

SPECIAL TOWN MEETING-NOVEMBER 21, 2017-PROCEEDINGS

The Moderator Jay Byer called the meeting to order at 7pm. The Moderator noted that the warrant had been duly posted and properly served.

Non residents were allowed into the meeting:

Kim Newman, Town Administrator

David Ovelman

Jean Berthold, Principal Assessor

Michelle Sanford, Town Crier

Michael Maccaro, Town Counsel

Cindy Amara, Town Counsel

ARTICLE 1 Voted to transfer \$361.25 from Free Cash for the cost of landfill testing from Fiscal 2017 and to transfer \$138,186 from Free Cash for the cost of snow and ice removal from Fiscal year 2017.
UNANIMOUS VOICE VOTE

ARTICLE 2 Voted to transfer \$10,000 from Free Cash to Highway Construction Police Overtime wages.
UNANIMOUS VOICE VOTE

ARTICLE 3 Voted to Passover this article.
UNANIMOUS VOICE VOTE

ARTICLE 4 Voted to transfer \$25,000 from Free Cash into the Capital Expenditure Account.
UNANIMOUS VOICE VOTE

ARTICLE 5 Voted to transfer \$25,000 from Free Cash to the Finance Committee Reserve line item 131C.
UNANIMOUS VOICE VOTE

ARTICLE 6 Voted to Passover this article.
UNANIMOUS VOICE VOTE

ARTICLE 7 Voted to set aside for later spending from the FY18 Community Preservation Revenues (\$41,581) for open space; (\$41,581) for historic preservation; (\$41,581) for affordable housing, (\$20,790) for administration and (\$270,281) to the Community Preservation Budgeted Reserve.
UNANIMOUS VOICE VOTE

ARTICLE 8 (BOS) Voted that the Town will vote to amend the Town's Zoning Bylaws by adding a new section 2.08, that reads as follows:

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.

UNANIMOUS VOICE VOTE

2/3 vote needed

ARTICLE 9 Vote that the Town will vote to amend the Town's General Bylaws, by adding the new Chapter XXXI, Fire Department, to modify the duties and authority of the Fire Chief, which would provide as follows:

CHAPTER XXXI: FIRE DEPARTMENT

SECTION 1.The Fire Department shall be established under the direction of the Board of Selectmen, who shall appoint a Chief of the Fire Department ("Fire Chief") and such other officers and firemen as such Board deems necessary and fix their compensation in an amount not in the aggregate exceeding the annual appropriation therefor.

SECTION 2.The appointment of the Fire Chief shall be made annually or for a term of years not exceeding three years, as the Board of Selectmen shall determine. Any member of the Fire Department, including the Fire Chief, may be removed or suspended or otherwise disciplined by the Board of Selectmen, as provided by law.

SECTION 3.The Fire Chief shall be in immediate control of all town property used by the Fire Department, and of the officers and firemen, whom he or she shall assign to their respective duties and who shall obey his or her orders.

SECTION 4. The Fire Chief shall from time to time make suitable regulations governing the Fire Department, and the officers thereof, subject to the approval of the Board of Selectmen; provided, that such regulations shall become effective without such approval upon the failure of the Board of Selectmen to take action thereon within thirty days after they have been submitted to them by the Fire Chief. The Fire Chief shall be governed by the rules and regulations of the Board of Selectmen and shall perform such additional duties as are prescribed by the Board of Selectmen and by the By-Laws of the Town.

UNANIMOUS VOICE VOTE

ARTICLE 10 Voted that the Town transfer \$13,100 from Free Cash into the CPA Administration account.

UNANIMOUS VOICE VOTE

[KRJ]

ARTICLE 11 Voted that the Town transfer \$13,100 from Free Cash to 165E, Highway Engineering Consulting Services.

UNANIMOUS VOICE VOTE

ARTICLE 12 Voted that the Town transfer \$2298.46 from the Taft Library Renovation project to the Mendon Police Station Project.

UNANIMOUS VOICE VOTE

ARTICLE 13 Voted to transfer \$1300 from the Assessors Update Valuation Account to the Assessors Expense Account 141B.

UNANIMOUS VOICE VOTE

ARTICLE 14 (BOS) Voted to transfer \$31,000 from the Reserve for Salary Negotiations and the sum of \$69,000 from the Stabilization Account to the Fire Department Full time Wages Account for the arbitration award of the Joint Labor Management Committee (Firefighters JLMC-16-5098) for pay raises and benefit increases for the Mendon Firefighters Association. **2/3 vote needed**

UNANIMOUS VOICE VOTE

The warrant was dissolved at 7:25pm. The officer on duty was Tyler Peabody. The teller for the meeting were Nancy Fleury and Kathryn Rich. There were 39 voters in attendance.

A true copy. Attest:

Margaret Bonderenko
Town Clerk