

## **ANNUAL TOWN MEETING MAY 8, 2021-PROCEEDINGS**

The Moderator, Jay Byer called the meeting to order at 10:00am. The meeting was immediately recessed until all voters were processed through checkout. The Moderator dispensed with the reading of the warrant. The meeting was reconvened at 10:07am.

Non-Residents admitted into the meeting:

Michelle Sanford-Town Crier

Joe Maruszczak-MURSD Superintendent

Dr. Maureen Cohen – Assistant Superintendent MURSD

Kim Newman-Town Administrator

Jean Berthold-Principal Assessor

Cindy Amara-Town Counsel

Jack Hunter – KW Services North St. Project (Article 8)

Duncan Chapman– KW Services North St. Project (Article 8)

Jennifer Cenedella- accompanying resident

Alan Auty- accompanying resident

Bill McHenry – Affordable Housing Coordinator

Anthony Steele – BVT Principal

Michael Byrne Jr – Scout

Gavin Kaye-Kuter – Scout

James Roberts – Scout

Ava Danielson – minor

Zac Danielson – minor

Lucy Tinio – minor

The Moderator went over the rules and procedures for the meeting. Members of Scout Troop 1 led the meeting in the Pledge of Allegiance.

### **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 FY22, as follows,

Elected Officials	Hourly Rate	Hours	Longevity Stipends	FY 2022 Total
Board of Health - Chair				\$ 225
Board of Health - Member 2				\$ 175
Board of Health - Member 3				\$ 175
Planning Board - Chair				\$ 225
Planning Board - Member 2				\$ 175
Planning Board - Member 3				\$ 175
Planning Board - Member 4				\$ 175
Planning Board - Member 5				\$ 175
Select Board - Chair				\$ 2,200
Select Board - Member 2				\$ 2,000
Select Board - Member 3				\$ 2,000
Board of Assessors - Member1				\$ 300
Board of Assessors - Member2				\$ 250
Board of Assessors - Member3				\$ 250
Moderator		Elected		\$ 100
Town Clerk	\$ 31.54	Elected	300	\$ 66,156
Tree Warden		Elected		\$ 3,500
Highway Surveyor	\$ 47.85	Elected	\$ 3,497	\$ 103,404

**UNANIMOUS VOICE VOTE**

**ARTICLE 3** Voted to raise and appropriate and/or transfer \$2,595.14 from Free Cash to pay Bills of a Prior Year

**UNANIMOUS VOICE VOTE**

**ARTICLE 4** Voted to raise and appropriate the sums of money as read under Article 4 to defray charges and expenses of the Town including debt & interest and to provide for a reserve fund for the ensuing year.

**UNANIMOUS VOICE VOTE**

**ARTICLE 5** Voted to pass over this article.

**UNANIMOUS VOICE VOTE**

**ARTICLE 6** Voted to pass over this article.

**UNANIMOUS VOICE VOTE**

**ARTICLE 7**

Voted, in accordance with MGL Ch 41 section 2 to increase the size of the Select Board from three members to five members. This change shall take effect for the 2022 Annual Election. The candidate receiving the highest number of votes shall serve a (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 (1) year term. Thereafter, as the terms of Select Board expire, successors shall be elected for terms of three (3) years.

If the intent of this vote to increase the size of the Select Board can only be accomplished through a home rule petition, the Select Board is hereby directed to prepare such language and bring it to a vote at a subsequent town meeting at least 60 days prior to the 2022 annual election.

**SECRET BALLOT VOTE                      YES 113      NO 51**

**ARTICLE 8**

Defeated a motion to amend the Mendon Zoning Bylaws, adding 5.05 Mendon Age Restricted (AROD) Overlay District. To promote mixed-use development which increases the availability of Over 55 housing alternatives to meet local needs, promotes walkable neighborhoods, takes advantage of compact design, fosters distinctive and attractive village settings, preserves critical environmental assets, including drinking water supply quality and quantity, surface and groundwater quality and quantity, wetlands preservation and air quality, and supports economic revitalization in Mendon. A copy of the proposed amendments are available in the Town Clerk's office and on the Town website.

**UNANIMOUS VOICE VOTE**

**ARTICLE 9**

Voted to amend the Mendon Zoning By-Laws, Section 1.02-Definitions and Section 4.04-Site Plan Review to correct typos and incorporate recommended stormwater management practices. A copy of the proposed amendments are available in the Town Clerk's office and on the Town website.

**UNANIMOUS VOICE VOTE**

**ARTICLE 10**

Voted to amend the Mendon General By-Laws, Chapter XXVI Stormwater Management By-Law to incorporate recommended stormwater management practices. A copy of the proposed amendments are available in the Town Clerk's office and on the Town website.

**UNANIMOUS VOICE VOTE**

**ARTICLE 11**

Voted to amend Section 3.04 – Open Space Communities By-Law of Mendon Zoning Bylaws to change and clarify sections of the bylaw. A copy of the proposed amendments are available in the Town Clerk's office and on the Town website.

**UNANIMOUS VOICE VOTE**

**ARTICLE 12**

Voted to authorize the Select Board petition the General Court for passage of a special law to provide for a Means-Tested Senior Citizen Property Tax Exemption which legislation reads as follows:

**AN ACT AUTHORIZING THE TOWN OF MENDON TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the Town of Mendon, there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided in Section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed pursuant to the General Laws.

SECTION 2. The Board of Assessors of the Town of Mendon may deny an application for exemption if the board finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption established pursuant to this act. Real property shall qualify for the exemption pursuant to Section 1 if the following criteria are met: (i) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws; (ii) the qualifying real property is owned by a single applicant who was age 65 or older at the close of the previous year or jointly by persons who are 60 years of age or older, provided that not less than 1 joint owner was age 65 or older at the close of the previous year; (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile; (iv) the applicant, or at least 1 of the joint applicants, has been domiciled and owned a home in the Town of Mendon for not less than 10 consecutive years before filing an application for the exemption; (v) the maximum assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws, as adjusted annually by the Department of Revenue; and (vi) the Board of Assessors has approved the application for the exemption.

SECTION 3. The Select Board of the Town of Mendon shall annually set the exemption amount provided for in Section 1; provided, however, that the amount of the exemption shall be not less than 50 per cent and not more than 200 per cent of the amount of the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption pursuant to Section 1 shall, before the deadline established by the Board of Assessors of the town of Mendon, file an application, on a form adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted pursuant to this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. The exemption provided in this act shall expire 3 years after the effective date of this act; provided, however, that the Town of Mendon may reauthorize the exemption for additional 3-year intervals by a vote of the legislative body of the town.

SECTION 7. This act shall take effect upon its passage.

**UNANIMOUS VOICE VOTE**

**ARTICLE 13**

Defeated a motion to authorize the Select Board to petition the Legislature to enact special legislation to authorize the use of approximately 8,100 square feet of the land described below, for general municipal purposes, including the sale thereof to F&D Central Realty Corporation, without any restrictions imposed on such use by Article 97 of the Amendments to the Massachusetts Constitution ("Article 97") in exchange for subjecting similar land currently not subject to Article 97 to the provisions of Article 97 in accordance with EOEA Article 97 Land Disposition Policy, dated February 19, 1998; or take any other action in relation thereto. Such 8,100 square feet of land is a portion of the open space of approximately 24.16+/- acre parcel on the northerly side of George Street, gifted to the Town of Mendon in 2015, by deed recorded at the Worcester Registry of Deeds in Book 55443 Page 223. The 8,100 square feet is shown as "Prop. Parcel" on a plan of land titled "Pond Meadow Estates' Prop. Land Acquisition Plan Pond Street in Mendon, Massachusetts Scale: 40 feet to an inch horizontal Date: January 26, 2021" by Guerriere & Halnon Inc. to be recorded at the Worcester District Registry of Deeds, a copy of which is on file in the Town Clerk's Office and on the Town website.

**MAJORITY VOICE VOTE**

**ARTICLE 14**

Voted to transfer the care, custody, management, and control of 3.2 acres of the 75.8-acre town-owned land at 52 Providence Street from the Select Board for general municipal purposes to the Select Board for affordable housing purposes and to authorize the Select Board, as Lessor, to lease said 3.2 acres of said property, for a term of not more than ninety-nine (99) years for affordable housing purposes.

**2/3rds required**

**MODERATOR DECLARED 2/3RDS VOICE VOTE**

**ARTICLE 15**

Voted to raise and appropriate \$803,338 for the purpose of additional funding for the operational budget of the Mendon-Upton Regional School District for the Fiscal Year starting July 1, 2021; provided that such appropriation shall be contingent upon the passage of a Proposition 2 ½ levy limit override ballot vote under Massachusetts General Laws Chapter 59, Section 21C(g)

**SECRET BALLOT VOTE**

**YES 85**

**NO 71**

**ARTICLE 16**

Voted to transfer from Free Cash a sum of \$20,000 or a greater or lesser sum, to the Tree Warden budget.

**UNANIMOUS VOICE VOTE**

**ARTICLE 17**

Voted to transfer from Free Cash a sum of \$60,000, or a greater or lesser sum, for the purchase or lease of a truck with plow for the Highway Department.

**UNANIMOUS VOICE VOTE**

**ARTICLE 18**

Voted to transfer from Free Cash a sum of \$40,000 or a greater or lesser sum, for the purchase of fleet radios for the Highway Department.

**UNANIMOUS VOICE VOTE**

- ARTICLE 19** Voted to transfer up to \$125,000 from Free Cash to fund Town Hall painting.  
**UNANIMOUS VOICE VOTE**
- ARTICLE 20** Voted to transfer \$200,000 from Free Cash into the Stabilization Account  
**UNANIMOUS VOICE VOTE**
- ARTICLE 21** Voted to transfer \$100,000 from Free Cash into the Capital Expenditure Account  
**UNANIMOUS VOICE VOTE**
- ARTICLE 22** Voted to raise and appropriate and/or transfer \$15,000 from Free Cash to the Other Post-Employment Benefits ("OPEB") Liability Trust Fund  
**UNANIMOUS VOICE VOTE**

**Articles 23-26 were voted using a consent calendar.**

- ARTICLE 23** Voted to raise and appropriate \$6,500 from available sources a sum of money to fund the FY22 portion of the Assessor's Cyclical Inspection Program
- ARTICLE 24** Voted to raise and appropriate \$17,000 from available funds a sum of money to fund the FY22 portion of the Update Valuation Account
- ARTICLE 25** Voted to raise and appropriate \$2,500 from available sources for Police Department State/Federal General Matching Grants
- ARTICLE 26** Voted 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 Select Board 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  
**UNANIMOUS VOICE VOTE ON CONSENT CALENDAR ARTICLES**

- ARTICLE 27** Voted to raise and appropriate the following sums of money to operate the Water Enterprise Fund for the fiscal year beginning on July 1, 2021 (FY2022):

Salaries - \$4,475.00  
Contracted Services - \$12,000  
Expenses - \$13,500  
Purchase of Water - \$155,000  
Water Infrastructure Repair & Replacement Fund - \$31,999.00  
Total: \$216,974.00  
And that \$216,974 be raised as follows:  
Department receipts - \$187,971  
Retained earnings - \$29,003  
**UNANIMOUS VOICE VOTE**

**ARTICLE 28**

Voted to set the limits on the Revolving Funds in accordance with M.G.L.C. 53E1/2 as follows

Revolving Fund	Limit on Spending
Library	\$6,000
Planning Board	\$30,000
Highway	\$25,000
Conservation Commission	\$25,000
Parks	\$150,000
Fire Department	\$10,000
Title V (Board of Health)	\$25,000

**UNANIMOUS VOICE VOTE****ARTICLE 29**

Voted to set aside for later spending from the FY22 Community Preservation Revenues (10%) \$67,370 for open space; (10%) \$67,370 for historic preservation; (10%) \$67,370 for affordable housing, (5%) \$33,685 for administration and (65%) \$437,907 to the Community Preservation Budgeted Reserve

**UNANIMOUS VOICE VOTE****ARTICLE 30**

Voted to transfer \$20,000 from the Community Preservation Affordable Housing Account to renew the position of the part-time Affordable Housing Coordinator for FY22.

**MAJORITY VOICE VOTE****ARTICLE 31**

Voted to transfer \$80,055 from the Community Preservation Historical Preservation Account and \$22,000 from the Community Preservation Budgeted Reserve Account to fund the FY22 Police Station Debt Exclusion

**MAJORITY VOICE VOTE****ARTICLE 32**

Voted to transfer \$71,500 from the Community Preservation Open Space Account and \$21,200 from the Community Preservation Budgeted Reserve Account to fund the FY22 Fire Debt Exclusion.

**UNANIMOUS VOICE VOTE**

**ARTICLE 33** Voted to transfer \$10,868.79 from the Old Cemetery Repairs Account and \$40,000 from the Community Preservation Budgeted Reserve Account to fund site improvements in the historic cemeteries including Bicknell Cemetery on Hartford Avenue East, George Cemetery on George Street, Old Town Cemetery on Main St, Locust Hill Cemetery on North Ave and Swandale Cemetery on Hartford Avenue East, to repair entry gates, improve drainage, reset small stones, remove dead trees and limbs, purchase conservator approved biological solvents for restoration work, repair the historic stone walls and other restoration activities

**UNANIMOUS VOICE VOTE**

**ARTICLE 34** Voted to transfer \$10,000 from the Community Preservation Budgeted Reserve Account to fund drainage and site improvements at the Mendon Town Beach.

**UNANIMOUS VOICE VOTE**

**ARTICLE 35** Voted to approve the 5-year Land Use Plan.

**UNANIMOUS VOICE VOTE**

**ARTICLE 36** Voted to amend the Mendon Town Bylaw Chapter XV- Land Use Planning, Section 2;. A copy of the proposed amendments are available in the Town Clerk's office and at the Town website

**UNANIMOUS VOICE VOTE**

**ARTICLE 37** Voted to transfer \$600 from the Survey 79 Millville St Account that was voted at the May 3, 2019 Annual Town Meeting, Article 17, back into the Mendon Land Bank.

**UNANIMOUS VOICE VOTE**

**ARTICLE 38** Voted to transfer \$5,000 from the Community Preservation Budgeted Reserve Account to fund restoration of historical documents held by the Mendon historical Society.

**UNANIMOUS VOICE VOTE**

**ARTICLE 39** Voted to transfer \$2,200 from the Land Bank to survey and mark the borders of the Inman Hill Wildlife Conservation Area along the borders of private lots on Inman Hill Road that border the town-owned land.

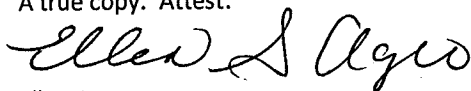
**UNANIMOUS VOICE VOTE**

**ARTICLE 40** Voted to transfer \$3,000 from the Land Bank to survey and mark the borders along the private lots along George Street that abut the town owned Gaskill Meadows Conservation Area on 32 George Street.

**UNANIMOUS VOICE VOTE**

A motion to dissolve the warrant was made at 12:37 pm. The tellers for the meeting were Kathy Rich and Nancy Fleury. There was one officer on hand. There were 178 voters in attendance.

A true copy. Attest:



Ellen Agro  
Town Clerk