

**ANNUAL TOWN MEETING MAY 4, 2018-PROCEEDINGS**

The Moderator, Jay Byer called the meeting to order at 7:00pm. He dispensed with the reading of the warrant.

Non-Residents were allowed into the meeting:

- Michelle Sanford-Town Crier
- Joe Maruszczak-MURSD Superintendent
- Dr. Michael Fitzpatrick-Superintendent BVT
- Richard Harris-Interim Fire Chief
- Kim Newman-Town Administrator
- Jean Berthold-Principal Assessor
- Bill McHenry- Town Employee
- Cindy Amara-Town Counsel
- Chris Starck-non voter
- Courtney Albin-non voter

The Moderator went over the rules and procedures for the meeting. The Moderator led the meeting in the Pledge of Allegiance.

Chris Burke, Chairman of the Board of Selectmen read the Report of the Board of Selectmen.

Mike Merolli, Chairman of Finance Committee deferred the reading of the Finance Committee Report.

Jay Byer made a motion to appointment Kevin Rudden as the Moderator for Article 14.

**UNANIMOUS VOICE VOTE**

**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, or the line item or article that will be reduced by the same amount.  
**UNANIMOUS VOICE VOTE**

**ARTICLE 2** Voted to fix the salaries and compensations of the elected officials of the Town for FY19, as follows,

Line Item	Elected Officials	Hourly Rate	Weekly Hours	Annual Longevity / Stipend	FY 2019 Total
510A	Board of Health - Chairman			\$ 225	\$ 225
510A	Board of Health - Member 2			\$ 175	\$ 175
510A	Board of Health - Member 3			\$ 175	\$ 175
175A	Planning Board - Chairman			\$ 225	\$ 225
175A	Planning Board - Member 2			\$ 175	\$ 175
175A	Planning Board - Member 3			\$ 175	\$ 175
175A	Planning Board - Member 4			\$ 175	\$ 175
175A	Planning Board - Member 5			\$ 175	\$ 175
122A	Selectman - Chairman			\$ 2,200	\$ 2,200
122A	Selectman - Member 2			\$ 2,000	\$ 2,000
122A	Selectman - Member 3			\$ 2,000	\$ 2,000
141A1	Board of Assessors - Member1			\$ 7,400	\$ 7,400
141A1	Board of Assessors - Member2			\$ 200	\$ 200
141A1	Board of Assessors - Member3			\$ 200	\$ 200
114A	Moderator			\$ -	\$ -
161A	Town Clerk	\$ 27.39	32.0	\$ -	\$ 45,577
294A	Tree Warden		*		\$ 3,494
422A2	Highway Surveyor	\$ 45.99	40.0	\$ 3,348	\$ 99,007

**UNANIMOUS VOICE VOTE**

**ARTICLE 3** Voted to raise and appropriate the sums of money as read under Article 3 to defray charges and expenses of the Town including debt and interest and to provide for a reserve fund for the ensuing fiscal year.

With the exception of line items 220A1 and Line item 710B:

**UNANIMOUS VOICE VOTE**

Line Item 220A1- voted to raise and appropriate \$60,000 for line item 220A1.

**UNANIMOUS VOICE VOTE**

Line item 710B-voted to decrease line item 710B from \$483,000 to \$465,000.

**UNANIMOUS VOICE VOTE**

**Articles 4-8 were voted using a consent calendar.**

**ARTICLE 4** Voted to appropriate funds provided to the Town by the State under Chapter 90 type money and such other funds as the Commonwealth of Massachusetts Highway Department may provide and to authorize the Board of Selectmen to enter into contracts with the Massachusetts Highway Department for Chapter 90 type money allocated the Town.

- ARTICLE 5** Voted to raise and appropriate \$6,500 to fund the FY2019 portion of the Assessor's Cyclical Inspection Program Update.
- ARTICLE 6** Voted to raise and appropriate \$10,000 to fund the FY19 portion of the Update Valuation Account.
- ARTICLE 7** Voted to raise and appropriate \$2,500 for State/Federal General Matching Grants
- ARTICLE 8** Voted to approve the Mendon Land Use Committee's Five Year Land Use Program, copies of which are available in the Town Clerk's office.

**UNANIMOUS VOICE VOTE FOR ALL CONSENT CALENDAR ARTICLES.**

- ARTICLE 9** Voted to raise and appropriate \$100,000 to make an additional debt payment towards the Police Station Bond.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 10** Voted to transfer \$7,500 from the Muddy Brook Planting Account to the Mendon Land Bank Account.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 11** Voted to Town transfer \$17,098 from the Community Preservation Budgeted Reserve Account and \$75,000 from the Community Preservation Open Space Account to fund the FY19 Fino Debt Exclusion.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 12** Voted to transfer \$10,000 from Stabilization to replace the furnace in the Mendon Senior Center. **2/3 vote needed**  
**UNANIMOUS VOICE VOTE**
- ARTICLE 13** Voted to transfer \$20,000 from Free Cash to fund an Architectural and Site Engineering Study of an expansion to the Mendon Senior Center facility.  
**MAJORITY VOICE VOTE**
- ARTICLE 14** Voted to 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.  
**MAJORITY VOICE VOTE**
- ARTICLE**<sup>[BHM1]</sup>  
**15** Voted 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.  
**MAJORITY VOICE VOTE**
- ARTICLE 16** Defeated the motion to change the Town Clerk position from Elected Official to Appointed by the Board of Selectmen.  
  
**MAJORITY VOICE VOTE**
- ARTICLE 17** Voted to change the Highway Surveyor position from Elected Official to Appointed by the Board of Selectmen.  
**HAND COUNT**  
**YES 62**  
**NO 43**
- ARTICLE 18** Voted 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.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 19** Voted to Passover this ARTICLE.  
  
**UNANIMOUS VOICE VOTE**

- ARTICLE 20** Voted to transfer \$400,000 from the Starrett Property Account with \$40,000 into the Community Preservation Open Space Account and \$360,000 into the Community Preservation Budgeted Reserve Account.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 21** Voted to transfer \$20,000 from the Community Preservation Affordable Housing Account to renew the position of the part-time Affordable Housing Coordinator for FY19.  
**MAJORITY VOICE VOTE**
- ARTICLE 22** Voted to transfer \$100,800 from the Community Preservation Historical Preservation Account to fund the FY19 Police Station Debt Exclusion.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 23** Voted to transfer \$5,000 from Free Cash to fund electrical service improvements to the former St. Michael's rectory building attached to the Mendon Public Library.  
**MAJORITY VOICE VOTE**
- ARTICLE 24** Voted to use \$180,189.16 in excess capital funds from the Fire Station bond issue and the Fino Bond issue to fund improvements to the Town Hall campus and Complete Streets project.  
**MAJORITY VOICE VOTE**
- ARTICLE 25** Voted to transfer \$17,000 from Free Cash for the repair of the Highway Department Salt Shed Roof.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 26** Voted to transfer \$80,000 from the Capital Expenditure Account to purchase a replacement Plow Truck for the use of the Highway Department. **2/3 vote needed**  
**UNANIMOUS VOICE VOTE**
- Article 27** Voted to transfer \$25,000 from Free Cash for the purchase of 10 sets of Firefighter Turnout Gear.  
**UNANIMOUS VOICE VOTE**
- Article 28** Voted to Amend the motion to exclude The Board of Health funds [CLA2] which shall be omitted from the Bylaw.  
**UNANIMOUS VOICE VOTE**

Voted 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, as printed in the warrant, and add this section to the table of contents as **Chapter XXXII 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.

<b>A Revolving Fund</b>	<b>B Spending Authority</b>	<b>C Fees, Charges or Other Receipts Credited to Fund</b>	<b>D Program or Activity Expenses Payable from Fund</b>	<b>E Restrictions or Conditions on Expenses</b>	<b>F Requirements/ Reports</b>	<b>G Fiscal Year</b>
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.

**UNANIMOUS VOICE VOTE**

**ARTICLE 29** Voted to set the limits on the Revolving Funds created in Article 28, in accordance with Massachusetts General Laws Chapter 44, § 53E1/2 as follows:

Revolving Fund	Limit on Spending
Library	\$6,000.00
Planning Board	\$30,000.00
Highway	\$25,000.00
Conservation Commission	\$25,000.00

**UNANIMOUS VOICE VOTE**

**ARTICLE 30** Voted 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.

**2/3 vote needed**

**2/3 Declared by the Moderator**

A motion to dissolve the warrant was made at 8:49pm. The tellers for the meeting were Kathryn Rich and Nancy Fleury. The officer for the meeting was Guy Kloczkowski. There were 113 voters in attendance.

A true copy. Attest:

Margaret Bonderenko  
Town Clerk