

SPECIAL TOWN MEETING-NOVEMBER 27, 2018-PROCEEDINGS

The Moderator Jay Byer called the meeting to order at 7:00 pm. The Moderator noted that the warrant had been duly posted and properly served. A quorum was present.

Non residents who were allowed into the meeting:

- Kim Newman, Town Administrator
- Jean Berthold, Prinicpal Assessor
- Michelle Sanford, Town Crier
- Cindy Amara, Town Counsel
- Bill Kessler, Mendon Fire Chief

- ARTICLE 1 (FINCOM)** Voted to transfer \$24,633 from Free Cash for Bills of a Prior Year from FY18
UNANIMOUS VOICE VOTE

- ARTICLE 2 (FINCOM)** Voted to transfer \$122,892 from Free Cash to Snow and Ice removal FY18.
UNANIMOUS VOICE VOTE

- ARTICLE 3 (FINCOM)** Voted to transfer \$55,390 from Reserve for Negotiations to Line item 131D, Fire Chief Salary.
UNANIMOUS VOICE VOTE

- ARTICLE 4 (FINCOM)** Voted to pass over this article.
UNANIMOUS VOICE VOTE

- ARTICLE 5 (FINCOM)** Voted to transfer \$20,000 from Free Cash to Stabilization.
UNANIMOUS VOICE VOTE

- ARTICLE 6 (FINCOM)** Voted to transfer \$20,000 from Free Cash to Capital Expenditure Account.
UNANIMOUS VOICE VOTE

- ARTICLE 7 (FINCOM)** Voted to transfer \$5,000 from Free Cash to Other Post-Employment Benefits Account.
UNANIMOUS VOICE VOTE

- ARTICLE 8 (FINCOM)** Voted to transfer \$12,000 from Free Cash to Line item 510D, Trash Collection.
UNANIMOUS VOICE VOTE

- ARTICLE 9 (CPC)** Voted to set aside for later spending from FY19 Community Preservation Revenues: \$44,313 for open space; \$44,313 for historic preservation; \$44,313 for affordable housing; \$22,156 for administration; \$288,037 for Community Preservation Budgeted Reserve
UNANIMOUS VOICE VOTE

- ARTICLE 10 (BOS)** Voted to that the sum of \$1,400,000 is appropriated to pay additional costs of the Police Station project, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that no funds in excess of \$880,000 may be expended hereunder for this purpose unless and until the Town approves a Proposition 2½ Debt Exclusion pursuant to Massachusetts General Laws Chapter 59, Section 21C. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.
2/3rds VOTE

- ARTICLE 11 (FINCOM)** Voted that the Town transfer \$5,000 from Free Cash to 610 B7 Library Building Maintenance
UNANIMOUS VOICE VOTE

- ARTICLE 12 (FINCOM)** Voted to amend the motion to reflect the change in the line item from 610 B7 to 450 C2.
UNANIMOUS VOICE VOTE
Voted to transfer \$1,610 from Free Cash to line 450 C2.
UNANIMOUS VOICE VOTE

- ARTICLE 13 (FINCOM)** Voted to transfer \$200,000 from Free Cash Line 151 B Legal expenses.
MAJORITY VOICE VOTE

- ARTICLE 14 (FINCOM)** Voted to transfer \$20,000 from the Reserve for Negotiations to Line 175 B Planning Board Expenses
UNANIMOUS VOICE VOTE

- ARTICLE 15 (FINCOM)** Voted to transfer \$6,500 from Free Cash to Line 199A1 Town Hall Salaries
MAJORITY VOICE VOTE

ARTICLE 16 Voted to transfer \$40,000 from Free Cash for Town Hall Repairs
(FINCOM) **MAJORITY HAND COUNT**
YES 35 NO 32

ARTICLE 17 Voted to pass over this article
(FINCOM) **UNANIMOUS VOICE VOTE**

ARTICLE 18 Voted to transfer \$10,000 from Free Cash to Line 294 B3 Tree Cutting Expenses
(FINCOM) **UNANIMOUS VOICE VOTE**

ARTICLE 19 Voted to transfer \$10,000 from Free Cash to Line 294 B5 Contracted Service Expenses.
(FINCOM) **UNANIMOUS VOICE VOTE**

ARTICLE 20 Voted to pass over this article.
(BOS) **UNANIMOUS VOICE VOTE**

ARTICLE 21 Voted to amend the Town of Mendon Zoning to allow marijuana establishments and medical
(PLANNING) marijuana treatment centers in the Highway Business (HB) Zoning District **as follows:**

Section 6.03 Marijuana establishments, and medical marijuana treatment centers

A. Definitions

- (i) Consumer - a person who is at least 21 years of age.
- (ii) Host community – The Town of Mendon.
- (iii) Host community agreement – an agreement setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.
- (iv) Marijuana - all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the Massachusetts General Laws; provided that Marijuana' shall not include:
 - (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - (2) Hemp; or The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
 - (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- (v) Marijuana cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
- (vi) Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.
- (vii) Marijuana testing facility - an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
- (viii) Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

- (ix) Marijuana research facility – an entity licensed to cultivate, purchase or acquire marijuana to conduct research regarding marijuana and marijuana products.
- (x) Marijuana products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
- (xi) Marijuana product manufacturer - an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
- (xii) Marijuana retailer - an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.
- (xiii) Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

- (i) The maximum number of marijuana retailers shall be no more 20 per cent the total number of licenses which have been issued within Mendon for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever the greater.
- (ii) The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than three in total.
- (iii) The maximum number of medical marijuana treatment centers shall be no more than three.

C. Location and Uses

Marijuana establishments or medical marijuana treatment centers are prohibited in all zoning districts, except as otherwise permitted by these Bylaws, following the standards herein:

- (i) The Board of Selectman shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
- (ii) Any marijuana establishment or medical marijuana treatment center must be located within whichever district permissible under Section 3.01 Table A “Table of Use Regulations”.
- (iii) Said uses shall additionally not be located within 500 feet from the nearest school providing education for grades K-12. The distances specified above shall measure by straight line from the nearest corner of the building on which the proposed said use is to be located, to the nearest boundary line to the nearest property line of the school.
 - (1) The distance requirement may be reduced by the Planning Board provided that the applicant demonstrates, by clear and convincing evidence, that 1) the ME will employ adequate measures to prevent product diversion to minors, and 2) the ME is adequately buffered and screened and 3) that the Planning Board determines that a shorter distance will suffice to ensure public health, safety, well-being and reduce undue impacts to the natural environment
- (iv) Except during transportation, marijuana or marijuana products held at any marijuana establishment or medical marijuana facility shall be located within a secure indoor facility.
- (v) No use covered herein shall be allowed to disseminate or offer to

disseminate marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for medical marijuana treatment centers.

- (vi) No use covered herein shall be allowed to have a freestanding accessory sign in the Town of Mendon.

D. Enforcement and Violations

The Board of Selectmen, or its designee, shall enforce these regulations and may pursue all available remedies for violations, or take any other action relative thereto.

Violations of any provision of this Bylaw may be addressed administratively; by non-criminal disposition as provided in MGL Chapter 40 §21D with fine of \$300 per violation; or prosecuted through criminal complaint procedure.

Each day a violation occurs shall be considered a separate violation hereunder.

E. Municipal Charges Lien

If any fine remains unpaid after six (6) months from its due date, it shall become a municipal charge lien pursuant to the provisions of MGL Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee under MGL Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

F. Validity and Severability

The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof

Addition to Section 3.01 – Table A

Table A: Table of Uses		Districts			
		RR	GR	GB	HB
Business and Retail					
56-1	Marijuana establishments, and medical marijuana treatment centers as defined and in accordance with Section 6.03	N	N	N	PB

2/3rds Vote

ARTICLE 22 (PLANNING) Voted to accept G.L. c. 64N, § 3 to impose local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Mendon, to anyone other than a marijuana establishment at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer
UNANIMOUS VOICE VOTE

ARTICLE 23 (PLANNING) Voted to pass over this article
UNANIMOUS VOICE VOTE

ARTICLE 24 (PLANNING) Voted to pass over this article.
UNANIMOUS VOICE VOTE

ARTICLE 25 (BOS) **Defeated** motion to delete the Town’s General Bylaw Chapter XI, Section 10, Spacing of Class II Vehicle Dealer License Premises
MAJORITY VOICE VOTE

ARTICLE 26 (BOS) Voted to delete Chapter XXV, Adult Entertainment Establishments and Liquor Licenses of the Town’s General Bylaws.
UNANIMOUS VOICE VOTE

**ARTICLE 27
(BOS)** Voted to accept an easement to the Town from Elm Hill Farm Realty Trust, u/d/t dated 10/4/1993 and recorded with Worcester District Registry of Deeds in Book 16560, Page 195 or its successors and assigns, as depicted on an Easement Plan for a portion of the premises located in Mendon, Worcester County, Massachusetts, conveyed to the Grantor by deed of Shelley D. Vincent III dated October 5, 1993 and recorded with the Worcester District Registry of Deeds in Book 16560, Page 203
UNANIMOUS VOICE VOTE

**ARTICLE 28
(BOS)** Voted to accept a deed for a certain parcel of land known as Strawberry Lane, and accompanying tree, drainage and open space easements
UNANIMOUS VOICE VOTE

**ARTICLE 29
(CPC)** Voted to pass over this article.
UNANIMOUS VOICE VOTE

**ARTICLE 30
(CPC)** Voted to transfer \$6,500 from CPA Historical Preservation Account to fund an overhead scanner for digitizing historical documents.
UNANIMOUS VOICE VOTE

The warrant was dissolved at 9:08 pm. The officer on duty was Guy Kloczkowski. The tellers for the meeting were Nancy Fleury and Kathryn Rich. There were 86 voters in attendance.

A true copy. Attest:

Ellen Agro
Town Clerk