



TOWN OF MENDON

BOARD OF SELECTMEN
20 Main Street, Mendon, MA 01756
Tel: 508-478-8863 Fax: 508-478-8241

Notice of Meeting
February 5, 2018
Mendon Town Hall
6:30 PM

Board Members
Christopher Burke, Chairman
Mark W. Reil, Jr.
Richard W. Schofield Jr.

Board of Selectmen
Meeting Minutes
February 5, 2018

Open Meeting & Pledge

A regular meeting called to order at 6:30 PM. Present: Chris Burke, Mark Riel, Rich Schofield and Kim Newman. Mr. Burke led the pledge of allegiance.

Adoption of Previous Meeting Minutes

- 11/28/17 Tax Classification Minutes
- 12/4/17 Regular Meeting Minutes
- 12/26/17 Special Meeting Minutes
- 1/8/18 Regular Meeting Minutes

Mr. Reil made a motion to adopt the meeting minutes of 11/28/17, 12/4/17, 12/26/17 and 1/8/18. Second by Mr. Schofield. The motion passed unanimously.

Consider the Authorization of Refunding Bonds, the Approval of a Bond Sale and the Award of Bonds.

Clark Rowell provided a summary. First Tennessee Financial (FTM Financial) provide a good aggressive bid. The Town received 7 bids into total. The refunding of the 2007 bonds, a budgetary savings approximately \$140,000 present value saving \$113,000. Mr. Rowell stated the Town has an AA plus rating, which is good.

Mr. Reil made a motion to The Authorization of Refunding Bonds, the Approval of a Bond Sale and the Award of Bonds as well all referenced materials in the document provided by bond counsel. Second by Mr. Schofield. The motion passed unanimously.

Discuss Marijuana Referendum

Mr. Burke stated at the November STM. The Town passed a temporary moratorium that expires 12/13/18. The Cannabis Control Commission (C.C.C) is still sorting out regulations. The Board needs to determine its position and how we see the community moving forward. One option may be a complete referendum or a specified referendum for a medical growing facility or dispensary and taking some opinion from our Zoning Board.

Mr. Schofield stated he would like to hear from Mendon's Agricultural Commission. Mr. Reil stated that he feels that it is any Board and this could be another Board and Commission meeting.

Ms. Cindy Amara, Town Counsel, addressed the Board with an update stating the Cannabis Control Commission draft regulations first hearings were today, February 5th. These public hearings with the state will stop in mid-February. The Massachusetts Municipal Association is putting together their comments and will be posting them on their website. We know there are some parts of the draft regulations that do impact the municipality. Not necessarily in a bad way. If you have zoning requirements the C.C.C. is not intending to do anything to interfere with regulations imposed by the Town. Municipalities will have input into licensing and will have to have a three packet approach. A host agreement signed by town and the applicant and ultimately if you don't reach an agreement on a host agreement the applicant won't be able to get their application favorably acted on. There is a fair amount of local control built in as of now. The applicant will need to show they are in compliance with the local Zoning- bylaws. Should the Town want to put in zoning requirements this would need to be done before moratorium ends. If moratorium ends and the town does not have regulations in place as a "yes" community you have no local regulations to enforce so you won't be able to have as much control at the time as you would otherwise like to have.

Mr. Burke stated, since we are a "yes" community. If we chose not to do anything then it is free reign for applicants. As long they comply with the local zoning. Ms. Amara stated there is a host of regulations that will impact this and a host agreement is needed no matter what, they must still comply with the requirements of the state for becoming a licensed establishment that include a signed host agreement and a background check and community outreach. The types of regulations towns are wrestling with are location and what times of operations. Those are the kinds of regulations a town puts in place.

Mr. Schofield stated that you cannot get the applicant to give up their rights to put things that would otherwise meet zoning bylaws, just like a strip club if you don't specify it in the bylaws they have more flexibility on their side where they can put it. Ms. Amara replied. Yes.

Ms. Amara stated that so far the only requirement is the establishment of the buffer zone, if a municipality doesn't have its own buffer zone, it will be 500 feet from a school, day care center or any location where children gather. As drafted there is a lot of concern. We will know more as the hearings progress. The State is still planning to go forward with marijuana establishment licensing beginning to be received April 1, 2018

and issuing the licenses as of July 1, 2018. Whether that happens or not remains to be seen.

Mr. Burke invited Bill Ambrosino, Planning Board, to speak on this subject. Mr. Ambrosino stated that an interested party always has to go through Zoning and Planning. The Planning Boards rule is to set the uses of the community where they belong you don't just allow anyone to put anything anywhere. The Planning Board is writing zoning bylaws as to where the board thinks these things belong. We will go to town meeting floor to see if people want it.

Mr. Burke stated if we want to put a referendum before the Town or do something lighter where we will allow a medical distribution center or medical growth facility. Ultimately it is us to decide what we want to put out to the town.

Ms. Amara stated that the law as written and issues we are dealing with are regarding the adult use of marijuana and not medical use. The town, being a "yes" community has said it should be allowed. The Town has also passed a general and zoning bylaw to limit it. As a "yes" voting community if the Town does not go forward you have a whole host of questions and zoning will require town meeting independent of a referendum position.

Mr. Schofield asked Ms. Amara if we were to do nothing, at the end of moratorium can someone submit an application to start negotiation a host agreement. Ms. Amara stated yes.

Ms. Neman asked if there will be state wide regulations regarding host agreements. Mr. Ambrosino stated the host agreement can be negotiated. Ms. Amara stated that the host agreement can be pretty flexible and you can do a lot in it. A town can say no and an application cannot get licensed.

Mr. Burke stated he thinks it is premature to decide until C.C.C. decided what it is going to do. We have to put some sort of milestone date out there If we don't act and miss critical dates we are locked into establishments. Mr. Ambrosino, if you do the referendum, you have to do a bylaw for a referendum and a backup plan that will provide us some protection in case the other one fails.

Mr. Schofield asked for clarification, he stated we are a "yes" community because of the vote for our town in the state election. If Mendon voted as a "No" community, in order for someone to establish a business someone would have to put forth a referendum. Ms. Amara stated there is a certain procedure to turn it into a "yes". Community.

Mr. Burke stated our next steps are to get a list from the members of the Board of Selectmen of who they would like to meet with including Public Safety. Mr. Ambrosino stated that he needs until November to get a full bylaw written. Mr. Burke stated that we should plan on November and work closely with Town Counsel and get some input from other boards and committees.

Mr. Schofield stated it would make sense to identify the major pieces that could be decided upon and start off with a starting proposition we can talk around to help guide the conversation. Mr. Burke stated we can try do something, there are many aspects with meeting with other individuals that may have some major concerns. Mr. Reil stated it comes down to a full ban with nothing at all or disallowing retail, allowing cultivation allowing the research aspect of it.

Consider Designer Services Contract with Kaestle Boos for the New Police Station

The Police Station Building Committee was in attendance. Mr. Don Morin addressed the Board stating that the committee had chosen Kaestle Boos for the designer services for the new police station.

Mr. Reil made a motion to sign the designer service contract with Kaestle Boos for the New Police Station. Second by Mr. Schofield. The motion passed unanimously.

Interview and Consider Appointments to the Finance Committee

This item was tabled.

Consider Interim Fire Chief Contract

Ms. Newman stated that Mr. Richard Harris was recommended by MRI Inc., Municipal Resources Inc.

Mr. Riel made a motion to sign the contract for the Interim Fire Chief, Richard Harris. Second by Mr. Schofield. The motion passed unanimously.

Discuss FY19 Budget

Ms. Newman advised the budget is 85% complete and we are right on schedule of where we need to be. She met with individual departments. First budget with the Finance Committee is Wednesday night.

Mr. Burke there have been some requests and we will prioritize them and start with the funds and work backwards from them.

Ms. Newman stated we have about \$355,000 in requests.

1. A full time school resource officer, priority
2. Children's Library to full time to 32 hours for more open hours of the library.
3. Part time building maintenance person for 18 hours.
4. Increase legal and cable advisory coming up this year.
5. The Sr. Center administrative position to become full time, 32 hours.

Worcester County Retirement is an increase of 9.5%. Health insurance we don't have a figure on that yet.

Mr. Burke in the past we have looked at our surplus look at the request and look prioritize and then we start go after those. I assume we are going through the same process. Ms. Newman stated yes.

Mr. Schofield stated he would like to see another \$100,000 of head room between the levy limit and the levy ceiling to keep taxes low.

Mr. Schofield stated that he feels the roads are high priority. Mr. Reil states this is something that everyone benefits from.

Ms. Newman stated she will be meeting with the Finance Committee 3 times this month.

Discuss Expenditure of Excess Capital Funds

Ms. Newman stated that through the bonding process in order to refund two of the bonds we had we have to expended the actual amount of the bonds turns out there some funds left over from the Fino property and the Fire Station there were not expended in the amount of \$180,000 that was not spent and we have to go to Town meeting to reallocate those funds for a specific capital purpose. These funds have to be spent almost immediately. The most obvious project is the Complete Streets project that we received a \$400,000 grant for. I wrote a letter to bond counsel in order to verify that the Board would put an article on for May town meeting. The Board needs to acknowledge it.

Mr. Reil made a motion to support an article for the May Town Meeting for the expenditure of excess capital funds to be spent on the Complete Streets project. Second by Mr. Schofield. The motion passed unanimously.

Consider Snow and Ice Deficit Spending

Mr. Reil made a motion to approve Snow and Ice Deficit Spending up to \$50,000.00. Second by Mr. Schofield. The motion passed unanimously.

Consider Emergency Transfer for Repairs to Furnace at 62 Providence Street

Mr. Reil made a motion to approve the Emergency Transfer for repairs to the furnace at 62 Providence Street in the amount of \$1049.44. Second by Mr. Schofield. The motion passed unanimously.

Consider Authorizing the Town Administrator to Enter into Agreement for Software with View Point, Clerk Base and LL Data Designs LLC.

Mr. Reil made a motion to authorize the Town Administrator to enter into an agreement for software with View Point, Clerk Base and LL Data Designs LLC. Second by Mr. Schofield. The motion passed unanimously.

Executive Session- Purpose 2 for Executive Session, M.G.L. c.30A, § 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion

personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

Executive Session - Purpose 3 for Executive Session, M.G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares.

Mr. Burke made a motion to enter in to Executive Session for two purposes: Purpose 2 for Executive Session, M.G.L. c.30A, § 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and Purpose 3 for Executive Session, M.G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares. Second by Mr. Reil. The motion passed unanimously.

Roll Call Vote: Reil- aye, Schofield-aye, Burke-aye.

Adjournment

Mr. Reil made a motion to adjourn. Second by Mr. Schofield. The motion passed unanimously.

Submitted by: Laura St.John-Dupuis

Date Approve: 3/26/18