in accordance with Chapter 150E of the General Laws of the Commonwealth; or take any other action relative thereto.

Board of Selectmen

ARTICLE 13:

(Steelworker’s Contract Unit B)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money deemed necessary to fund the cost items for Fiscal Years 2023, 2024, and 2025 in a collective bargaining agreement under the provisions of MGL, Chapter 150E between the Town of Foxborough and the United Steelworkers, AFL-CIO CLC “Unit B”, in accordance with Chapter 150E of the General Laws of the Commonwealth; any other action relative thereto.

Board of Selectmen

ARTICLE 14:

(Police Contract)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money deemed necessary to fund the cost items for Fiscal Years 2023, 2024, and 2025 in a collective bargaining contract between the Town of Foxborough and the Foxborough Police Department, Massachusetts Coalition of Police, Local 379 AFL-CIO, in accordance with Chapter 150E of the General Laws of the Commonwealth for the period of July 1, 2022 to June 30, 2023; or take any other action relative thereto.

Board of Selectmen

ARTICLE 15:

(DPW Contract)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money deemed necessary to fund the cost items for Fiscal Years 2023, 2024, and 2025 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and Foxborough Highway and Water Employees Union AFSCME, in accordance with Chapter 150E of the General Laws of the Commonwealth; or take any other action related thereto.

Board of Selectmen

ARTICLE 16:

(Citizen Petition – Market Street Easement)

To see if the Town will vote to approve the petition of Bethany Kenneway, Trustee of the Bernardine Hopkins Family Trust at 28 School Street, Foxborough MA 02035 as they request an easement through Town property at 15 Market Street for the purpose of installing a sewer line to connect the above property to the public sewer line on Market Street; or take any other action related thereto.

Citizen Petition

ARTICLE 17:

(Citizen Petition – South Street Sidewalk)

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Seventy-Five Thousand Dollars (\$75,000.00) or such necessary amount of money to be expected by the Department of Public Works or its contractors for the purpose of building a length of new sidewalk, where none currently exists, on South Street. With sidewalk to be placed on the south/eastern side of South Street connecting to existing sidewalk at 350 South Street, continuing

to the Intersection of South Street with North Grove Street. A distance of about 900 feet or just under 2/10 a mile; or take any other action related thereto.

Citizen Petition

ARTICLE 18:

(Citizen Petition – Direct Mailing)

To see if the Town will accept a mandate that any proposed Town Warrant Articles proposing changes to residential zoning bylaws or regulations shall be direct mailed to all impacted residential property owners and registered voters residing in such residential premises. Direct mailing(s) would occur no less than 60 day prior to the Town Meeting and include the date, location, and time of the Town Meeting. Content would be limited to the proposed change(s) without pro/con commentary; or take any other action related thereto.

Citizen Petition

ARTICLE 19:

(Select Board Amendment to Special Acts, General Bylaws and Zoning Bylaws)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court pursuant to Section 8 of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts (Article 89) for an amendment to the Acts of 2004, Chapter 5; as amended by Chapter 11 of the Acts of 2012 and Chapter 173 of the Acts of 2013, and Chapter 114 of the Acts of 2016 by striking out the words “Board of Selectmen”, “Selectmen” or “BOS” wherever they appear in the title or body of said Acts and inserting in place thereof the words “Select Board”; further, subject to, in furtherance of, and consistent with said legislative amendments, to amend the Foxborough General Bylaws by substituting the term “Select Board” for “Board of Selectmen” and “Selectmen” wherever they appear in said General Bylaws and by adding the following sentence to the end of Chapter 35, §35-2.B.(3) : “For purposes of these bylaws, the Select Board shall assume and retain the status of the formerly designated Board of Selectmen and shall assume all powers and duties vested in a board of selectmen by general or special law, home rule charter, these bylaws or other applicable authority.”; and, further, to amend the Zoning Bylaws by substituting the term “Select Board” for “Board of Selectmen” and “Selectmen” wherever they appear in said Zoning Bylaws; or to take any other action related thereto.

Board of Selectmen

ARTICLE 20:

(Revise Chapter 184: Door to Door Canvassers and Solicitors)

To see if the Town will vote to amend Chapter 184, Door to Door Canvassers and Solicitors of the Code of the Town of Foxborough, Massachusetts, by deleting the current Chapter 184 in its entirety and substituting the following language therefor,

REVISED Chapter 184

Chapter 184 Door to Door Canvassers and Solicitors

§184-1: Purpose.

It is the purpose of this bylaw to regulate persons or organizations engaged in soliciting or canvassing in the Town of Foxborough through the issuance of licenses and imposition of other limitations on such activity for the purpose of protecting the Town's residents from unwanted solicitation and canvassing, disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in lawful commercial solicitation.

§184-2: Definition of Solicitor or Canvasser; Application.

For purposes of this bylaw, a solicitor or canvasser is defined as any individual, whether a resident of the Town of Foxborough or not, traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, foodstuffs, personal property of any nature for immediate or future delivery or for services, of any kind or description, to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

- A. The provisions of this section shall not apply to officers or employees of the Town, county, state, or federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.
- B. If any solicitor or canvasser is under the age of 18 years and is selling goods or periodicals for a commercial purpose, the provisions of MGL c. 101, § 34, shall apply.
- C. The provisions of this section shall not apply to any person soliciting solely for religious, charitable, civic, or political purposes.
- D. The provisions of this section shall not apply to hawkers and peddlers, which shall be governed by rules and regulations adopted by the Board of Selectmen in accordance with MGL c. 101, § 17.

§184-3: License Required.

It shall be unlawful for any solicitor or canvasser as defined in §184-2 of this bylaw to engage in such activity in the Town of Foxborough without first obtaining a license in compliance with the provisions hereof. Any person engaged in such activity who is not properly licensed under this

bylaw shall be ordered to immediately cease and desist all solicitation and canvassing activity in the Town until they obtain a license from the Chief of Police as provided herein.

§184-4: License Exemption.

Nothing in this bylaw shall be construed to impose any license requirement or otherwise restrict or in any way regulate any lawful activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic, or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

§184-5: Application & Fee.

- A. Each applicant for a license under this bylaw shall submit to the Chief of Police or his/her designee an application along with a fee of \$50.00 (per individual applicant) payable to the Town of Foxborough to cover the cost of investigating and confirming the facts stated in the application.
- B. Each applicant must complete a sworn application in writing, at least 10 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:
 - 1. Name, physical description of applicant, and date of birth;
 - 2. Social security number of the applicant;
 - 3. Permanent home address as well as full local address of the applicant;
 - 4. A brief description of the nature of the business and/or goods to be sold;
 - 5. If employed, name and address of employer, including credentials which establish the employment relationship;
 - 6. The length of time for which the license is desired (not to exceed one year);
 - 7. Names of manufacturer, of source of merchandise, proposed method of delivery;
 - 8. Two photographs of the applicant, taken within the past 60 days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner;
 - 9. A statement as to whether or not the applicant has been convicted of any crime listed in Section Five of the By-law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board.

§184-6: Investigation & Issuance of License.

- A. If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character, the Police Chief, or his designee, shall grant the required license.
- B. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police

Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

§184-7: Identification Card.

The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) business days after receipt of a fully completed application, shall issue to each successful applicant an identification card which shall contain the words "Licensed Solicitor", the individual's picture, identification, and expiration date of the license. Persons engaged in solicitation or canvassing, as defined in this bylaw, must display the registration card while soliciting or canvassing and present the card upon request to any police officer or person solicited.

§184-8: Duty of Police to Enforce.

It shall be the duty of any police officer of the Town to require any person observed soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his or her solicitor's license and to enforce the provisions of this bylaw against any person found to be in violation of the same.

§184-9: Lawful Hours to Solicit or Canvass; Notice of No Solicitation.

A properly licensed solicitor or canvasser may solicit between the hours of 9:00 a.m. and ½ hour after sun set throughout the year at residences where there is no sign posted otherwise limiting solicitation or the hours of solicitation and/or where the premises address is not listed on the "***Do Not Solicit List***" maintained by Town Clerk as provided below. It shall be the duty of every solicitor and canvasser going onto any premises in the Town to first examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises. Any solicitor or canvasser who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

§184-10: Do Not Solicit List.

- A. Any person or entity who owns or rents property within the Town may register such property on a "***Do Not Solicit***" list upon application to the Town Clerk. Registration for the "***Do Not Solicit List***" shall be implemented as follows:
 - 1. The "***Do Not Solicit***" list shall be maintained by the Town Clerk.
 - 2. The "***Do Not Solicit***" list shall consist solely of property addresses and shall include no further identifying information concerning the ownership or occupancy of each property.
 - 3. The Tax Assessor shall notify the Town Clerk of any change in ownership of property within the Town. Upon such notice, the Town Clerk shall remove from the "***Do Not Solicit***" list any property that has changed ownership.

B. The Police Chief shall provide a copy of the “**Do Not Solicit**” list to every applicant to whom a license is issued pursuant to this bylaw. Any solicitation regulated by this bylaw at any address appearing on the “**Do Not Solicit**” list shall constitute a violation of this bylaw.

§184-11: Records.

The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded pursuant to this bylaw.

§184-12: Enforcement and Penalties.

- A. The provisions of this by-law may be enforced by the Board of Selectmen, or any Police Officer of the Town of Foxborough by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and appropriate sections of these Bylaws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.
- B. Persons who willfully violate this bylaw by continuing to solicit after being informed by a police officer to cease and desist such activity may be arrested without a warrant by a police officer in accordance with the provisions of Massachusetts General Laws Chapter 272, § 59 and shall be subject to a penalty of \$300.00.
- C. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of “No Trespassing” or “No Soliciting”. Such Trespass violations are controlled by Massachusetts General Laws Chapter 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- D. Revocation/ Suspension of License: After investigation by a police officer, licenses issued under the provisions of this bylaw may be revoked by the Chief of Police after notice and hearing for any of the causes listed below. A license may be suspended immediately by the Police Chief without notice and a hearing if the public safety or welfare so requires for any of the following causes.
 - 1. Fraud, misrepresentation, or false statement contained in the license application,
 - 2. Fraud, misrepresentation or false statements made in the course of carrying on the solicitation activity;
 - 3. Any violation of this bylaw;
 - 4. Conviction of any crime listed in §184-6.B of this bylaw or classification as a Level 2 or Level 3 Sex Offender;
 - 5. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace, or a menace to health, safety, or the general public welfare, and
 - 6. Engagement in high-pressure tactics, harassment, or a refusal to accept a refusal of solicitation by a property owner/ occupant when such conduct is verified in writing.

If a license is suspended under the provisions of this section, notice of a hearing shall issue in accordance with the following subsection.

E. Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.

§184-13: Expiration of License.

All licenses for soliciting or canvassing in the Town are valid only for the particular dates or the time period specified therein, and in no case for longer than one year from the date of issuance.

§184-13: Appeals.

Any person or organization who is denied a license or whose license has been revoked or suspended may appeal said determinations by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days of delivery of the notice or denial or revocation/ suspension. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the notice of appeal, subject to applicable meeting notice posting requirements.

§184-14: Severance Clause.

The provisions of this bylaw shall be severable, and if any section, sentence, clause, or phrase of this bylaw shall for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining sections, sentences, clauses and phrases of this bylaw and they shall remain in effect, it being the legislative intent that the remainder of this bylaw shall stand, notwithstanding the invalidity of any part thereof.

, or take any other action related thereto.

Board of Selectmen

ARTICLE 21:

(Marijuana Sale & Cultivation)

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, by rescinding and deleting Section 162-7, "Commercial/recreational marijuana establishments prohibited", and by deleting Section 7.5.8., "Commercial/recreational marijuana establishments forbidden",

Further

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, by adding a new Section 7.6., **Marijuana establishments and marijuana retailers**, and adding a new overlay map to such chapter as 275 Attachment 6, as more specifically set forth below:

Add: Section 7.6. Marijuana establishments and marijuana retailers

7.6.1. Purpose. The purpose of Section 7.6. is to permit and regulate marijuana establishments and marijuana retailers, as such terms are defined in Section 7.6. ("Definitions"), in the Town of Foxborough, as follows:

1. To provide for the operation of marijuana establishments and marijuana retailers in appropriate designated locations within the Town under the terms and conditions of this bylaw and in accordance with the provisions of MGL Chapter 94G and any regulations promulgated thereunder;
2. To minimize adverse impacts of marijuana establishments and marijuana retailers on adjacent properties, residential neighborhoods, schools, parks, and other places where children congregate, local historic districts, and other land uses which are incompatible with such operations; and
3. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of marijuana establishments and marijuana retailers.

7.6.2. Definitions. As used in this Section 7.6. the following terms shall have the respective meanings indicated:

1. Local Approval Authority: The Selectboard of the Town of Foxborough or the authorized designee thereof acting for and on behalf of the Selectboard and subject to its review, which has the legal authority to approve the Host Community Agreement and/or otherwise regulate the operation of a marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6.
2. Host Community Agreement: An agreement between a marijuana establishment or a marijuana retailer and the Local Approval Authority in accordance with the provisions of MGL Chapter 94G, Section 3(d), that sets forth the conditions under which a marijuana establishment or a marijuana retailer is to operate in the Town, such agreement to include, without limitation, a stipulation of responsibilities and any community impact fee that is to be paid to the Town.
3. Marijuana : All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol, as defined in MGL Chapter 94G, Section 1; provided, however, that "marijuana " shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
4. Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or other type of licensed marijuana-related business, as defined in MGL Chapter 94G, Section 1, but excluding marijuana retailers.
5. Marijuana Retailer: An entity licensed to purchase and deliver adult use/recreational marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

7.6.3. Applicability.

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of any marijuana, excluding operations of registered medical marijuana dispensaries pursuant to Section 7.5., is prohibited in Foxborough unless such use is permitted as a marijuana establishment or marijuana retailer under this Section 7.6.
2. No marijuana establishment or marijuana retailer shall be established or conduct operations in Foxborough except in compliance with the provisions of this Section 7.6.
3. If any provision of this Section 7.6. or the application of any such provision to any person or circumstance shall be determined to be invalid and unenforceable by a court of competent jurisdiction, the remainder of this Section 7.6. to the extent it can be given effect or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby. To this end, the provisions of this Section 7.6. are severable.

7.6.4. Eligible locations for marijuana establishments and marijuana retailers.

1. Marijuana establishments and marijuana retailers may be allowed by special permit from the Planning Board in the "Marijuana Overlay District, Foxborough, MA" dated May 9, 2022, as the same is set forth in 275 Attachment 6, provided the facility meets the requirements of this Section 7.6.

7.6.5. General requirements and conditions for all marijuana establishments and marijuana retailers.

1. Marijuana establishments and marijuana retailers shall only be allowed by special permit from the Planning Board in accordance with this Section 7.6., Section 10.4. of this bylaw, and MGL Chapter 40A, Section 9.
2. No marijuana establishment or marijuana retailer shall be located within 500 feet of an existing public or private school, library, church or other religious institution, child-care facility, park or playground within the Town or any abutting municipality. Distances shall be measured from the property line of the proposed use or from a line 100 feet from the building in which the use is located, whichever is less.
3. No marijuana establishment or marijuana retailer shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
4. All marijuana establishment and marijuana retailer facilities shall be contained within a building or structure unless the special permit expressly authorizes otherwise.
5. No marijuana retailer facility shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
6. A marijuana retailer facility shall contain restrooms available to its customers.
7. The hours of operation of a marijuana establishment and a marijuana retailer shall be restricted to those set forth in its Host Community Agreement, and if not set forth in any such Agreement, then by the Local Approval Authority and stated on the face of any license, permit or approval issued thereby. Such hours of operation may not be less restrictive than as established by another local body, but may be more restrictive.

8. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment or marijuana retailer.
9. Signage of a marijuana establishment or marijuana retailer shall comply with the Town of Foxborough Sign Bylaw and applicable provisions of Massachusetts law. Signs shall only contain the name of the establishment or retailer, its address, hours of operation, and contact information. All such text shall be a minimum of two inches in height.
10. Marijuana establishments and marijuana retailers shall provide the Foxborough Police Department, Building Commissioner and Planning Board with the names, phone numbers and email addresses of all management staff and key personnel to whom notice of operational issues associated with the establishment or retailer or violations of the special permit issued thereto may be provided.

7.6.6. Special permit submission requirements. In addition to the application requirements that are set forth in Section 10.4., the application for a special permit for a marijuana establishment or marijuana retailer shall include the following;

1. A copy of the final, executed Host Community Agreement between the applicant and the Town of Foxborough.
2. A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue or a copy of such license, as applicable.
3. A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission or a copy of any such waivers that the Commission has issued to the applicant, as applicable.
4. Copies of all policies and procedures approved by the Cannabis Control Commission, including, without limitation, the operating and safety procedures of the marijuana establishment or marijuana retailer, or copies of such policies and procedures that the applicant intends to submit to the Cannabis Control Commission, as applicable.
5. Information demonstrating that a marijuana establishment has considered the following factors in its design and operating plan:
 1. Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
 2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
 3. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
 4. Engagement with energy efficiency programs offered pursuant to MGL Chapter 25, Section 21.

6. The following additional application requirements shall apply for marijuana cultivation or growth facilities:
 1. Proposed odor mitigation plan, including floor plans indicating locations of odor mitigation equipment. Best practices for odor mitigation equipment shall be utilized to the maximum extent practicable. Such odor mitigation plan may be subject to peer review by a qualified marijuana odor mitigation consultant.
 2. Proposed noise mitigation plan for mechanical equipment. Best practices for noise mitigation shall be utilized to the maximum extent practicable. The plan must document compliance with Massachusetts Department of Environmental Protection standards for noise. Plan may be subject to peer review by a qualified noise mitigation consultant
7. The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed marijuana retailer, as applicable.
8. The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested or studied at the marijuana establishment, as applicable.
9. A written statement confirming that no marijuana or marijuana products will be smoked, burned or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Cannabis Control Commission.
10. The names and addresses of each owner of the marijuana establishment or marijuana retailer. In the event that such establishment or retailer is a business organization, the names and address of each owner thereof.
11. In the event that the applicant is a business organization, copies of its articles or certificate of organization, current certificate of legal existence from the Commonwealth of Massachusetts, and most recent annual report.
12. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers or other similar individuals and entities, and their respective business and residential addresses. In the event that any of the above are business organizations rather than individuals, the applicant must disclose the identity of the owners of or stakeholders in such entities such that such disclosure contains the names and business and residential addresses of such persons.
13. Copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies, including, without limitation, the Cannabis Control Commission.
14. Evidence that the applicant has site control and the right to use the proposed site as a marijuana establishment or marijuana retailer. Such evidence shall be in the form of a deed, purchase and sale agreement, lease or other legally binding document.
15. In addition to what is otherwise required to be shown on a site plan pursuant to Section 10.5., the applicant shall provide details showing all exterior proposed minimum security measures for the marijuana establishment or marijuana retailer, including, without

limitation, lighting, fencing, gates and alarms to ensure the safety of persons and to protect the premises from theft, together with a written confirmation of the adequacy and appropriateness of such security measures from the Foxborough Police Department.

16. Site plans and/or application narratives shall contain sufficient information to permit the Planning Board to evaluate the design and operational standards contained in this Section 7.6., and shall delineate various indoor and outdoor areas of the marijuana establishment or marijuana retailer that serve as public access areas, employee-only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas.
17. A narrative describing how the proposed marijuana establishment or marijuana retailer satisfies the special permit criteria of Sections 7.6.7. and 10.4.
18. A certified list all parties in interest entitled to notice of the hearing for the special permit application, derived from the most recent tax list of the Town and certified by the Town of Foxborough Assessor;
19. Any other application requirements that are set forth in the special permit rules and regulations of the Planning Board.

7.6.7. Mandatory findings. The Planning Board shall not issue a special permit for a marijuana establishment or marijuana retailer unless it finds that such establishment or retailer satisfies the criteria of Section 10.4.2. and the following:

1. The facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
2. The applicant has demonstrated how it plans to meet all licensing and permitting requirements of applicable agencies of the Commonwealth of Massachusetts and the Town of Foxborough;
3. The applicant has satisfied all of the conditions and requirements of Section 7.6.5.; and
4. The applicant has executed a Host Community Agreement with the Local Approval Authority.

7.6.8. Annual reporting. Each marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6. shall as a condition of such special permit file an annual report with the Planning Board not later than January 31st, providing a copy of all current applicable licenses for such establishment or retailer and/or its owners and demonstrating continued compliance with the special permit's conditions. The Planning Board may require such report to be presented at a meeting thereof.

1. Each marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6. shall provide the Planning Board, the Foxborough Police Department and Building Commissioner updated contact information as required in Sections 7.6.10. and 7.6.12. each year not later than January 31st.
2. Each marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6. shall meet with Foxborough Police Department annually not later than January 31st to review security provisions and to submit any revisions thereof to such department and Building Commissioner.

7.6.9. Term/transfer of special permit. A special permit granted under this Section 7.6. shall have a term concurrent with the term of the applicant's ownership or tenancy interest in the premises permitted for use as a marijuana establishment or marijuana retailer, provided that any such special permit (i) may be revoked by the Planning Board in the event that it determines that the Marijuana Establishment or the Marijuana Retailer to which such permit has been granted is not in compliance with the terms and conditions of the permit, the terms and conditions of the applicable Home Community Agreement, or the requirements of applicable law, and (ii) shall be revoked in the event that any license that has been issued to such Marijuana Establishment or Marijuana Retailer has been rescinded, revoked or otherwise been terminated. A special permit that has been issued in accordance with this Section 7.6. may be transferred or assigned only upon the written approval of the Planning Board in the form of an amendment to the special permit.

7.6.10. Removal bond. The Board shall require the applicant to post a bond at the time of construction of the facility in which it is to conduct its business operations to secure costs for the removal of the marijuana establishment or marijuana retailer per Section 7.6.11.2. Documentation of a bond posted with the Cannabis Control Commission may satisfy this requirement, subject to Planning Board approval.

7.6.11. Abandonment or discontinuance of use.

1. A special permit issued hereunder shall lapse if the permitted use is not exercised within one year of permit issuance.
2. A marijuana establishment or marijuana retailer shall be required to remove all material, plants, equipment, and other paraphernalia from the permitted premises within the earlier of the following:
 1. Prior to surrendering its state-issued licenses or permits; or
 2. Within six months of ceasing operations at the premises identified in the special permit that has been issued pursuant to this Section 7.6., regardless of the reason or reasons therefor.

7.6.12. Limitations on marijuana establishments and marijuana retailers.

1. The number of marijuana retailers within the Town shall not exceed the number equal to 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under section 15 of chapter 138 (rounded up to the next whole number), as specified in MGL Chapter 94G, Section 3(a)(2)(ii).
2. Curbside service at marijuana retailers may be authorized as part of the special permit process.

7.6.13 Siting.

1. The Adult Use Marijuana Overlay District is hereby established as an overlay district as shown on the map entitled "Marijuana Overlay District, Foxborough, MA" dated May 9, 2022, on file with the Town Clerk and hereby made a part of this Section 7.6. as 275 Attachment 6. Marijuana establishments and marijuana retailers may be sited within this Overlay District only, subject to all of the provisions of this Section 7.6.

Further,

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, by adding thereto a new map entitled ""Marijuana Overlay District, Foxborough, MA" dated May 9, 2022, as 275 Attachment 6.

Or take any other action related thereto.

Board of Selectmen

ARTICLE 22: (Sign Bylaw Amendment: Interstate Highway Billboard)

To see if the Town will vote to amend Chapter 213 Signs of the Code of the Town of Foxborough, Massachusetts, as follows:

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

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

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

"(c) Electronic billboards that comply with the following requirements may be authorized in Sign District 2 by means of a special sign permit:

- [1] Such billboards are permitted only on lots that abut Interstate 95 or are on lots with a lot line that is not more than 250 feet from Interstate 95, and that are situated within the Limited Industrial District as the same is shown on the Town of Foxborough Zoning Map as provided in Section 2.3. of the Town of Foxborough Zoning Bylaw.
- [2] No billboard may exceed 672 square feet in sign area.
- [3] No billboard may be placed within a 1,500-foot radius of another billboard.
- [4] Such billboards must be set back at least ten feet from the lot line.
- [5] No billboard may be placed within 300 feet of an existing residential unit.
- [6] No billboard may be placed adjacent to or within 1,000 feet of any interchange of Interstate 95 as measured from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way of such highway."

or take any other action related thereto.

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.

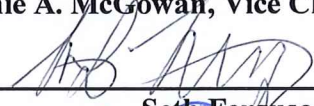
Given under our hands and the seal of said Town this Twelfth day of April the year of our Lord Two Thousand and Twenty Two.

BOARD OF SELECTMEN, TOWN OF FOXBOROUGH

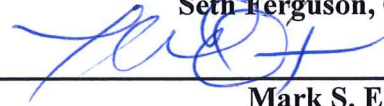


Leah B. Gibson, Chairman

Stephanie A. McGowan, Vice Chairman



Seth Ferguson, Clerk



Mark S. Elfman

A True Copy

Attest

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

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TOWN CLERK
2022 APR 13 A 11: 06
FOXBOROUGH, MA 02035

Five-Year CIP Plan (FY 23-27)	5-YEAR FORECAST											
	FY 18	FY 19	FY 20	FY 21	FY 22	TOTAL	FY 22/23	FY 24	FY 26	FY 26	FY 27	TOTAL
DEPARTMENT/Description	Budget	Budget	Budget	Budget	Budget	FY 18-22	Plan	Plan	Plan	Plan	Plan	FY 22-27
TOWN WIDE												
Vehicles & Equipment												
Management Information Systems	100,000	100,000	100,000	100,000	150,000	550,000	150,000	150,000	150,000	150,000	150,000	750,000
Website	45,000					45,000						-
Election & Registration						-	35,000					35,000
Municipal Operations Software			75,000	50,000		125,000						-
MUNICIPAL BUILDINGS												
Facilities & Equipment												
Town Common Electrical System Upgrades			50,000			50,000						-
Demolition Old State Hospital Laundry Building						-	150,000					150,000
Vehicles & Equipment												
Vehicles	32,000					32,000						-
POLICE												
Facilities, Vehicles & Equipment												
Vehicles	34,000					34,000						-
Communications System Upgrade	200,000					200,000						-
Joint Public Safety Building Security Cameras			150,000			150,000						-
Technology Improvements	50,000					50,000						-
Radio Infrastructure Repair/Renovation						-						-
Replace Prisoner Van						-	80,000					80,000
Taser Replacement						-			100,000			100,000
Portable Radios						-				200,000		200,000
Body Cameras						-	200,000					200,000
Weapon / Finger Print Systems		40,088				40,088						-
FIRE												
Facilities, Vehicles & Equipment												
Ambulance Replacement		348,000			55,000	403,000						-
Ambulance Addition					55,000	55,000						-
Engine & Ambulance Lease						-	207,137	207,137	207,137	207,137	207,137	1,035,685
Ladder Truck		1,060,000				1,060,000						-
Engine Replacement					125,000	125,000						-
Squad 1 & 4						-						-
Cars 1, 2, 4 & Pick-Up						-						-
Communications System Upgrade		61,243				61,243						-
Database Management Software						-						-
Squad Apparatus Re-chassis (2) Rehabilitation				229,500		229,500						-
Staff Command Vehicle				59,500		59,500						-
Replace Car 3						-	62,000					62,000
Replace Car 4						-			65,000			65,000
SCBA Replacement						-			650,000			650,000
JOINT PUBLIC SAFETY BUILDING												
Facilities, Vehicles & Equipment												
Repair, Seal, & Epoxy Floor						-	115,000					115,000
Uninterruptible Power Supply (UPS) Replacement - Life Safety						-	78,000					78,000
Garage Door Replacement						-		225,000				225,000
INSPECTIONS												
Vehicles & Equipment												
Permitting System						-						-
Replace Inspections Vehicle					35,000	-						-

Five-Year CIP Plan (FY 23-27)						5-YEAR FORECAST						
DEPARTMENT/Description	FY 18 Budget	FY 19 Budget	FY 20 Budget	FY21 Budget	FY22 Budget	TOTAL FY 18-22	FY 23 Plan	FY 24 Plan	FY 25 Plan	FY 26 Plan	FY 27 Plan	TOTAL FY 22-27
HIGHWAY												
Infrastructure												
Street Reconstruction (CHP 90 & TNC)	985,799	860,000	888,777	650,000	623,656	4,008,232	1,250,000	650,000	650,000	650,000	650,000	3,850,000
Street Reconstruction (Meals Tax)						-	350,000	350,000	350,000	350,000	350,000	1,400,000
Facilities												
DPW Facility Study						-	150,000	750,000	750,000	750,000		2,400,000
DPW Facility Renovation & Addition						-						-
Vehicles & Equipment												
Highway Division	215,900	504,800	159,000			879,700						-
Tree & Park Division		48,500				48,500						-
Street Sweeper				55,000	51,230	106,230	51,230	51,230				102,460
Lawn Mowers					30,000	30,000						-
Two 6-Wheel Dump Trucks						-	543,000					543,000
1-Ton Dump Truck						-	85,000	85,000				170,000
Chevy 3500						-			75,000			75,000
Chevy Tahoe						-			45,000			45,000
Front End Loader						-		210,000				210,000
Rollaway Lifts						-	45,000					45,000
RECREATION												
Facilities												
Renovate Booth Playground			85,213			85,213						-
Cocasset River Recreation Area Improvements							230,000					-
HISTORICAL COMMISSION												
Facilities												
Gravestone Restoration			25,000			25,000						-
TOTAL MUNICIPAL	1,662,699	3,022,631	1,532,990	1,144,000	1,124,886	8,487,206	3,289,367	2,820,367	3,042,137	2,307,137	1,357,137	12,816,145
FOXBOROUGH PUBLIC SCHOOLS												
Facilities												
Burrell School Rehabilitation		34,057,338				34,057,338						-
MSBA Project Feasibility Study						-						-
Athletic Fields/Facilities		1,150,000				1,150,000						-
Replace Chiller - Ahern School							220,000					220,000
Vehicles & Equipment												
Buses & Vans	233,000	261,000	160,000	82,500	246,000	982,500	271,850	175,900	184,950	277,900	293,900	1,204,500
Technology/Networking	190,000	190,000	190,000	100,000	100,000	770,000	200,000	200,000	200,000	200,000		800,000
Office Copiers	40,000	40,000	40,000		40,000	160,000	40,000	40,000	40,000	40,000		160,000
Music/Band Equipment		25,000				25,000	56,000	50,000				106,000
TOTAL FOXBOROUGH SCHOOLS	463,000	35,724,338	390,000	182,500	386,000	37,145,838	787,850	465,900	424,950	517,900	293,900	2,490,500
WATER												
Infrastructure												
Recondition Wells		100,000	340,000			440,000						-
Hydrants	60,000					60,000						-
Roadway Improvements at Water Sites	50,000					50,000						-
Meter Replacement & Meter Reading	75,000		200,000			275,000						-
Water System Improvements				7,000,000								-
System Security & Improvements	200,000	200,000	200,000			600,000						-
Water Main Replacement						-	4,000,000					4,000,000
North Street Water Main						-	1,000,000					1,000,000

Five-Year CIP Plan (FY 23-27)

5 YEAR FORECAST

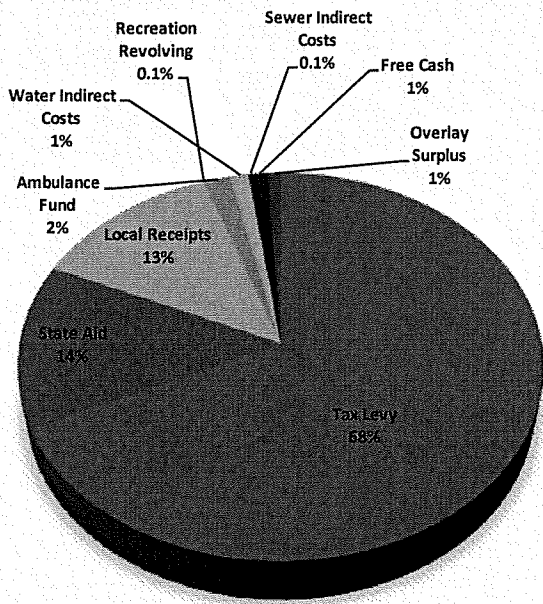
DEPARTMENT/Description	FY 18 Budget	FY 19 Budget	FY 20 Budget	FY21 Budget	FY22 Budget	TOTAL FY 18-22	FY 23 Plan	FY 24 Plan	FY 25 Plan	FY 26 Plan	FY 27 Plan	TOTAL FY 22-27
WATER												
Facilities												
Storage Tanks						-						-
Parallel Tank Design & Maintenance			80,000			80,000						-
Route 1 Water Tank Asset Management				2,000,000		2,000,000						-
Replacement of Process Logic Controllers at Plants			209,000			209,000						-
Water System Treatment & Pipe Lines						-						-
Vehicle Storage Unit & Office Building				400,000		400,000						-
Vehicles & Equipment												
Vehicle Replacement	110,000	307,300	310,000			727,300						-
Compressor/ Generator / Other			55,000			55,000						-
Replace Truck 13 Including Plow				100,000		100,000						-
Replace (2) Trucks Including Plows & Lift Gates				140,000		140,000						-
Excavator						-	90,000					90,000
Chevy 3500						-	60,000		75,000			135,000
Chevy 3500 - Meter Reading						-	75,000					75,000
Chevy Tahoe						-	50,000					50,000
Ford F350						-		45,000				45,000
SEWER												
Infrastructure												
Town WWTF & Collection System	500,000					500,000						-
Purchase Sewer Capacity	352,200					352,200						-
Infiltration & Repair			100,000			100,000						-
SCADA System Upgrade - Add Sewer			100,000	50,000		150,000						-
Vehicles & Equipment												
Vehicle Replacement	80,000		40,000			120,000						-
TOTAL ENTERPRISE FUNDS	1,427,200	607,300	1,634,000	9,690,000	-	13,358,500	1,275,000	4,045,000	75,000	-	-	5,395,000
GRAND TOTAL	3,552,899	39,354,269	3,556,990	11,016,500	1,510,886	58,991,544	5,352,217	7,331,267	3,542,087	2,825,037	1,651,037	20,701,645
Actual / Proposed Funding:												
General Obligation Bonding		15,340,300				15,340,300						-
MSBA/Other Grant Reimbursement		15,331,279				15,331,279	125,000					125,000
ARPA						-	3,285,080					-
Taxation						-						-
Free Cash	1,676,302	2,560,376	984,213	387,500	652,230	6,260,621	160,000	2,017,130	1,544,950	1,617,900	443,900	5,783,880
Stabilization-Capital		2,100,000				2,100,000						-
Ambulance Receipts		659,243		229,500	235,000	1,123,743	207,137	207,137	857,137	207,137	207,137	1,685,685
Apparatus Receipts				59,500		59,500		62,000	65,000			-
Overlay Surplus		1,000,000				1,000,000						-
Chapter 90	645,397	650,000	650,000	650,000	623,656	3,219,053	1,240,000	650,000	650,000	650,000	650,000	3,840,000
TNC						-	10,000					10,000
Meals Tax	270,000	210,000	238,777			718,777		350,000	350,000	350,000	350,000	1,400,000
Reallocation of Prior Yr. Vote		85,771				85,771						-
Special Revenue Funds	34,000	810,000	50,000			894,000						-
Water Receipts & Bonding	495,000	607,300	519,000	9,400,000		11,021,300		4,000,000				4,000,000
Water Retained Earnings			875,000	240,000		1,115,000	301,500	40,500	67,500			409,500
Sewer Receipts & Bonding	80,000		240,000			320,000						-
Sewer Retained Earnings	352,200			50,000		402,200	23,500	4,500	7,500			35,500
	3,552,899	39,354,269	3,556,990	11,016,500	1,510,886	58,991,544	5,352,217	7,331,267	3,542,087	2,825,037	1,651,037	20,701,645

General Fund Budget Overview

The following charts detail the overall revenues and expenditures for the General Fund.

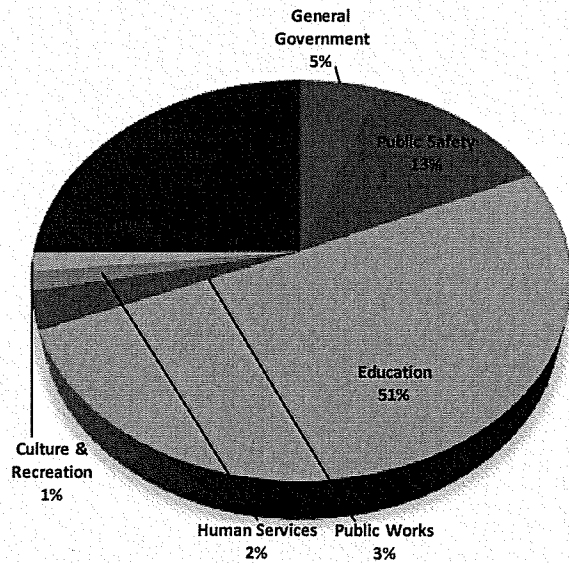
The Town Manager's Proposed FY2023 General Fund Budget totals:
\$79,972,668

REVENUES



- Tax Levy
- State Aid
- Local Receipts
- Recreation Revolving
- Ambulance Fund
- Water Indirect Costs
- Sewer Indirect Costs
- Free Cash
- Overlay Surplus

EXPENSES



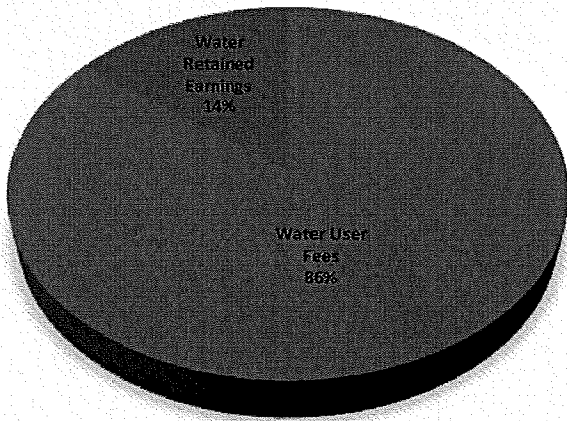
- General Government
- Public Safety
- Education
- Public Works
- Human Services
- Culture & Recreation
- Debt Service
- Insurance & Other

Water Enterprise Budget Overview

The following charts detail the overall revenues and expenditures for the Water Enterprise Fund.

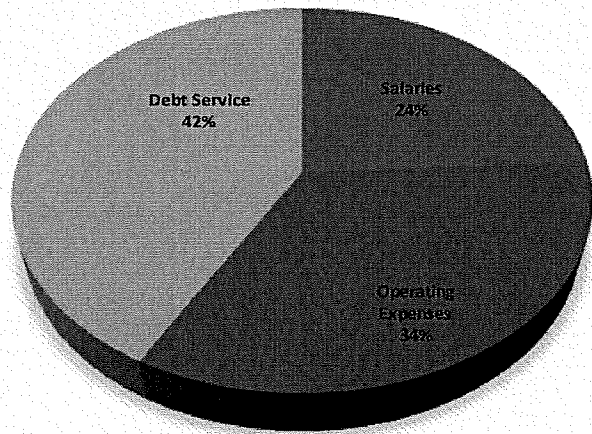
The Town Manager's Proposed FY2023 Water Fund Budget totals:
\$7,339,445

REVENUES



■ Water User Fees ■ Water Retained Earnings

EXPENSES



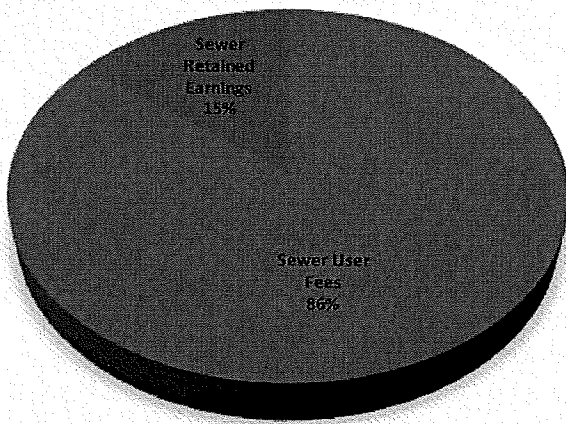
■ Salaries ■ Operating Expenses ■ Debt Service

Sewer Enterprise Budget Overview

The following charts detail the overall revenues and expenditures for the Sewer Enterprise Fund.

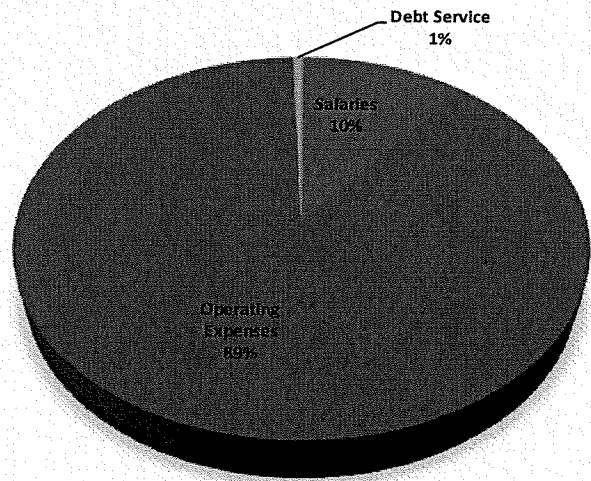
The Town Manager's Proposed FY2023 Sewer Fund Budget totals:
\$1,706,668

REVENUES



■ Sewer User Fees ■ Sewer Retained Earnings

EXPENSES



■ Salaries ■ Operating Expenses ■ Debt Service