

Selectmen Schofield and Burke and Town Administrator Newman are present in the Upper Town Hall, Mendon

Acting Chairman Schofield called the meeting to order at 7:00 p.m.

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to approve the regular session minutes of June 16 and June 24, 2015 and amend the regular session minutes of June 1, 2015, page four, paragraph six adding ‘to the Finance Committee’ after ‘Avenue,’. The motion carried unanimously.

There were no citizen statements or petitions.

Gabrielle Porciello, Friends of Taft Public Library, explained that the group is looking for the Selectman’s support of a cow-chip bingo fundraiser. They may want to change the date to get more sponsorships for the community-wide event. She anticipates having 1,000 squares with deed numbers being sold for \$10 each. There will be cash prizes and other events, as well. They submitted a facility use form for Veteran’s park. They are also exploring the use of the ‘Fino’ or town property on North Avenue. **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to that the Selectmen vote to support the Cow Chip Bingo fund raiser hosted by the Friends of the Library to be held on September 19, 2015. The motion carried unanimously.** Acting Chairman Schofield reminded Ms. Porciello that if the event is held on town property, they need to be notified so the Selectmen can officially vote. Ms. Porciello agreed to let Selectmen know if that occurs.

Acting Chairman Schofield explained that they received communication from Crestview Drive residents about noise coming from the Mendon Twin Drive In. There is no decision before the board tonight. He said he would allow a statement from a representative of Crestview Drive residents, Andelmans, (owners not in attendance) and the Police Chief in order to determine how to move forward. Corlis and Peter Moniz, 21 Crestview Drive, discussed events that are creating noise--bands during the day of simulcasting of the Grateful Dead concert. Noise was unbearable the whole time. Selectman Schofield said he was on (Aldo Mistretta’s) property during the Grateful Dead concert and felt the noise level was acceptable. Mrs. Moniz said people further away on ‘Mantoni’ also heard it. However, on Friday, July 10 they didn’t hear anything. On Saturday, something changed because between 8:00 p.m. and 9:00 p.m. it was loud again. They could hear the announcer and the movie. They would like something in place to keep the noise level the way it has been over the past 25 years. Chief Horn said they did receive a handful of complaints from people on Crestview Drive. They investigated and did not find any violations. The nuisance must be substantial and more than occasional to be in violation. The Chief discussed the issue with the zoning enforcing officer, Building Inspector, who said there was no violation. He also discussed it with the clerk magistrate of the district court who indicated he would not issue a complaint as he saw no violation. The business is located in a commercial zone and is functioning as it has for many years. There have been live concerts and circuses on that property over the last decade. The Chief did talk to both Andelman brothers who indicated they will see what they can do to mitigate the issues for the residents on Crestview by lowering the noise level. Acting Chairman Schofield said they will resume with this topic after the public hearing.

Selectman Burke opened public hearing at 7:15 p.m. **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to open the public hearing under M.G.L. Chapter 166 § 22 to consider the request of Verizon New England Inc. & Massachusetts Electric Company**

(NGRID) to locate poles, wires, cables and fixtures, including the necessary anchors, guys, and other such sustaining and protecting fixtures to be owned and used in common by petitioners, along and across Hartford Avenue East on the northwesterly sideline, place new JO Pole No. T.33S/E.33-84 approximately 129 feet southwesterly from the center line of Warfield Road. The motion carried unanimously. Verizon Representative, Kelly-Ann Correia, explained that National Grid is doing repairs on their equipment. A guy wire is connected to a tree at 53 Hartford Avenue East and they want to install a pole. No residents were present to discuss. **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to close the public hearing under M.G.L. Chapter 166 § 22 to consider the request of Verizon New England Inc. & Massachusetts Electric Company (NGRID) to locate poles, wires, cables and fixtures, including the necessary anchors, guys, and other such sustaining and protecting fixtures to be owned and used in common by petitioners, along and across Hartford Avenue East on the northwesterly sideline, place new JO Pole No. T.33S/E.33-84 approximately 129 feet southwesterly from the center line of Warfield Road. The motion carried unanimously.** Selectman Burke read the hearing notice placed in the Milford Daily News. **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to approve the request of Verizon New England Inc. & Massachusetts Electric Company (NGRID) to locate poles, wires, cables and fixtures, including the necessary anchors, guys, and other such sustaining and protecting fixtures to be owned and used in common by petitioners, along and across Hartford Avenue East on the northwesterly sideline, place new JO Pole No. T.33S/E.33-84 approximately 129 feet southwesterly from the center line of Warfield Road. The motion carried unanimously.**

The Mendon Twin Drive In discussion continued. Chief Horn informed Selectmen of a Pennsylvania Supreme court case which determined that dust, dirt and fumes weren't substantial to meet the threshold of a disturbance. He feels the vendor should mitigate the effects. Attorney Moss confirmed that Mendon does not have a noise by-law. He explained that decibel level limits would need to be defined, the Town would need to have a device to objectively measure the decibels and enforce the by-law. Acting Chairman Schofield would like to find out what DEP feels are safe volumes and at what level the drive-in is operating. Selectman Burke feels the question is about process and whether the Department of Public Safety feels the owners are disturbing the peace and are exceeding the noise level limit. As we don't have a by-law, he feels it would need to go to a zoning enforcement officer for a recommendation. He would like a test done during events and have the officer come back with a recommendation and see what other steps could be taken. Lawrence Scott, 14 Crestview Drive, said he talked to Mr. Perkins at the DEP regarding 310 CMR 710 that has noise guidelines. He asked why the Town can't be under the umbrella of the state regulations. He learned that the state will monitor the levels with their equipment. Attorney Moss said this regulation covers complaints directly from residents. Don Morin, 36 Crestview Drive, said since Chief Horn said the drive-in owners are willing to work with the Town, he recommends that the neighbors work through the Chief to resolve the issue. Acting Chairman Schofield recommends providing contact information to whomever wants to be the lead, in parallel get information that residents have from the DEP and give it to the Tim Aicardi, Building Inspector. Discussion continued about the process for developing a by-law. Chief Horn recommends he and Mr. Aicardi meet with residents and owners. Town Clerk Bonderencko reminded everyone that there is a Zoning By-law Review committee in place.

Mr. Aicardi joined Selectmen to discuss 31 Hartford Avenue East. Selectman Schofield said he would like the homeowner to attend a Selectman's meeting. *Action: Administrative Assistant Diane Willoughby to invite Mr. Stewart to an upcoming meeting when the schedule is determined.*

Attorney Moss approached to discuss the Showtime Entertainment Court decision. The validity of the local by-law regarding the alcohol restriction went to the Supreme Judicial Court said evidence was sufficient from 2008 to show crime prevention. The court was concerned that a theater could be swept into the alcohol prohibition. He feels the owners will probably apply for an alcohol license. Mr. Lawrence asked it would be worth going to the federal level. Attorney Moss said the Federal Court already sent it to the State Judicial Court.

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to sign the state house note sale documents for the purchase of the Highway Department truck and additional funding for the Taft Library Renovation Project approved at the May 12, 2015 ballot vote. Linda Hawkes, Treasurer/Collector, explained the interest is 1.75 percent for three years on \$87,000 to \$89,000 per year starting in FY 17. That will equate to \$.12-\$.13 per \$1,000 value of a house. It was voted as a debt exclusion which means the debt will go away after three years. **The motion carried unanimously.**

Dan Byer, Parks Department Commissioner, explained he is seeking a special alcohol license for August 5 & August 12 **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to approve the Special License for Dan Byer, Mendon Parks Commissioner, to sell wine and malt beverages only on August 5 and August 12 from 3:00 p.m. to 11:00 p.m. at the Mendon Town Beach, 45 Taft Avenue.** Mrs. Willoughby, explained that the license will be considered as two because they are for two separate days. Mr. Byer explained that concerts are being sponsored by Cable 8. Selling alcohol increases attendance. The revenue goes into the Parks Department's revolving account. Selectman Burke asked about Public Safety being present. The Chief said he would take a look at it. Mr. Byer estimates there are approximately 20 to 30 attendees. **The motion carried unanimously.**

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to approve the Special License for Betsey Brewer Bethel, to serve wine and malt beverages only on July 17, 2015 from 6:00 p.m. to 9:00 p.m. in a tent at the parking lot by Southwick's Zoo. The motion carried unanimously.

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to appoint Eric A. Kinsherf, as Interim Town Accountant until a permanent Town Accountant is appointed. Ms. Newman explained long-time Accountant, Claudia Cataldo will be retiring this Thursday. At the last meeting we talked about hiring a firm to fill in the gap for the end of the fiscal year. She has met with Mr. Kinsherf who has also met with Mrs. Cataldo. Mr. Kinsherf joined the Selectmen and explained he anticipates a seamless transition. He met briefly with Mrs. Cataldo and will come in again tomorrow and Monday. He has experience with KVS. Selectman Burke publicly thanked Claudia for her 26 years of service. **The motion carried unanimously.**

Susan Barnett, Mendon Town Forest Committee Chairman, Paul Doucette, member, and Bill Dakai, Millville resident who has been assisting the committee, discussed the parking lot they wish to create. Mrs. Barnett said Highway Surveyor Tetreault approved of the location which is across the street from Grove Street and away from houses on Millville Road. The area is 10,000 square feet for approximately 12 cars. Selectman Burke would like to see what the Zoning Board and Conservation Commission think about the location. He asked Chief Horn for his thoughts as it is located on a corner. Chief Horn replied the area has some sight distance problems. There have been serious crashes over the years. This would

have to be addressed. He would like to see the sight distance improved. Acting Chairman Schofield asked if the area could be improved with this parking lot. Chief Horn said he could have accident the reconstruction team make a recommendation. Selectman Burke recommends the committee come back to the Selectmen with another proposal after working with Public Safety. Mrs. Barnett explained the project needs to be completed by December 16. *Action: Chief Horn will have the survey done next week.*

Mr. Dakai gave a brief history of the Memorandum of Understanding for trail maintenance at the Town Forest. **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to allow the Mendon Town Forest Committee to sign the Memorandum of Understanding (MOU) between the Mendon Town Forest Committee and the New England Mountain Bike Association, Blackstone Chapter.** Mr. Dakai explained the Executive Director of the New England Mountain Bike Association (NEMBA) concurred with changes to the MOU recommended by Town Counsel. They have been incorporated into the document. The liability waiver which is part of the agreement still has to be modified to include counsel's recommendation. *Action: Mr. Dakai will get final version to Attorney Moss and the final version will be presented to the Selectmen.* The motion was not voted upon.

Acting Chairman Schofield said the Mrs. Cataldo was still interested in being the Municipal Hearings Officer although she is retiring. Selectman Burke would like to research this more during this year as the position includes a stipend. He'd like to know the volume of hearings. Ms. Newman mentioned that it's common that the zoning enforcement officer serves as the hearings officer. A new Zoning Enforcement Officer will be hired in the future. Most hearings are zoning related. Selectmen agreed not to change anything at this time.

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to appoint Alan Tetreault Jr. as a full-time police officer at the hourly rate of \$23.02 pending commencement of the police academy. Mr. Schofield explained that the appointee is the son of the Highway Surveyor. Chief Horn explained the hiring process. They received approximately 100 applications. The Town Administrator and a committee interviewed approximately 16 candidates. They were graded and the top three were chosen. They submitted those names to the Chief without him know how they were scored. He also scored Mr. Tetreault as number one. He was a call firefighter, grew up and lives in Mendon. Four or five of all applicants live in Mendon. A background check, including bank reports and CORI were done. He currently works for the Franklin Highway Department. Selectman Burke stated he knows and has worked with Mr. Tetreault. The Chief is looking to hire another person in the fall. **The motion carried unanimously.**

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to allow Kimberly Newman to sign a contract with Historic Gravestone Services for the repair and restoration of the Joy Fountain. Mr. Schofield reminded everyone that this was approved at town meeting. **The motion carried unanimously.**

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to sign the Request for Interdepartmental Budget Transfer dated July 8, 2015 to transfer \$472.93 to Line Item 001.0916.5411.0300 Medicare from Line Item 001.0199.5100.0100 Town Hall Salaries; to sign the Request for Interdepartmental Budget Transfer dated July 8, 2015 to transfer \$54.81 from Line Item 001.0171.5100.0100 Conservation Salaries from Line Item 001.0171.5400.0343 Conservation Hearings;

to sign the Request for Interdepartmental Budget Transfer dated July 6, 2015 for \$688.50 to 001.0422.5100.100 Highway Construction/Maint. Salaries from Line Item 001.0422.5105.0100 Highway Construction /Maint. Overtime;

to approve the Building Department Requests for Interdepartmental Transfers dated June 30, 2015:

\$240 to Line Item 001.0245.5426.0100 Electrical Inspector Fee Account from 001.0243.5426.0100 Plumbing Inspector Fee Account,

\$525 to Line Item 001.0245.5426.0100 Electrical Inspector Fee Account from Line Item 001.0242.5426.0100 Gas Inspector Fee Account and

\$35 to Line Item 001.0245.5426.0100 Electrical Inspector Fee Account from Line Item

001.0424.5400.0300 Street Lights Expenses. Ms. Newman explained that additional Medicare funds are needed as they are estimated at the beginning of the year. The Conservation Commission funds are needed for the basement move. The Highway Department funds are needed to cover the difference from a part-time position going to a full-time position. Inspection fee funds are needed for increased inspections. **The motion carried unanimously.**

Acting Chairman Schofield said there are parameters involved regarding the Special Town Meeting date. **Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to hold a Special Town Meeting November 17, 2015 and open the warrant.** Ms. Willoughby suggested having the warrant close on September 17 and Selectmen should sign the warrant no later than October 6. The Selectmen agreed.

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to sign the massDOT Title VI/Nondiscrimination Assurance. Mrs. Willoughby explained that in order to receive money, it needs to be signed to assure there will be no discrimination. **The motion carried unanimously.**

Ms. Newman gave a brief report. On July 27 Algonquin begins work on Colonial Drive. Blue Wave may be cutting trees this week at 36 Milford Street. The basement project is moving along well, will be done in August and is under budget. The staircase and bathroom cleanup were able to be incorporated. Dan Gardner, contractor, is doing a great job. The furniture is being delivered tomorrow. She will be in Dover on Thursday with Mass. Municipal Association training. The new Accountant will begin working this week and employees will be notified.

Selectman Burke made and Acting Chairman Schofield stepped down to second a motion to to apply for the MIIA Risk Management Grant for a Human Resources audit. Ms. Newman explained that MIIA has a grant for up to \$10,000 to do an audit of Human Resources and develop an action plan. The Collins Center has provided an estimate for \$7,000. She believes grants are first come, first served. Selectman Burke said this is important to make sure we are in compliance and have policies in place that are needed. Acting Chairman Schofield agreed. **The motion carried unanimously.**

Members agreed not to choose upcoming meeting dates in the absence of Chairman Reil. *Action: Scheduling future meeting dates will be placed on the agenda for the next meeting.*

Acting Chairman Schofield made and Selectman Burke seconded a motion, under Purpose 3 to the Open Meeting Law, to discuss strategy with respect to litigation as it pertains to 41 Kinsley Lane owned by Eileen & Wallace Mathews. I declare that an open meeting may have a

detrimental effect on the litigating position of the Mendon Board of Selectmen. A roll call vote is needed. We'll reconvene only to adjourn. Burke-aye, Schofield-aye.

Selectman Burke made and Selectman Schofield seconded a motion to adjourn at 9:00 p.m. The motion carried unanimously.

Respectfully submitted,



Diane Willoughby
Administrative Assistant

Documents Discussed located in 'Administrative Secretary's' Office:

Regular Session Meeting Minutes of June 16 and June 24, 2015

Amended Regular Session Meeting Minutes of June 1, 2015

Milford Daily News Ad#13298465, MDN 6/25/15

Order for Joint Pole Location, No. 4AOL5KV, dated July 13, 2015

Request for Departmental Budget Transfers:

Dated July 8, 2015 Conservation Department

Dated July 8, 2015 Medicare

Dated July 6, 2015 Highway Department

Dated June 30, 2015 Building Department

Letter dated July 6, 2015 from Peter and Corlis Moniz for the Crestview Neighborhood Association

Memorandum of Understanding between the Mendon Town Forest Committee and the New England

Mountain Bike Association, Blackstone Chapter (857922v2)

Open Street Map 203 Millville Road

Application for Special License, Betsey Brewer Bethel

Notice of Approval of Special License, Betsey Brewer Bethel

Application for Special License, Dan Byer, Parks Commissioner

Notice of Approval of Special License, Dan Byer, Parks Commissioner

Commonwealth of Massachusetts Town of Mendon Serial State House Loan No. 506-1, 506-2 & 506-3

Town of Mendon, Permanent State House Loan Note, Municipal Purpose Loan dated July 22, 2016

Commonwealth of Massachusetts Certificate of Town Clerk, Note Numbers 506-1 through 3

Letter dated July 1, 2015 from MassDOT regarding Title VI/Nondiscrimination Assurance Requirement