

**ADVISORY COMMITTEE RECOMMENDATIONS
FOR THE
TOWN OF FOXBOROUGH'S
ANNUAL TOWN MEETING**

May 8th, 2017

Foxborough Advisory Committee

Mission Statement

The Foxborough Advisory Committee is responsible for providing recommendations to the Town residents on department budgets and Town Warrant articles as part of the Town Meeting process. In preparation for Town Meeting, the Advisory Committee reviews each department's budget and researches all Warrant Articles. This is done by meeting with each department head, holding public meetings for discussion and question opportunities and thoroughly researching each of the topics. Following this process, the committee then takes a vote and collectively puts forth a recommendation to the town residents at the Town Meeting.

Members

Term Expires

Susan Dring (Chairman)	June 2019
Bernard Dumont (Vice Chairman)	June 2018
Javed Hussain	June 2017
Heidi Krockta	June 2017
Seth Ferguson	June 2017
Michelle Raymond	June 2017
Thom Freeman	June 2018
Stephanie McGowan	June 2018
Robert Canfield	June 2019
Sean McCarthy	June 2019
Brent Ruter	June 2019

SUMMARY OF TOWN WARRANT RECOMMENDATIONS
ANNUAL TOWN MEETING
May 9, 2016

Article No.	Article (AdCom Presenter)	Recommendation
Article 1	Annual Town Elections	N/A
Article 2	Annual Town Reports	N/A
Article 3	Reports of Committees	N/A
Article 4	Operating Budget (Dring)	Approval
Article 5	CIP Budget (McCarthy)	Approval
Article 6	Non-Unions Wages (Ruter)	Approval
Article 7	FY' 17 Operating Budget Adjustments (Ferguson)	Approval
Article 8	Elderly Real Estate Tax Exemption Changes (Ruter)	Approval
Article 9	Real Estate Tax Deferral Changes (McGowan)	Approval
Article 10	Senior Tax Work Off Bylaw Amendment (Raymond)	Approval
Article 11	Bylaw To Establish Revolving Funds (Freeman)	Approval
Article 12	Revolving Funds Annual Spending Limits (Ferguson)	Approval
Article 13	OPEB Trust Fund Statute Reacceptance (Dumont)	Approval
Article 14	Fund Qualified OPEB Trust (Dumont)	Approval
Article 15	Fund Capital Stablization (McCarthy)	Approval
Article 16	Expend Highway Funds (Krockta)	Approval
Article 17	Denial of Licenses & Permits Reacceptance(Raymond)	Approval

Article 18	Amend Sewer Service Area Map (Krockta)	Approval
Article 19	Stormwater Bylaw (Freeman)	Approval
Article 20	Winter Parking Ban Bylaw (Ferguson)	Approval
Article 21	Snow Removal Bylaw (Hussain)	Approval
Article 22	Amend Zoning Bylaws Language/Height (Hussain)	Approval
Article 23	Accept Lincoln Hill Way as a Public Way (Dring)	Approval
Article 24	Marijuana Bylaw Prohibition Language (Canfield)	Approval

ARTICLE 4: OPERATING BUDGET

Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 4:

VARIOUS VOTES

The Town of Foxborough FY'18 total operating budget is **\$73 Million**, which is an increase of \$2.5 Million from FY'17 operating budget (\$70.5 Million), and a 2 year increase of \$7.5 Million from FY'16 (\$65.5 Million). This is an **11.4%** increase over 2 years.

The Advisory Committee voted to approve the operating budget; however, those voting against the operating budget were attempting to limit spending increases and eliminate new municipal positions which add to the burden of the Pensions/Retirement budget (\$4 Million) and the Group Health/Life Insurance budget (\$7.8 Million). The Town of Foxboro is obligated to provide Health Insurance to its retirees. The Group Health/Life Insurance budget has increased by \$1.4 Million in 2 years, an increase of 22%.

Please go to the Town website to see the complete Operating Budget:

<http://www.foxboroughma.gov> and click on Annual Town Meeting Warrant.

ARTICLE 5: CIP BUDGET

Board of Selectmen

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 5:

VOTE OF 8-1-1

The Advisory Committee recommends approval of the Capital Improvement Planning (CIP) Budget formed by the CIP Committee of William Keegan (Town Manager), Randy Scollins (Finance Director), Debra Spinelli (School Superintendent), Roger Hill (DPW Director), Virginia Coppola (Board of Selectmen) and Sue Dring (Advisory Committee Chairman).

The CIP committee meets and reviews spending requests from various town departments that meet the criteria of non-recurring tangible assets greater than \$25,000 with a lifespan of greater than 5 years.

It's important to note the most common funding sources of the CIP include Free Cash, Water Receipts, Meals Tax, Sewer Receipts and State Aid. The article was not fully supported by Adcom because some members felt strongly that a budget amount of \$500,000.00 for the Downtown Sewer Project should have been presented to the Town as it's own article. Adcom hopes to review this procedure/policy before the next budgets are formed/requested.

The total amount of the FY18' CIP Budget request is \$3,552,899.

ARTICLE 6: NON-UNION WAGES

Town Manager

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 6:

VOTE OF 10-0-0

This article provides funding for the FY'18 non-union pay plan. This pay plan covers 14 non-union employees consisting of the Town's senior leadership team as well as confidential employees. This year the increase to the non-union pay plans represents a 2% general increase, consistent with the

Town’s settled Collective Bargaining Agreements in an effort to maintain parity with the people that they supervise and serve. The total salary increase to implement this pay plan is \$27, 386.

ARTICLE 7: FY’17 OPERATING AND CAPITAL BUDGET ADJUSTMENTS **Town Manager**

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 7: **VOTE OF 8-0-2**

The purpose of this article is to request changes to the current year’s operating budget for the following two items:

1. Expense increase of \$56.4K to cover the overage to budget of the plumbing and electrical inspectors compensation
2. Expense decrease of \$100K to account for a state grant received for a Fire Department capital item

Regarding the state grant for the Fire Department capital item, the Advisory Committee understands this to be a clear benefit to the town and the budget reduction is appropriate.

The increase to the inspection salary line is the result of a change in the compensation plan for inspectors to a fixed salary from a more variable commission-based plan. The change that was enacted in this fiscal year, while increasing the budget, is intended to limit inspector compensation costs in years with moderate to heavy inspection levels. The advisory committee was concerned about the impact to the retirement pension and health care liability resulting from the change. Randy Scollins, Town Finance Director, provided an analysis showing adjusted budget compensation cost in 2017 at ~\$157K (including health and pension), which is lower than the ~\$187K spent for plumbing and electrical inspectors compensation in both 2015 and 2016.

ARTICLE 8: ELDERLY REAL ESTATE TAX EXEMPTION CHANGES **Board of Assessors**

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 8: **VOTE OF 10-0-0**

This article would update and expand the Board of Assessors’ existing eligibility qualifications for seniors in need of real estate tax relief. The Town’s current age requirements, annual income and estate values necessary to qualify for a tax exemption are more restrictive than MA state law. This article would bring those values in line with state law, thus making more needy seniors eligible for up to a \$1000 real estate tax exemption. The current and proposed new eligibility qualifications are listed below:

	<u>Current Eligibility</u>	<u>Proposed Eligibility</u>
<i>Age -</i>	<i>70</i>	<i>65</i>
<i>Estate Value -</i>	<i>\$ 30K (all)</i>	<i>\$ 40K (single) \$ 55K (married)</i>
<i>Income</i>	<i>\$ 18.5K (single) \$ 25K (married)</i>	<i>\$ 20K (single) \$ 30K (married)</i>

ARTICLE 9: REAL ESTATE TAX DEFERRED QUALIFICATION CHANGES **Board of Assessors**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 9: VOTE OF 8-2-0

For those who want to participate in the tax deferral program, Article 9 will increase the income threshold for seniors over 65 from <\$20,000 to \$40,000 for singles, \$50,000 for head of household, and \$60,000 for married filing jointly as well as change the interest rate from 8% to 4% in the 41A Tax Deferral Program.

While the majority of Advisory Committee members support this Article to aid seniors with tax deferral options, the concern of some members was that it may become overly burdensome for the Town to maintain the program.

All agreed the goal of the Article was to help seniors with paying their real estate tax.

ARTICLE 10: SENIOR TAX WORK OFF PROGRAM BYLAW AMENDMENT **Board of Assessors**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 10: VOTE OF 10-0-0

The purpose of this article is for the Town of Foxborough to amend the Senior Tax Work Off Program to allow more seniors to participate in the program. The program currently allows senior tax residents over the age of 60 to reduce their real estate tax with a \$1,000 maximum credit a year through performing work for the Town. The amendment will increase the maximum gross credit to \$1,500 a year which is equivalent to 125 hours of work. A senior may receive less than the \$1,500 credit a year based on the specific amount of hours worked. The senior receives a W-2 for the work and instead of wages will receive the credit on his or her real estate taxes. If approved the amendment will allow seniors to add additional hours up to the \$1,500 yearly maximum.

Another aspect of the proposed amendment is to allow a senior who is physically unable to perform the job designate another individual(s) to perform the work on his or her behalf. The designee will not receive a W-2 and is essentially volunteering his or her time on behalf of the senior so that the senior may receive the tax credit.

If this article is approved, disabled seniors will be able to participate in the Senior Tax Work Off Program and the seniors involved will be able to earn a higher maximum yearly credit.

The Advisory Committee recommends approval of this amendment.

ARTICLE 11: BYLAW TO ESTABLISH DEPARTMENT REVOLVING FUNDS **Board of Selectmen**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 11: VOTE OF 9-0-0

The purpose of this article is to see if the Town will vote to adopt a new bylaw which authorizes and allows for the establishment of Departmental Revolving Funds. This bylaw allows town departments which generate revenues through fees to administer such receipts to support the expenses of that department's programs. This initial article recognizes four (4) current departmental Revolving Funds: Recreation, Police and Fire, Highway and Council on Aging. The bylaw will set reporting and procedural rules.

ARTICLE 12: REVOLVING FUNDS ANNUAL SPENDING LIMITS

Town Manager

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 12:

VOTE OF 8-0-1

The purpose of this article is to authorize the annual spending limits for the Town’s four revolving funds. The proposed total for the four funds is \$550K, split between Recreation (\$350K), Police and Fire Utilization (\$100K), Highway Department (\$40K) and Council on Aging Senior Trips & Programs (\$60K). These amounts are in line with the funding limits from fiscal 2017.

Revolving fund revenues are sourced from users and/or participants of the services provided by each fund’s board or department, and funds are prohibited from running deficits. With these controls in place the advisory committee was comfortable with the spending limits as written in the proposed article.

ARTICLE 13: OPEB TRUST FUND STATUTE REACCEPTANCE

Board of Selectman

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 13:

VOTE OF 9-0-0

The purpose of this article is to essentially make the OPEB fund IRS compliant, add new state reporting requirements, clarify investment options, custody and appropriation rules.

This statute protects the OPEB trust, keeps it secure from any other uses except to pay retiree health premiums

This article was passed in a previous format years ago; however the Municipal Modernization Act, an act seeking to update municipal finances and their regulations, passed this year at state level. It should be noted that Foxborough has already embraced some of the best practices mentioned long before the act was passed as it already reports to the state.

The Advisory Committee recommends approval of this statute reacceptance.

ARTICLE 14: FUND QUALIFIED OPEB TRUST

Board of Selectman

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 14:

VOTE OF 9-0-0

The purpose of this article is for the Town of Foxborough to continue with its annual practice of funding the Other Post-Employment Benefits (OPEB) Liability Trust Fund.

In Foxborough and other Massachusetts municipalities, the two primary unfunded liabilities are for Pension Benefits and OPEB -- which is dedicated for retiree health benefits.

While there is currently no legal requirement to fund the OPEB, the good practice of its annual funding contributed to a significant reduction of the OPEB unfunded liability by 62%, or by \$38.8M, over seven years: from \$62.2M at fiscal year-end 2009 to \$23.4M for the fiscal year ended June 2016 (estimated).

The Town established a funding schedule to fully-fund this liability by fiscal year 2038 – and can do so with committing to its actuarially calculated Annual Required Contribution (ARC).

As per the voted policy of the Board of Selectmen on November 8th, 2011, the Meals-Tax Receipts have been designated to be a dedicated annual funding source for the OPEB liability. Also, Water & Sewer receipts help fund the OPEB.

The Advisory Committee recommends approval of this annual funding of the liability.

ARTICLE 15: FUND CAPITAL STABILIZATION **Board of Selectman**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 15: VOTE OF 10-0-0

The Advisory Committee recommends approval of this article to transfer \$532,000 out of the Free Cash account and into the Capital Stabilization fund. This transfer is in direct response to the Board of Selectmen's request to look at lowering the tax rate increase from 2.5% to 1.25%. That request was reviewed, along with alternative measures equaling the same dollar amount, by the Town Manager, Finance Director, Board of Selectmen and the Advisory Committee. The consensus is that the small return to the tax payer is not as beneficial as the return on investment of the funds if used to either pay down debt or reduce bonding requirements. Appropriating the funds as such creates a greater return to the taxpayer while maintaining the existing FY18' Budget requests.

Article 15 also insures that the use of these funds would need to be presented as a future Warrant Article to the Advisory Committee and approved at Town Meeting by a 2/3 vote.

ARTICLE 16: EXPEND HIGHWAY FUNDS **Town Manager**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 16: VOTE OF 9-0-0

This article's purpose is to see if the Town will authorize the Town Manager to expend any funds received from the State and/or County for construction, reconstruction, or any other highway improvements or related activities. A vote at Town Meeting to approve this Article authorizes the Town Manager to accept and spend funds provided by the State and/or County for highway expenditures. This vote is to ensure that the Town accepts the respective State/County funds for such expenditures and that the Town Manager spends these funds accordingly.

ARTICLE 17: DENIAL OF LICENSES & PERMITS STATUTE REACCEPTANCE **Board of Selectman**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 17: VOTE OF 10-0-0

Chapter 40 Section 57 of the Massachusetts General Laws provides that a town may revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department to a person, corporation or business enterprise who has not paid any local taxes, fees, assessments, betterments or other municipal charges. The Law has been amended to allow the tax collector or other municipal officials to provide periodic rather than only yearly lists of persons, corporations, or business enterprises who have delinquencies with the Town. In essence, this amendment clarifies the definition of "in good standing" by removing a requirement of annual listing that allowed a delinquency of less than 12 months to still qualify as "in good standing" thus allowing such delinquencies to continue while new permitting was granted. The Town is requesting that this Law be reaccepted which will provide the tax collector and other municipal departments more flexibility in ensuring payment of delinquencies prior to granting or renewing new permits, licenses, etc.

The Advisory Committee recommends approval of this amendment.

ARTICLE 18: AMEND SEWER SERVICE AREA MAP **Water and Sewer Department**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 18: VOTE OF 10-0-0

The purpose of this article is to incorporate the 85 parcels listed in the article into the Sewer Service Area Map and to amend the Sewer Service Area Map accordingly. This Article is presented in accordance with the authority of the Water and Sewer Commissioners to adopt rules and regulations for amending the Sewer Service Area Map annually by vote of Town Meeting. Acceptance of this article will permit these addresses to tie into the Town sewer system with all costs to be borne by the parcel owner.

ARTICLE 19: STORMWATER BYLAW **DPW/Planning Board/Conservation**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 19: VOTE OF 9-0-1

The purpose of this article is to see if the Town will vote to accept and adopt a Stormwater Bylaw which codifies the implementation of Federal (EPA) and State Municipal Separate Storm Sewer System (MS4) General Permit) unfunded mandated monitoring and management of the storm drains and water run-off systems. This Bylaw sets out in 3 parts to define its' authority, regulations and waiver policies with complete glossary; to define what is prohibited to be discharged into the storm water system; and to define permitting, inspection and enforcement of these new environmental protection rules.

Article 1 lays out the General Provisions for Municipal Storm Water Management by stating its purpose, authority, administration responsibilities, regulations and compliance with the EPA's General Permit for MS4s in Massachusetts.

Article 2 sets down the rules for discharging to the Storm Sewer System by stating which activities and/or pollutants are prohibited, any exemptions or suspensions due to emergencies, notification of spills and their enforcement provisions including timetables and fines.

Article 3 describes the process and rules for permitting construction that may disturb storm water management flow areas or cause redirection into such areas with deference to the Wetlands Protection Act. Rules are stated regarding Permit/Approval process, site inspections, supervision and reporting and enforcement measures.

Please go to the Town website to see the complete 15 page Stormwater Bylaw:

<http://www.foxboroughma.gov> and click on Annual Town Meeting Warrant.

ARTICLE 20:WINTER PARKING BAN BYLAW Dept. of Public Works/Police/Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 20:

VOTE OF 10-0-0

The purpose of this article is to see if the town will approve the authorization for the Town Manager or a designee of the Town Manager to declare a winter parking ban as deemed necessary for snow and ice removal. The authorization would be effective within the period of Nov 1 to April 30. A parking ban declaration would be made on the town website and via cable access broadcast, and it would require all vehicles to be moved from any way within the town for the duration of the ban.

The Chief of Police and/or the Director of Public Works may remove or cause to be removed any motor vehicle that is in violation of the ban. The owner or operator of a violating vehicle is responsible for the cost of removal and may be subject to additional penalties as determined by the penalty and fine schedule established in the Town of Foxboro Code.

The Advisory Committee voted in the majority to approve this article as written in order to promote public safety during winter weather emergencies by allowing the public works department to clear snow and ice efficiently and effectively. In general there are few areas of concern regarding the ability of town residents et al to find adequate parking off of public ways, but one area to watch is Bird Street where apartment parking is being converted to parking for customers of the new restaurant located between Bird Street and Mechanic Street.

ARTICLE 21:SNOW REMOVAL BYLAW Department of Public Works/Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 21:

VOTE OF 10-0-0

The purpose of this article is to create a Snow Removal Bylaw that sets out the procedures for snow removal in the Town of Foxborough.

Highlights of the Bylaw include:

- 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.

- The Town will classify streets based on the importance and the welfare of the community. Streets that provide access for emergency fire, police and medical services are first priority. 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.

- 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.

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

ARTICLE 22: Amend Zoning Bylaws Section 4.1.3.4 of Chapter 275 Building Commissioner

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 22: VOTE OF 9-0-1

Chapter 275, section 4.1 of our zoning regulations set forth the General dimension requirements of residential and non-residential structures within the township.

Section 4.1.3.4 Describes the height of structures pertaining to nonresidential properties.

Presenting this article to see if the Town will vote to amend Note 4 to Table 4-2, Section 4.1.3.4 of Chapter 275 of the Code of the Town of Foxborough, Massachusetts, by deleting the existing sentence and replacing it with the following:

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

The word may will replace the word can.

ARTICLE 23: ACCEPT LINCOLN HILL WAY AS A PUBLIC WAY Planning Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 23: VOTE OF 10-0-0

The purpose of this article is to see if the Town will accept Lincoln Hill Way as a public way. Street acceptance requests are initiated by the developer then approved by The Planning Board if all obligations are met. These obligations include sufficient width, suitable grades, adequate construction and installation of municipal services. If this article is approved, the Town will be responsible for maintenance of the roadway and all related infrastructure.

ARTICLE 24: MARIJUANA GENERAL BYLAW PROHIBITION LANGUAGE Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 24: VOTE OF 10-0-0

The purpose of this bylaw is to prohibit all types of commercial marijuana establishments allowed by the petitioned ballot referendum question approved by the voters of the Commonwealth in November 2016. This language does not apply to medical marijuana establishments. The Board of Selectmen requested language to prohibit commercial marijuana in order to allow the Commonwealth to clarify the language around the control of commercial marijuana growth and sales. The Board of Selectmen chose prohibition language over 3 other

options: 1. Moratorium on sales; 2) Establish zoned districts for the sale of commercial marijuana; and 3) Limit the number of commercial marijuana licenses available using an equation based upon the number of liquor licenses. There are currently 40 bills in legislation to clarify the language in the passed referendum.