

SPECIAL TOWN MEETING NOVEMBER 20, 2019-PROCEEDINGS

The Moderator, Jay Byer called the meeting to order at 7:02pm. He dispensed with the reading of the warrant.

Non-Residents were allowed into the meeting:

Michelle Sanford-Town Crier
Kim Newman-Town Administrator
Jean Berthold-Principal Assessor
Bill McHenry- Affordable Housing Coordinator
Cindy Amara-Town Counsel
Bill Kessler – Fire Chief
Jenn Welch – Treasurer/Collector
Bruce Spinney – Property owner
Patrick Kay – Blue Wave Solar
Lynda Freshman – Blue Wave Solar
Jackie Firsty – Blue Wave Solar
Mark Donahue – Business interests
Phrynee Timmer – Business purposes
John Broderick – Article 19
Miranda dos Santos – student resident
Donald Maocione – resident, non-voter
Russell Bogartz – Article 19

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

- ARTICLE 1** Voted to transfer \$25, 095 from Free Cash to pay Bills of a Prior Year.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 2** Voted to transfer \$119,000 from Free Cash into the Stabilization Account.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 3** Voted to transfer \$100,000 from Free Cash into the Capital Expenditure Account.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 4** Voted to transfer \$24,000 from Free Cash to the Other Post-Employment Benefits (“OPEB”) Liability Trust Fund.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 5** Voted to transfer \$72,000 from Free Cash to Line item 131D, Reserve for Negotiations.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 6** Voted to transfer \$60,000 from Free Cash to Line item 151B, Legal Expenses.
(Fin Com) MAJORITY VOICE VOTE
- ARTICLE 7** Voted to transfer \$6,200 from Free Cash to be expended to establish and/or maintain a regional substance abuse outreach program in the Mendon area.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 8** Voted to transfer \$30,000 from Free Cash for the purchase of fire fighter turn out gear.
(Fin Com) UNANIMOUS VOICE VOTE
- ARTICLE 9** Voted to take the following actions:
(Fin Com) A. Establish a departmental revolving account for the Fire Department in accordance with M.G.L. Ch 44, § 53E½ by amending Chapter 32 of the Town’s General Bylaws, by inserting the following entry to the table of funds. The purpose of this fund shall be for the repair and maintenance of fire protection cisterns and other expenses related to the use of such cisterns. Receipts to this fund shall be monies paid by a developer at the time of installation for the ongoing fire protection cistern expenses. The Fire Chief, with approval of the Board of Selectmen, shall be authorized to expend from this fund but at no time may exceed more than the available balance in the revolving fund or expend more than ten thousand dollars.

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	Requirements/ Reports	G Fiscal Year
	Fire Chief, with approval of the Board of Selectmen	Monies/Fees related to fire protection cisterns	Repairs and maintenance of fire protection cisterns and associated expenses for use of same			Fiscal years that begin on or after July 1, 2019.

B. To set the annual spending limit on this revolving account in accordance with M.G.L. Ch 44, § 53E ½ to \$10,000.

C. To transfer the entire balance of the existing Fire Department Revolving Account as of 5/3/19 to this newly established revolving account.

UNANIMOUS VOICE VOTE

ARTICLE 10 (Fin Com) Voted to set the limits on the Revolving Funds created in Article 9, in accordance with Massachusetts General Laws Chapter 44, § 53E1/2 as follows.

Revolving Fund	Limit on Spending
Fire Department	\$10,000.00

UNANIMOUS VOICE VOTE

ARTICLE 11 (CPA) Voted to set aside for later spending from the FY20 Community Preservation Revenues (\$54,175) for open space; (\$54,175) for historic preservation; (\$54,175) for affordable housing, (\$27,087) for administration and (\$352,136) to the Community Preservation Budgeted Reserve.

UNANIMOUS VOICE VOTE

ARTICLE 12 (CPA) Voted to transfer \$500 from the Community Preservation Act Historic Preservation Account to fund the purchase of archival sleeves and boxes for historic document preservation.

UNANIMOUS VOICE VOTE

ARTICLE 13 (CPA) Defeated the motion to transfer \$121,000 from the Community Preservation Act Affordable Housing Account for acquisition and site costs for an easement to the Town of Mendon through parcel 46-1 Providence Street, Mendon, MA to access Town-owned 52 Providence Street, Mendon, MA.

HAND COUNT Yes 59 No 61

ARTICLE 14 (CPA) Voted to Pass over this article.

UNANIMOUS VOICE VOTE

ARTICLE 15 (CPA) Voted to Pass over this article.

UNANIMOUS VOICE VOTE

ARTICLE 16 (CPA) Voted to give the Board of Selectmen authorization to accept an easement over a portion of Kinder Morgan's Tennessee Gas Pipeline located on parcel 46-1 Providence Street, Mendon, MA to access Town-owned 52 Providence Street, Mendon, MA.

MAJORITY VOICE VOTE

ARTICLE 17 (Fin Com) Voted to transfer \$500 from Free Cash to line 691B, Historic Expenses to cover postage and printing for the Public Hearings for demolitions applications for historic homes.

UNANIMOUS VOICE VOTE

ARTICLE 18 (PLANNING) Voted to Pass over this Article.

UNANIMOUS VOICE VOTE

- ARTICLE 19 (PLANNING)** Voted to amend the Article to “exclude the allowable use on Hartford Avenue East from the intersection of Cape Road/Route 140 to the Bellingham Town Line.”
HAND COUNT Yes 60 No 45
- Voted to amend Mendon Zoning Bylaw Table of Uses 56-1 to include Marijuana establishments, and medical marijuana treatment centers as defined and in accordance with Section 6.03 by Special Permit.
2/3rds vote required.
HAND COUNT Yes 83 No 32
- ARTICLE 20 (BOS)** Defeated an amendment to the Article to include reference to DOR IGR #17-26.
UNANIMOUS VOICE VOTE
- Voted, pursuant to M.G.L.c. 59, § 38H, and/or any other enabling authority, to ratify and approve, and to authorize the Board of Selectmen to negotiate and enter into on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, a so-called Payment in Lieu of Taxes (PILOT) Agreement with BWC Box Pond, LLC, or its affiliate, with respect to payments for a sum certain in lieu of real and/or personal property taxes owed to the Town over a twenty (20) year period relative to a proposed solar electric generating facility at 35 Cape Road Mendon, MA 01756, with an option for extension coterminous with the lease of said parcels; and to authorize the Board of Selectmen to take such actions and execute any necessary documents relating thereto.
UNANIMOUS VOICE VOTE
- ARTICLE 21 (BOS)** Voted to accept the provisions M.G.L.c. 41, § 110A, authorizing the Town to treat Saturdays as a holiday.
UNANIMOUS VOICE VOTE
- ARTICLE 22 (BOS)** Voted to accept the provisions of M.G.L. c. 40, § 22F authorizing the Board of Selectmen to set fees.
UNANIMOUS VOICE VOTE
- ARTICLE 23 (BOS)** Voted to amend the Town’s General By-Laws, Animal Control By-law, Chapter XI, Section 7-9.2 Section 7-9.7 and Section 7- 9.10 to remove fee references and replace with “consistent with fee schedule set by the Select Board”.
MAJORITY VOICE VOTE
- ARTICLE 24 (BOS)** Voted to amend the Scenic Roads Bylaw, Chapter XVI, Section 7, of the Town of Mendon General By-laws by adding the following road to those designated as Scenic Roads: Washington Street.
MAJORITY VOICE VOTE
- ARTICLE 25 (BOS)** Voted to amend the Town’s General By-Laws by adding a new section to prohibit the display of wild or exotic animals in traveling animal acts for public entertainment or amusement and add this section to the table of contents.
HAND COUNT Yes 79 No 36
- ARTICLE 26 (CITIZEN PETITION)** Voted to amend the Article to add “within 30 calendar days of the meeting”
MAJORITY VOICE VOTE
- Voted that after August 1, 2020, the Town will require the following boards and committees to create an audio-visual recording of their posted meetings, to be made available to public. Meetings convened in executive session for one of the purposes laid out in M.G.L. c. 30A, § 21 will be exempt from this requirement. Enforcement will be by the appointing authority.
- Board of Selectmen
 - Finance Committee
 - Board of Health
 - Zoning Board of Appeals
 - Planning Board
 - Conservation Commission
- HAND COUNT Yes 69 No 38**
- ARTICLE 27 (CITIZENS PETITION)** Voted to rename the “Board of Selectmen” to “Select Board” and replace every instance of the term “Board of Selectmen” and “Selectmen” with “Select Board” in Mendon’s General By-laws.
HAND COUNT Yes 72 No 43

ARTICLE 28 Voted to replace every instance of the term "Board of Selectmen" and "Selectmen" with "Select Board" in
(CITIZENS Mendon's Zoning By-laws. 2/3rds vote required
PETITION) **2/3RDS DECLARED VOICE VOTE**

ARTICLE 29 Defeated the motion to add Section 1. Notwithstanding any provision of any general or special law to the contrary
(CITIZENS the number of members of the Board of Selectmen of the Town of Mendon shall be increase from three (3) to five
PETITION) (5). The Board of Selectmen shall annually elect a chairperson from among its members.

Section 2. At the first Annual Town Election following acceptance of this act by the voters of the Town, but in no event prior to the 2020 Annual Town Election, three (3) Selectmen shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term, the candidate receiving the second highest number of votes shall serve a (2) year term, and the candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Selectmen expire, successors shall be elected for terms of three (3) years.

HAND COUNT Yes 40 No 72

A motion to dissolve the warrant was made at 10:12pm. The tellers for the meeting were Kathryn Rich and Nancy Fleury. The officer for the meeting was Edward Pokornicki. There were 141 voters in attendance.

A true copy. Attest:



Ellen Agro
Town Clerk