

SELECTMEN'S MEETING MINUTES
May 10, 2010

Members Present: Lynda Walsh, Vice Chairman
Paul Mortenson, Clerk
Lorraine Brue
Larry Harrington
James DeVellis

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Attorney Paul DeRensis
Phil Henderson, W&S Commissioner
Greg McGrath, Founders Day Committee
Bob Garber, Advisory Committee

The meeting was brought to order at 6:00 p.m. by Lynda Walsh, Vice Chairman

Greg McGrath, Founders Day Committee, came before the Board seeking the approval of the BOS and the signature of Town Manager for "Military Aerial Support" – Flyover for Founders Day, June 12, 2012.

Motion by Larry Harrington to direct the Town Manager to sign the form requesting a Flyover for Founders Day as submitted by Greg McGrath, Founders Day Committee. Seconded by Lorraine Brue. **Vote: 5-0-0**

Warrant Article Review:

Article 6 – Boyden Library – Motion by Paul Mortenson to support Article 6 as written. Seconded by Lorraine Brue. A brief discussion was held.
Vote: 5-0-0

Article 7 – Appropriate Funds – Oak St. Treatment Plant – Motion by Larry Harrington to support Article 7 as written. Seconded by Paul Mortenson.
Vote: 5-0-0

Article 8 – Personnel By-Law – Motion by Paul Mortenson to approve Article 8 as written. Seconded by Lorraine Brue. **Vote: 5-0-0**

Article 9 – Revolving Funds Authorization – Motion by Larry Harrington to approve Article 9 as written. Seconded by Paul Mortenson. **Vote: 5-0-0**

Article 10 – Property Tax Exemption – Motion by Paul Mortenson to approve Article 10 as written. Seconded by Larry Harrington. **Vote: 5-0-0**

Article 11 – Establish Quarterly Tax Billing – Motion by Larry Harrington to approve Article 11 as written. Seconded by Paul Mortenson.

Vote: 5-0-0

Article 12 – Establish Qualified OPEB Liability Trust Fund – Motion by Larry Harrington to approve Article 12 as written. Seconded by Lorraine Brue.

Vote: 5-0-0

Article 13 – Rescind Town Acceptance chapter 40 S13A – Motion by Larry Harrington to approve Article 13 as written. Seconded by Paul Mortenson.

Vote: 5-0-0

Article 14 – Fund Qualified OPEB Trust – Motion by Larry Harrington to approve Article 14 as written. Seconded by Paul Mortenson. **Vote: 5-0-0**

Article 15 – Amend Sewer Act – Phil Henderson gave a brief review of steps taken by W&S Commission to explain this Article to the voters of Foxborough. A discussion was held relative to the words “mandatory and compulsive” and a change in Section 2 where “vote of the Town” was changed to “Board of Water & Sewer Commissioners”. Action on this Article was put on hold for a discussion with Attorney DeRensis. The Board took a short recess.

Article 16 – Establish Agricultural Commission – Previously approved.

Article 17 – Amend Zoning By-Laws – Motion by Larry Harrington to approve Article 17 as written. Seconded by Lorraine Brue. **Vote: 5-0-0**

Article 18 – Amend Zoning By-Laws – Bill Grieder explained that this Article is to amend the Zoning By-Laws in an area that was not amended during the re-codification of the By-Laws. It provides a definition to show the difference between a Drive-In and a Drive Through. There was no previous clarification of the differences between the two different facilities.

Motion by Paul Mortenson to approve Article 18 as written. Seconded by Lorraine Brue. **Vote: 5-0-0**

Article 19 – Amend Zoning By-Laws – This Article addresses Adult Day Care centers and creates areas where a center would be allowed.

Motion by Larry Harrington to approve Article 19 as written. Seconded by Paul Mortenson. **Vote: 5-0-0**

Discussion was held with Attorney DeRensis relative to the changes in wording in Article 15. The words “mandatory and compulsory” were removed and a variety of other changes were inserted to make the language consistent with W&S rules and regulations. A question was raised about the possibility of a

large development, such as a 40B project, being given what sewerage might be needed by W&S Commission and by-passing Town Meeting vote. Attorney DeRensis advised that would happen only if it is put into the By-Laws by Town Meeting vote and W&S has never been given that power. In Section 4 of this Article there is a referral to 40B and 40R and would have to be defined as public service uses and would be allowed by W&S only if authorized by Town Meeting vote. Lorraine Brue asked if a district has been identified as time to sewer, how do people who do not want to participate be heard. Attorney DeRensis pointed out that the Board of Health can always order connections; there is no way at this time. W&S can permit extensions outside the district to address the needs such as public restrooms, restaurants or other public service uses. Larry Harrington pointed out that the presentation at Town Meeting would have to be clear and concise and that no one can be forced to connect without going back to the Legislature. Jim DeVellis expressed concern about financing this project if only a small percentage of people participate. Phil Henderson again pointed out that this is only the first step in a large project.

Motion by Larry Harrington to approve Article 15 as corrected. Seconded by Jim DeVellis. **Vote: 5-0-0**

Motion to recess by Paul Mortenson. Seconded by Lorraine Brue.
Vote: 5-0-0 Meeting recessed at 7:00 p.m.

Jim DeVellis, Clerk