ANNUAL TOWN MEETING MAY 6, 2022-PROCEEDINGS

The Moderator, Tom Merolli called the meeting to order at 7:13 pm. The Moderator led Town Meeting in the Pledge of Allegiance. He dispensed with the reading of the warrant. The Moderator went over the rules and procedures for the meeting. The moderator announced we would be using electronic voting for the first time at this meeting. Each voter was given an electronic voting keypad upon Check-in. Votes were recorded and results were immediately posted on the screen for all to see.

Non-Residents admitted into the meeting:
Dr. Maureen Cohen-MURSD Superintendent
Dr. Michael Fitzpatrick — BVT Superintendent
Kim Newman-Town Administrator
Jean Berthold-Principal Assessor
Cindy Amara-Town Counsel
Jack Hunter — Town Planner
Christopher Barnaby — non-voter
Sean McPeak — Meridia Audience Response, Inc.

ARTICLE 1

Voted that any motion or amendment to increase any monetary articles or line items as proposed by the Finance Committee, presented at this Town Meeting shall be OUT OF ORDER unless such motion, or amendment, states the source of funding as being from available free cash, another line item, another article, or some combination that will be reduced by the same amount

YES 161 NO 7 PASSED MAJORITY

ARTICLE 2 Voted to fix the salaries and compensations of the elected officials of the Town for FY23, as follows,

Line Item	Elected Officials	Hourly Rate	Hours	Longevity, Stipends	FY 20	23 Total
510A	Board of Health - Chairman				\$	225
510A	Board of Health - Member 2				\$	175
510A	Board of Health - Member 3				\$	175
175A	Planning Board - Chairman				\$	225
175A	Planning Board - Member 2				\$	175
175A	Planning Board - Member 3				\$	175
175A	Planning Board - Member 4				\$	175
175A	Planning Board - Member 5				\$	175
122A	Selectman - Chairman				\$	2,200
122A	Selectman - Member 2				\$	2,000
122A	Selectman - Member 3				\$	2,000
122A	Selectman - Member 4				\$	2,000
122A	Selectman - Member 5				\$	2,000
141A1	Board of Assessors - Member1				\$	300
141A1	Board of Assessors - Member2				\$	250
141A1	Board of Assessors - Member3				\$	250
114A	Moderator		Elected		\$	100
161A	Town Clerk	\$ 32.17	Elected	300	\$	67,473
294A	Tree Warden		Elected		\$	3,500
422A2	Highway Surveyor	\$ 49.79	Elected	\$ 3,638	\$	107,592

YES 152 NO 14 PASSED MAJORITY

Voted to raise and appropriate the sums of money as read under Article 3_to defray charges and expenses of the Town including debt & interest and to provide for a reserve fund for the ensuing year. The Budget Subtotals for each department were read into the record below the motion.

YES 152

NO 19

PASSED MAJORITY

ARTICLES 4 – 8 WERE VOTED USING CONSENT CALENDAR

ARTICLE 4

Voted to appropriate funds provided to the Town by the Commonwealth pursuant to so-called Chapter 90 type money and such other funds as the Commonwealth of Massachusetts Department of Transportation (including its Highway Division) may provide, and to authorize the Select Board to enter into contracts with the Massachusetts Department of Transportation (including its Highway Division) for so-called Chapter 90 type money and such other funds allocated to the Town.

ARTICLE 5

Voted to raise and appropriate \$6,500 to fund the FY23 portion of the Assessor's Cyclical Inspection Program.

ARTICLE 6

Voted to raise and appropriate \$17,000 to fund the FY23 portion of the Update Valuation Account.

ARTICLE 7

Voted to raise and appropriate \$2,500 for Police Department State/Federal General Matching Grants.

ARTICLE 8

Voted to approve Mendon's Five Year Land Use Program.

CONSENT CALENDAR

YES 157 NO 14

PASSED MAJORITY

ARTICLE 9

Voted to to transfer \$4,136.13 from ATM 6-29-20 Art#24 FY2021 to Capital Expense Reserve.

YES 166

...

NO 9

PASSED MAJORITY

ARTICLE 10

Voted to transfer \$170,000 from Capital Expense Reserve for the purchase or lease of a brush fire truck; and further, that the Select Board is authorized to accept any federal or state funds or grants and/or gifts of any kind for the purpose of this acquisition.

YES 141

NO 37

PASSED MAJORITY

Voted to transfer \$333,850 from Free Cash and \$350,000 from Stabilization for Town Hall Campus improvements.

YES 164

NO 15

PASSED 2/3RDS REQUIRED

ARTICLES 12,13, 14, 26 WERE VOTED USING CONSENT CALENDAR

ARTICLE 12

Voted to transfer \$119,050 from the sale of 15 Inman Hill Rd to Town Hall campus improvements.

ARTICLE 13

Voted to transfer \$169,304 from Complete Streets and Town Hall Campus Improvements to Town Hall Campus Improvements..

ARTICLE 14

Voted to transfer \$33,457 from Police Station Building Project to Town Hall Campus improvements.

ARTICLE 26

Voted to transfer \$56,000 from the Community Preservation Budgeted Reserve Accounts to fund an ADA compliant walkway on the Town Hall Campus to access the Town Hall and the old Taft Library.

CONSENT CALENDAR

YES 168 NO 7

PASSED MAJORITY

ARTICLE 15

Voted to transfer \$25,000 from Capital Expense Reserve to fund roof replacement and improvements at the Town owned buildings on Inman Hill Road

YES 167

NO 10

PASSED MAJORITY

ARTICLE 16

Voted to raise and appropriate the following sums of money to operate the Water Enterprise Fund for the fiscal year beginning on July 1, 2022 (FY2023):

Salaries - \$4,700.00

Contracted Services - \$12,500

Expenses - \$13,500

Purchase of Water - \$160,000

Water Infrastructure Repair & Replacement Fund - \$27,271.00

Total: \$217,971.00

and that \$217,971.00 be raised as follows: Department Receipts - \$197,971.00

Retained Earnings - \$20,000

YES 153

NO 21

PASSED MAJORITY

Voted to set the limits on the Revolving Funds in accordance with M.G L.C. 53E1/2 as follows;

Revolving Fund	Limit on Spending \$6,000				
Library					
Planning Board	\$30,000				
Highway	\$25,000				
Conservation Commission	\$25,000				
Parks	\$165,000				
Fire Department	\$10,000				
Title V (Board of Health)	\$25,000				
Police Department	\$15,000				

YES 148 NO 14 PASSED MAJORITY

ARTICLE 18 CITIZEN'S PETITION

Defeated a motion to amend this article by striking "on a parcel of land less than three acres in" and adding within 100' of a neighboring residence within.

YES 25 NO 153 FAILED

Defeated the motion to amend Article XXIX of the General By-Laws of the Town by inserting therein a new section 2A as follows:

"Notwithstanding the foregoing, no person shall keep a rooster or roosters on a parcel of land less than three (3) acres in a residentially zoned area of the Town. Violation hereof may be punished by a fine up to \$200 for each day of violation." or take any other action in relation thereto. To be enforced by the Animal Inspector.

YES 29 NO 153 FAILED

ARTICLE 19

Voted to pass over this article.

CITIZEN'S PETITION

YES 124

NO 47

PASSED MAJORITY

ARTICLE 20 CITIZEN'S PETITION

Voted amend the Town of Mendon General By-Laws as Follows:

CHAPTER III - Duties of Town Officers

Section 12. No elected member of the Select Board or Planning Board shall be appointed to or otherwise serve on the Conservation Committee or Zoning Board of Appeals, either as a Member or Alternate Member

YES 113 NO 63 PASSED MAJORITY

ARTICLE 21 CITIZEN'S PETITION

Voted to amend the Town of Mendon General By-Laws as Follows: CHAPTER VII - Records and Reports Records, Reports, and Meetings

Section 1 All officers, Boards and Committees of the Town shall keep records of their activities and of their accounts in suitable books. Said books shall be kept in their proper places in the respective Town Offices and shall not be removed therefrom. Said books shall, unless provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the Officer having custody thereof.

Section 2 All officers and committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of how said money was expended.

Section 3 The annual Town Reports shall contain, in addition to the reports of the officers and committees, the official record of the annual Town Meeting and the official record of any special meetings of the Town held during the year, as well as such other matters as may be inserted by the Select Board under the discretion granted them by law.

Section 4 All public meetings (in-person, hybrid or full remote) will be recorded, both audio and visual, by the public meeting entity. If a public meeting is held fully remote (as provided by law), requirements for audio/visual recording remain.

Town Meetings are exempt from Open Meeting Law requirements under Massachusetts General Law.

YES 146

NO 15

PASSED MAJORITY

ARTICLE 22

Voted to to transfer \$20,000 from the Community Preservation Affordable Housing Account to renew the position of the part-time Affordable Housing Coordinator for FY23.

YES 114

NO 16

PASSED MAJORITY

ARTICLE 23

Voted to transfer \$55,553 from the Community Preservation Historical Preservation Account and 79,702 from the Community Preservation Budgeted Reserve Account to fund the FY23 Police Station Debt Exclusion.

YES 112

NO 11

PASSED MAJORITY

ARTICLE 24

Voted to set aside for later spending \$725,857 from the FY23 Community Preservation Revenues (10%) \$72,586 for open space; (10%) \$72,586 for historic preservation; (10%) \$72,586 for affordable housing, (5%) \$36,293 for administration and (65%) \$471,807 to the Community Preservation Budgeted Reserve.

YES 124

NO 8

PASSED MAJORITY

Voted to transfer \$300,000 from the Community Preservation Accounts to fund the renovations at the Mendon Town Beach

YES 132

NO 4

PASSED MAJORITY

ARTICLE 27

Voted to transfer \$15,250 from the Community Preservation Housing Account to fund

a Housing Production Plan.

YES 113

NO 18

PASSED MAJORITY

ARTICLE 28

Voted to transfer \$13,650 from the Community Preservation Affordable Housing

Account to fund a survey for 52 Providence Street

YES 97

NO 26

PASSED MAJORITY

ARTICLE 29

Voted to transfer \$3,375 from the Community Preservation Affordable Housing Account from the to fund a survey for an easement from the Muddy Brook Estates subdivision off Daniels Road to access a well site on 52 Providence Street

YES 112 NO 19 PASSED MAJORITY

ARTICLE 30

Voted to accept clause 54 of section 5 of Chapter 59 of the Massachusetts General Laws and authorize the Town to establish a minimum fair cash value required for a personal property account to be taxed, and further establish such minimum fair cash value at \$2,000.

YES 102 NO 31

PASSED MAJORITY

ARTICLE 31

Voted to pass over this article

YES 113

NO 10

PASSED MAJORITY

ARTICLE Voted to amend the General By-Laws Chapter XXIVa Demolition Delay Bylaw as follows: **32**

CHAPTER XXXI - DEMOLITION DELAY BY-LAW

*re-number chapter from 25a to 31 because there are 2 Ch 24's

Section 1. Purpose.

The purpose of this by-law is to protect and preserve buildings and structures within Mendon which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town. The intent of the by-law is not to permanently prevent demolition but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

To achieve these purposes, the issuance of demolition permits for buildings and structures is regulated as provided below.

Section 2. Definitions.

Building or Structure

Any combination of building materials giving support or forming a permanent shelter for persons, animals, or property.

Commission

The Mendon Historical Commission.

Demolition

The act of substantially or completely pulling down, destroying, removing, or razing a building or structure, or commencing the work of complete or substantial destruction with the intent of completing the same.

Historic Resource Inventory ("Inventory") A listing prepared by the Mendon Historical Commission containing all buildings or structures determined to be Historically Significant.

Historically Significant Building or Structure The Historical Commission shall determine whether a building or structure is historically significant at an open meeting of the Commission. The Historical Commission shall consider the following criteria when deciding if a building is historically significant and warrants further preservation:

- 1. Any building or structure, or portion thereof, within the Town which is in whole or in part seventy-five (75) or more years old or is of unknown age;
- The building or structure is associated with events or activities that have made a significant contribution to the history of Mendon, the Commonwealth of Massachusetts, or the United States;
- 3. The building or structure is associated with the life or lives of persons significant in the history of Mendon, the Commonwealth of Massachusetts, or the United States;
- 4. The building or structure embodies, either by itself or in context with a group of buildings or structures, distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses notable architectural values or qualities.

Demolition by Neglect

A process of ongoing damage to the fabric, viability and/or functionability of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

Demolition Delay Review The process outlined in this Chapter involving the Historic Commission's review of the proposed demolition of a building or structure.

Demolition Delay Approval The written report as outlined in Section 4.3, notifying the Building Department if the building or structure shall or shall not be preferably

preserved.

Demolition Permit

The permit issued by the Building Department as required under the state

building codes.

Preferably Preserved

The determination by the Historic Commission that a building or structure meets the "Historically Significant" standard and warrants additional

preservation efforts.

Regulated Building or Structure

Any building or structure as defined by Section 3 of this by-law.

Section 3. Regulated Building or Structure

The provisions of this by-law shall apply only to the following buildings or structures (and the architectural elements thereof) which shall be known for the purposes of this by-law as "Regulated Buildings or Structures".

- A building or structure listed on the National Register of Historic Places, the State Register
 of Historic Places, or the subject of a pending application for listings on either of said
 Registers;
- 2. A building or structure listed in any federal, state, or local historic district;
- 3. A building or structure included in the Historical Resource Inventory issued by the Historical Commission as described in section 3.1 below.

Section 3.1 Historic Resource Inventory

The Historic Commission shall maintain a Historic Resource Inventory. This document shall include all historically significant buildings or structures within the Town. Upon the acceptance of this by-law an initial Historic Resource Inventory shall be created consisting of all buildings, structures in Mendon built in whole or in part prior to 1950.

The Commission shall maintain a public listing of the current Historical Resource Inventory on its website and provide an electronic or hard copy to any interested party upon request.

Any subsequent modifications of this inventory shall be in accordance with the following procedures:

3.1.1 – Procedure for modifying the Historic Resource Inventory

- 1. Any proposal to add or remove a specific building, structure, property, or district in the Historical Resource Inventory, or to modify any existing listing shall be considered at a public hearing.
- 2. The Commission shall provide public notice of any such hearing by publishing the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing and also, within fourteen (14) days of said hearing, mail a copy of said notice to the applicant, the property owner (if the applicant is a non-owner), and to any abutter within a 300ft radius to the property.
- 3. When making their determination, the Commission shall reference the four criteria listed above as defining a historically significant building or structure
- 4. If the Commission finds a building or structure is Historically Significant, it shall be included in the Historic Resource Inventory, if not the building or structure shall not be included in the Inventory.
- Notice of the Commission's determination shall be mailed to the property owner within 14
 days of the conclusion of the hearing and a copy shall be filed with the Building
 Commissioner

- 6. The Commission shall review the Historical Resource Inventory on an annual basis. The expense of this general hearing shall be borne by the Commission.
- 7. Any interested party may petition the Historic Commission to hold a hearing to request the inclusion, modification, or removal of a specific building or structure listed in the Historic Resource Inventory.
 - a. Any petition for removal from the Inventory must come from the property owner or their agent.
 - b. The expense of publishing the hearing notice and the mailing of notices shall be borne by the applicant.
 - c. The Commission shall not be required to re-consider a specific building or structure more than once every two years.

Section 4 – Demolition Delay Review Process

Section 4.1 – Application

All applications for a Demolition Delay Permit shall be submitted on a form prepared by the Commission, signed by the property owner or his/her authorized agent or representative and shall include the following:

- i. A map showing the location of the building or structure to be demolished on the property and with reference to neighboring properties;
- ii. Photographs of all sides of the exterior of the building or structure;
- iii. A description of the building or structure, or part thereof to be demolished;
- The reason for the proposed demolition, Data supporting this reason and any data sufficient to establish any economic justification for demolition;
- v. A proposed timeline for the demolition and re-use of the property

Section 4.2 – Demolition Delay Review Application Process

Any person wishing to demolish a Regulated Building or Structure shall apply to the Commission for Demolition Delay Review. Applications shall be submitted electronically in the Town's online permitting system. In the case of a paper application, it shall be submitted to the Building Department, and they shall timestamp receipt thereof and forward said application to the Historical Commission within five (5) days of receipt thereof.

Prior to issuing a building permit for demolition, the Building Department shall forward a copy of any such building permit application to the Commission within five (5) days of receipt thereof.

The Commission shall inform the Building Department whether the building permit application involves a building or structure subject to the provisions of this by-law. If the Commission does not notify the Building Department within five (5) days that a demolition Delay Hearing is required for the proposed work, the Building Department may issue a building permit.

Section 4.2 – Demolition Delay Hearing

At the next scheduled meeting of the Commission after receipt of a complete demolition permit application, but no later than sixty (60) days therefrom, unless the applicant grants the Commission additional time to conduct such hearing in writing, the Commission shall schedule a public hearing on the application. The Commission shall give public notice of the hearing by publishing the time, place and purpose of the hearing in a local newspaper at least ten (10) days before said hearing and also, within five (5) days of said hearing, mail a copy of said notice to the applicant, the property owner (if the applicant is a non-owner), to owners of all adjoining property within a 300ft radius, The expense of publishing the hearing notice and the mailing to all such persons shall be borne by the applicant.

At the conclusion of the hearing, the majority of the members present shall vote to determine if the building or structure shall be preferably preserved, and whether a demolition delay will be imposed.

Section 4.3 – Disposition of Demolition Delay Hearing

Within five (5) days from the conclusion of a hearing, the Commission shall file a written Demolition Delay Report setting forth the Commission's determination with the Building Commissioner.

If the building or structure or part thereof is not determined to be preferably preserved or if the Commission fails to file its report with the Building Commissioner within the time period set forth above, then the Building Commissioner may issue a demolition permit.

If the Commission determines that the building or structure shall be preferably preserved, it may impose a demolition delay of up to nine (9) months from the conclusion of the hearing. Written notice of the Commission's determination and any period of delay imposed shall be mailed promptly to the applicant and property owner (if applicable), and a copy thereof shall be furnished to the Building Commissioner who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Commission notifies the Building Commissioner that the applicant and property owner (if applicable)

- (i) has/have made a bona fide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate the same, or
- (ii) has/have agreed to alternatives to demolition or has agreed to accept a demolition permit on specified conditions approved by the Commission.

Section 4.4 - Photographic Survey

The Commission reserves the right to request that a photographic survey of the exterior of the building or structure (and interior with the consent of the property owner) be conducted during the demolition delay period. This survey shall be undertaken at the expense of the Commission. The survey will be used to document the historical nature of the property.

Section 4.5 - Fees

The Historical Commission may establish a reasonable filing fee for Demolition Delay Review Applications. In no case shall the fee be more than 150% of the actual costs for publishing the hearing notice and the mailing of notices as outlined above.

Section 4.5 - Expiration of Demolition Delay Approvals

Demolition Delay Approvals shall expire two (2) years from the date of conclusion of the demolition delay hearing. If a Demolition Permit has not been issued in that time the process will restart with a new hearing required.

Section 6. Responsibilities of the Owner and the Commission

Once a building or structure has been determined to be a preferably preserved building or structure, the owner shall be responsible for properly securing the building or structure, if vacant, to the satisfaction of the Building Commissioner. All windows and doors shall remain intact, and the building or structure shall be secured to prevent entry of persons, animals, or water. Should the owner fail to secure the building or structure, a subsequent destruction of the building or structure, or part thereof, at any time during the demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a violation of this by-law.

During the demolition delay period, the applicant shall make a good faith effort to find an alternative use for the building that will result in its preservation. Alternatives to demolition include, but are not limited to, incorporation of the building into the future development of the site; adaptive reuse of the building; utilization of financial incentives to rehabilitate the building; restore or rehabilitate the building; or moving or relocating the building.

Section 7. Demolition by Neglect

If there is reason to believe, through visual inspection or other means, that a Regulated Building or Structure is undergoing potential demolition by neglect, it should be reported to the Historical Commission

who will, in turn, make a report to the Building Commission and/or Board of Health to investigate and make a determination.

Section 8. Emergency Demolition

Notwithstanding the above provisions, the Building Commissioner may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Commissioner and a member of the Commission shall inspect the building. The Building Commissioner shall document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Commissioner shall inform the Historic Commission of their intention to allow demolition before they issue a permit for emergency demolition.

No provision of this by-law is intended to conflict with or abridge any obligations or rights conferred by any law, including, but not limited to, Massachusetts General Laws, Chapter 143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

Section 9. Non-Compliance and Enforcement

Any owner of a building or structure or part thereof demolished without first obtaining a demolition permit in accordance with the provisions of this by-law shall be subject to a fine of up to \$300 per day. Each day the violation exists shall constitute a separate offense until the faithful restoration of the demolished building is completed to the satisfaction of the Commission or a period of two (2) years has elapsed, whichever is sooner. Such fines may be imposed in accordance with the non-criminal disposition procedures set forth in M.G.L. c. 40, § 21D.

No building permit shall be issued with respect to any premises upon which a historically significant building has been voluntarily demolished in violation of this by-law for a period of two (2) years after the date of the completion of such demolition, whichever date is later; unless said permit is directly related to the restoration of the demolished building.

Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this by-law better serves the intent and purpose of this by-law, it may, prior to the expiration of said two (2) year period, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this by-law, and may so notify the Building Commissioner.

As used herein, "premises" refers to the parcel of land upon which the demolished historically significant building or structure was located.

Section 10. Severability

If any section, paragraph, or part of this by-law is for any reason declared invalid or unconstitutional, every other section, paragraph and part shall continue in full force and effect.

YES 119 NO 7 PASSED MAJORITY

Voted to transfer the care, custody, management, and control of approximately 15 acres of Town owned property located at 36 Milford St, shown as Parcel 36 on Mendon Assessors' Map 9, from the Select Board for general municipal purposes to the Select Board for disposition.

YES 91 NO 29 PASSED 2/3RDS REQUIRED

ARTICLE 34

Voted to transfer the care, custody, management, and control of approximately 10 acres of Town owned property located at 8 Morrison Drive, shown as Parcel 186 on Mendon Assessors' Map 8 from the Select Board for general municipal purposes to the Select Board for disposition.

YES 80 NO 35

PASSED 2/3RDS REQUIRED

ARTICLE 35

Voted to change the Highway Surveyor position from Elected Official to Appointed by the Board of Selectmen.

YES 75 NO 38

PASSED MAJORITY

ARTICLE 36

Voted to pass over this article

YES 95 NO 7

PASSED MAJORITY

ARTICLE 37

Voted to pass over this article.

YES 93 NO 5 PASSED MAJORITY

A motion to dissolve the warrant was made at 10.21 pm. The tellers for the meeting were Kathy Rich and Nancy Fleury. Officer Nick Erskine was the officer on duty. There were 187 voters in attendance.

A true copy. Attest:

Ellen Agro Town Clerk