

▪ **THE COMMONWEALTH OF MASSACHUSETTS**

**TO EITHER OF THE CONSTABLES OF THE TOWN OF MENDON, IN THE COUNTY OF WORCESTER, ss.**

**GREETINGS:**

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS YOU are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Miscoe Hill School** in said MENDON on the **4th** day of **May** next, at 7:00 o'clock in the evening, then and there to act on the following articles:

- ARTICLE 1  
(FINCOM)** To see if the Town will vote 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, or the line item or article that will be reduced by the same amount; or take any other action in relation thereto.
- ARTICLE 2  
(FINCOM)** To fix the salaries and compensations of the elected officials of the Town.
- ARTICLE 3  
(FINCOM)** To determine what sums of money the Town will vote to raise and appropriate and/or transfer from available funds to defray charges and expenses of the Town including debt and interest and to provide for a reserve fund for the ensuing fiscal year; or take any other action in relation thereto.
- ARTICLE 4  
(FINCOM)** To see if the Town will vote to appropriate funds provided to the Town by the Commonwealth under 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 Board of Selectmen 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; or take any other action in relation thereto.
- ARTICLE 5  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer from available sources a sum of money to fund the FY2019 portion of the Assessor's Cyclical Inspection Program; or take any other action in relation thereto.
- ARTICLE 6  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the FY2019 portion of the Update Valuation Account; or take any other action in relation thereto.
- ARTICLE 7  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from available sources for Police Department State/Federal General Matching Grants; or take any other action in relation thereto.
- ARTICLE 8  
(LAND USE)** To see if the Town will vote to approve the Mendon Land Use Committee's Five Year Land Use Program, copies of which are available in the Town Clerk's office and on the Town website; or take any other action in relation thereto.
- ARTICLE 9  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or otherwise provide a sum of money to make an additional debt payment towards the Police Station Bond
- ARTICLE 10  
(LAND USE)** To see if the Town will vote to raise and appropriate and/or transfer \$7,500 from the Muddy Brook Planting Account to the Mendon Land Bank Account; or take any other action in relation thereto.

- ARTICLE 11  
(CPC)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from the Community Preservation Budgeted Reserve Account and the Community Preservation Open Space Account to raise & appropriate fund the FY19 Fino Debt Exclusion; or take any other action in relation thereto.
- ARTICLE 12  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer from available sources a sum of money to replace the furnace in the Mendon Senior Center; or take any other action in relation thereto.
- ARTICLE 13  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from available sources to fund an Architectural and Site Engineering Study of an expansion to the Mendon Senior Center facility; or take any other action in relation thereto.
- ARTICLE 14  
(BOS)** To see if the Town of Mendon and Upton will approve the establishment of a stabilization fund to be used for capital needs by the Mendon-Upton Regional School District, beginning July 1, 2018, under MGL Chapter 71, Section 16G ½, or to take any other action relative thereto.
- ARTICLE 15  
(BOS)** To see if the Town will authorize the Board of Selectmen to accept a gift of real estate located on Trask Road, Mendon, MA consisting of sixty plus acres, more or less, in accordance with Article Three, Third, of the Harvey J. Trask Trust Agreement, u/d/t May 28, 2015 subject to terms and conditions acceptable to the Board of Selectmen; or take any other action relative thereto.
- ARTICLE 16  
(BOS)** To see if the Town of Mendon will vote to change the Town Clerk position from Elected Official to Appointed by the Board of Selectmen; or take any other action relative thereto.
- ARTICLE 17  
(BOS)** To see if the Town of Mendon will vote to change the Highway Surveyor position from Elected Official to Appointed by the Board of Selectmen; or take any other action relative thereto.
- ARTICLE 18  
(WATER)** To see if the Town will vote to accept the provisions of M.G.L. c 44, § 53F½ of the Massachusetts General Laws establishing the Water Department as an enterprise fund effective fiscal year 2019; or take any other action relative thereto.
- ARTICLE 19  
(FINCOM)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money for Fire Station Repairs and Improvements; or take any other action in relative thereto.
- ARTICLE 20  
(CPC)** To see if the Town will vote to transfer a sum of money from the Starrett Property Account back into the Community Preservation Open Space Account and the Community Preservation Budgeted Reserve Account; or take any other action relative thereto.
- ARTICLE 21  
(CPC)** To see if the Town will vote to transfer a sum of money from the Community Preservation Affordable Housing Account to renew the position of the part-time Affordable Housing Coordinator for FY19; or take any other action relative thereto.
- ARTICLE 22  
(CPC)** To see if the Town will transfer a sum of money from the Community Preservation Historical Preservation Account to fund the FY19 Police Station Debt Exclusion; or take any other action relative thereto.
- ARTICLE 23  
(FINCOM)** To see if the Town will vote to transfer and/or raise and appropriate a sum of money for electrical improvements in the rectory building; or take any other action relative thereto.

- ARTICLE 24 (BOS)** To see if the Town will vote to use excess capital funds from the Fire Station bond issue to fund improvements to the Town Hall campus and Complete Streets project; or take any other action relative thereto.
- ARTICLE 25 (FINCOM)** To see if the Town will vote to transfer from available funds, or otherwise provide a sum of money, for repairs to the salt shed roof of the Highway Department; or take any other action relative thereto.
- ARTICLE 26 (FINCOM)** To see if the Town will vote to transfer from available funds or otherwise provide a sum of money for the purchase of a new truck w/plow for the Highway Department; or take any other action relative thereto.
- ARTICLE 27 (FINCOM)** To see if the Town will vote to transfer from available funds or otherwise provide a sum of money for the replacement of fire fighter turn out gear; or take any other action in relation thereto.
- ARTICLE 28 (FINCOM)** To see if the Town will vote to amend the Town of Mendon General Bylaws by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E1/2, and add this section to the table of contents; or take any other action relative thereto.

#### DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and the finance committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E1/2 and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

#### 5. Authorized Revolving Funds.

The Table establishes:

- A. Each revolving fund authorized for use by a town/city department, board, committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant/city auditor,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund,
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law/ordinance.

A Revolving Fund	B Spending Authority	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses	F Requirements/ Reports	G Fiscal Year
Library	Library Director, with approval of Library Trustees	Late Fines and fees for damaged, lost materials	Expenditures may include replacement of lost or damaged materials			Fiscal years that begin on or after July 1, 2018.
Planning Board	Planning Board Chair, with approval of Planning Board	Applicant Fees and deposits	Expenditures may include engineering and fees by Planning Board in project review			Fiscal years that begin on or after July 1, 2018.
Highway	Highway Surveyor with approval of Board of Selectmen	Monies/Fees related to recycling materials	Maintenance and improvement of recycling center			Fiscal years that begin on or after July 1, 2018.
Conservation Commission	Conservation Chair, with approval of Conservation Commission	Applicant Fees and deposits	Expenditures may include engineering and fees by Conservation Commission in project review			Fiscal years that begin on or after July 1, 2018.
Board of Health	Board of Health Chair with approval of the Board of Health	Title V Fees and Deposits	Title V engineering and Inspectional Services costs			Fiscal years that begin on or after July 1, 2018.

Board of Health	Board of Health Chair with approval of the Board of Health	Trash and Recycling deposits, trash stickers and recycling fees	Expenditures may include reduction in service fees and trash contract costs			Fiscal years that begin on or after July 1, 2018.
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or take any other action relative thereto.

**ARTICLE 29  
(FIN COM)**

To see if the Town will vote to set the limits on the Revolving Funds created in Article 28, in accordance with Massachusetts General Laws Chapter 44, § 53E1/2 as follows; or take any other action relative thereto.

Revolving Fund	Limit on Spending
Library	\$6,000.00
Planning Board	\$30,000.00
Highway	\$25,000.00
Conservation Commission	\$25,000.00
Board of Health (Title V)	\$25,000.00
Board of Health (Recycling)	\$405,000.00

**ARTICLE 30  
(PLANNING BOARD)**

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 2.08, MARIJUANA ESTABLISHMENTS, to take advantage of recent changes to State law that allows municipalities to put a temporary moratorium on marijuana establishments to expire December 31, 2018, which would provide as follows:

A. Purpose

This moratorium is intended to provide restrictions that will allow the Town of Mendon ("Town") adequate time to consider whether to allow or prohibit marijuana establishments and related uses, in accordance with applicable state laws and regulations, and to undertake a planning process as described herein. By vote at the Massachusetts state election on November 8, 2016, the voters of the Commonwealth approved "The Regulation and Taxation of Marijuana Act," which was subsequently codified as Chapter 334 of the Acts of 2016 ("Act"), and subsequently amended, in part, by Chapter 351 of the Acts of 2016, entitled "An Act Further Regulating the Cultivation of Marijuana and Marihuana." Among other requirements, pursuant to the Act, as amended, the Cannabis Control Commission is charged with promulgating future regulations regarding administration and implementation of the Act, as amended. Regulations to be promulgated by the Cannabis Control Commission are expected to provide guidance in the licensing and regulation of marijuana establishments.

The regulation of marijuana establishments raises novel and complex legal, planning, and public safety issues, among others. In turn, the Town needs time to study and consider the regulation of marijuana establishments and other related uses, so that it will have the opportunity: to address such novel and complex issues; to study and consider the potential impacts of such establishments and other related uses on adjacent uses and on the general public health, safety and welfare; to consider and address the potential impact of the Act, as amended, and any future regulations on local zoning; and to undertake a planning process to appropriately address these considerations through zoning bylaws and other applicable bylaws and regulations, consistent with state laws and future regulations. A temporary moratorium on the use of land and structures in the Town for marijuana establishments and related uses will allow the Town sufficient time to engage in a planning process to address zoning issues and the effects of such establishments

and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives, the Act, as amended, and future regulations.

#### B. Temporary Moratorium

The use of land and/or structures for marijuana establishments as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, and any related use, shall not be permitted in any zoning district in the Town so long as this moratorium is effective, as set forth in Section C below. Use variances shall be strictly prohibited. During this moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

#### C. Expiration

For the reasons set forth above and notwithstanding any other provision of the Mendon Zoning By-Laws to the contrary, the temporary moratorium set forth in Section B above shall be in effect through December 31, 2018 or six (6) months from the adoption of regulations to implement the Act by the Cannabis Control Commission, whichever is later, unless extended, modified or rescinded by a subsequent action of Town Meeting.

#### D. Conflict of Laws

In the event of any conflict between the provisions of this By-Law and any other applicable state or local law, regulation or by-law, the stricter provisions shall control.

#### E. Severability.

The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law is found to be invalid, such invalidity shall not affect the other provisions or application of this By-Law, to the extent permitted by law; or take any other action relative thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at three or more public places in said Town, 14 days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 9<sup>th</sup> day of April, in the year of our lord two thousand eighteen.

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature] Selectmen of Mendon

A True copy. Attest:

\_\_\_\_\_ Constable

Worcester, ss.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Mendon by posting up attested copies of the same at:

Town Hall; Town Hall Website; \_\_\_\_\_

\_\_\_\_\_ days before the date of the meeting, as within directed.

\_\_\_\_\_, Constable