

Annual Town Election – May 7, 2007

The polls were opened at 7:00am in the Wilho Frigard Gymnasium of the Miscoe Hill School. The election workers were sworn in by the Town Clerk. The ballot box was checked and shown to be empty by Margaret Bonderenko and Warden Carol Cook. Guy Kloczkowski was the officer on duty until 2:00pm.

Poll workers from 7:00am to 5:00pm were: Martha Gebelien, John Hogarth, Gloria Hogarth, Nancy Bradley, Ruth O'Grady and Mary Ames.

Philip Dunlavey replaced Officer Kloczkowski at 2:00pm.

The poll workers from 5:00pm to the close of counting were: Tom Irons, Kathryn Rich, Patricia Ghelli, Laura Taylor, Diane Harper, and Nancy Fleury from 5:30pm until the close of counting.

Total votes cast were 368. Warden Carol Cook announced the results at 8:15pm.

TOWN MODERATOR for one year

Kevin G. Rudden	263
All Others	16
Blanks	89

SELECTMAN for three years

Michael A. Ammendolia	292
All Others	7
Blanks	69

BOARD OF HEALTH for three years

B. John Palumbo	282
All Others	3
Blanks	83

ASSESSOR for three years

Dennis G. Boucher	288
All Others	2
Blanks	78

PARK COMMISSIONER for three years

Susan G. Barnett	275
Blanks	93

WATER COMMISSIONER for three years

Dwight L. Watson	268
All Others	5
Blanks	95

TAFT PUBLIC LIBRARY TRUSTEE for three years

Carolyn D. Peterson	292
All others	2
Blanks	74

TAFT PUBLIC LIBRARY TRUSTEE for two years

Robert E. Carlson	191
Sarah LK Burghart	145
Blanks	32

**MENDON-UPTON REGIONAL SCHOOL
COMMITTEE MEMBER for three years**

Kathleen M. Drennan	256
Paul J. Harmon	42
All Others	2
Blanks	68

PLANNING BOARD for five years

Damon Tinio	272
All others	1
Blanks	95

MENDON HOUSING AUTHORITY for five years

Peter I Denton	305
Blanks	63

TREE WARDEN for three years

Howard F. Phipps	310
All Others	1
Blanks	57

The results were announced at 8:15pm. 368 votes were cast. The meeting was adjourned until Friday May 11, 2007 at 7:00pm in the Gymnasium of the Miscoe Hill School.

ANNUAL TOWN MEETING MAY 11, 2007-PROCEEDINGS

The Moderator Kevin G. Rudden called the meeting to order at 7:00pm. The Moderator noted that the warrant had been duly posted and properly served.

Non-Residents were allowed into the meeting:

Gail Wellman-Admin. Asst. Planning Board

Kathleen Loverude-child

Dr. Michael Fitzpatrick, Superintendent-BVT

Marina Webber-non registered

Paul Crocetti-Milford Daily News

John Thornton-Milford Daily News

Alex Koufos-Boy Scout

Chris Merolli-Boy Scout

Jean Berthold-Asst. Assessor

Terry Palmer-Admin. Asst.

Stan Weinberg-Town Counsel

Jennifer Welch-Admin. Asst.

Christine Kupstas-Treasurer

Joe Kogut-Treasurer-MU Reg. School District
Michael McCue-Admin. Asst.

The Moderator went over the rules and procedures for the meeting.

Scouts Chris Merolli and Alex Koufos led the meeting in the Pledge of Allegiance.

Town Officials were introduced by the Moderator.

The dedication of the Town Report and the proclamations for the Senior Citizen's of the Year were read by Selectmen Chairman, Lawney Tinio.

The Finance Committee report was read by Finance Committee Chairman, Christopher Felton.

ARTICLE 2 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

Lawney Tinio makes a motion to take certain articles out of order, namely Article 6 after Article 2 to then resume with Article 3 and so on.

Defeated a motion to take certain articles out of order, namely Article 6 after Article 2 to then resume with Article 3 and so on.

MAJORITY VOICE VOTE

ARTICLE 3 Voted to fix the salaries and compensations of the elected officials of the Town for FY08.

UNANIMOUS VOICE VOTE

ARTICLE 4 Voted to raise and appropriate \$10,642,737 and transfer \$10,000 from the Conservation Wetlands account to defray charges and expenses of the Town including debt and interest and to provide for a reserve fund for the ensuing year, subject to any adjustments resulting from line items being held for further discussion: 131B, 131C, 171A, 210C, 210F, 241D, and 310A.

UNANIMOUS VOICE VOTE

Statement made by the Chairman of the Board of Selectmen, Lawney Tinio, that the Town will fund all collective bargaining agreements, regardless of whether the override passes.

Line Item 131B-Finance Committee-Reserve voted to raise and appropriate \$71,042 for line item 131B.

MAJORITY VOICE VOTE

Line Item 131C-Finance Committee-Reserve for Salary Negotiations- Defeated a motion to amend line item 131C to \$104,247 by transferring \$40,000 from Overlay Surplus, \$30,000 from Free Cash, \$11,247 from FY07 Finance Committee Reserve for Salary Negotiations (line item 131C) and \$23,000 from FY07 Health Insurance (Line Item 914A) to FY08 Finance Committee Reserve for Salary Negotiations (Line Item 131C).

MAJORITY VOICE VOTE

Line Item 131C- Finance Committee- Reserve for Salary Negotiations- voted to raise and appropriate \$0 to Reserve for Salary negotiations 131C.

MAJORITY VOICE VOTE

Line item 171A-Salaries & Wages-Conservation Voted to raise and appropriate \$8,711 for line item 171A.

MAJORITY VOICE VOTE

Line Item 210C-Police Department-Wages-Contractual (FT)- voted to raise and appropriate \$655,045 to line item 210C.

UNANIMOUS VOICE VOTE

Line Item 210F-Police Department-Wages-Clerk-Voted to amend line item 210F, Police Clerk Wages include \$503 for longevity, and fund this line item from Line item 131B FY07 Fin Comm. Reserve.

UNANIMOUS VOICE VOTE

Line Item 210F-Police Department-Wages-Clerk-Voted to raise and appropriate \$39,000 to line item 210F and transfer \$503 for longevity from Line Item 131B, FY07 Finance Committee Reserve.

UNANIMOUS VOICE VOTE

Line Item 241D-Building Inspector-Outside Services Inspection Account-Voted to raise and appropriate \$2771 for the outside services inspection account.

MAJORITY VOICE VOTE

Line Item 310A-Blackstone Valley Vocational School -Operational Assessment- voted to raise and appropriate \$153,267 for line item 310A.

UNANIMOUS VOICE VOTE

ARTICLE 5 Voted to raise and appropriate \$264,219 for Mendon's portion of the operational budget of the Mendon-Upton Regional School District for the Fiscal Year starting July 1, 2007; provided that such appropriation shall be contingent upon the passage of a Proposition 2 ½ override ballot vote in accordance with Mass General Laws Chapter 59, Section 212C (m).

MAJORITY VOICE VOTE

ARTICLE 6 Voted to raise and appropriate \$160,000 for the operational budget of Municipal Services for the Fiscal Year starting July 1, 2007; provided that such appropriation shall be contingent upon the passage of a Proposition 2 ½ override ballot vote in accordance with Mass General Laws Chapter 59, Section 21C(m).

MAJORITY VOICE VOTE

ARTICLE 5 Voted to reconsider Article 5, for the purposes of the typographical error in the initial motion.

MJAORITY VOCIE VOTE

ARTICLE 5 Voted to raise and appropriate \$264,219 for Mendon's portion of the operational budget of the Mendon-Upton Regional School District for the Fiscal Year starting July 1, 2007; provided that such appropriation shall be contingent upon the passage of a Proposition 2 ½ override ballot vote in accordance with Mass General Laws Chapter 59, Section 21C (m).

MAJORITY VOICE VOTE

ARTICLE 7 Voted to transfer from the Stabilization account \$144,200 for the capital budget of the Highway Department for the Fiscal Year starting July 1, 2007.

2/3 VOTE DECLARED BY MODERATOR

ARTICLE 8 Voted to transfer from the Public Safety Building Account \$43,036 to fund the Fire Station Temporary Relocation account.

MAJORITY VOICE VOTE

- ARTICLE 9** Vote to transfer \$20,000 from the Stabilization account to the Hartford Avenue East Engineering account.
2/3 VOTE DECLARED BY MODERATOR
- ARTICLE 10** Voted to raise and appropriate \$7,000 to fund the FY08 portion of the Update Valuation Account.
UNANIMOUS VOICE VOTE
- ARTICLE 11** Voted to raise and appropriate \$5,000 for Police Department State/Federal General Matching Grants.
UNANIMOUS VOICE VOTE
- ARTICLE 12** Voted to Passover this article raise and appropriate and/or transfer a sum of money from available funds for Fire Department State/Federal General Matching Grant.
UNANIMOUS VOICE VOTE
- ARTICLE 13** 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.
UNANIMOUS VOICE VOTE
- ARTICLE 14** Voted to transfer \$102,383 of the Community Preservation Budgeted Reserve Fund go towards the 2008 fiscal year payment of the open space portion of the town owned Fino property debt exclusion.
MAJORITY VOICE VOTE
- ARTICLE 15** Voted to transfer \$500 from Community Preservation Administration Fund go towards the 2008 fiscal year dues to the Community Preservation Coalition.
UNANIMOUS VOICE VOTE
- ARTICLE 16** Voted to approve the Mendon Land Use Committee's Five Year Land Use Plan.
UNANIMOUS VOICE VOTE
- ARTICLE 17** Voted that the Town of Mendon in accordance with Massachusetts General Law Chapter 40, Section 4A, authorize the Board of Health to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units.
UNANIMOUS VOICE VOTE
- ARTICLE 18** Voted to accept the local option statute, Massachusetts General Law Chapter 59 Section 5L, that gives members of the Massachusetts National Guard or reservists deployed outside the commonwealth, or their dependents, up to 180 days after that service to pay their property taxes without interest or penalties.
UNANIMOUS VOICE VOTE
- ARTICLE 19** Voted to establish a revolving fund as recommended by the Board of Selectmen for the Taft Public Library in accordance with M.G.L. Chapter 44 Section 53E ½. The purpose of this fund shall be to replace items lost or damaged by those who borrow materials and to purchase new materials. Receipts to this fund shall be monies paid by borrowers for lost or damaged materials and for overdue fines. The Library Director, with the approval of the Library Board of Trustees, shall be authorized to expend from this fund but at no time exceeding more than the available balance in the revolving fund nor to expend more than six thousand dollars per year.
UNANIMOUS VOICE VOTE

ARTICLE 20 Voted to amend Mendon Town Bylaws, Chapter II entitled "Town Meetings" as follows:

These bylaw changes shall first apply to the annual town meeting and annual town election to be held in 2008. The ending date of the term of any Town official in office at the time of adoption of this change in the date of the annual town election shall be extended to coincide with such change:

Replace Section 1. with - The Annual Town Meeting of the Town of Mendon for the transaction of business relating to the affairs for the Town shall be held on the first Friday in May.

Replace Section 2. with - The annual Town Meeting for the election of Town officers and the determination of such matters as are required by law to be elected or determined by ballot shall be held on the Tuesday occurring eleven days after the first Friday in May.

Replace Section 3. with - The polls for the annual Town Meeting for the election of Town officers and the determination of such matters as are required by law to be elected or determined by ballot shall be opened at seven (7) o'clock in the forenoon and shall remain open until eight (8) o'clock in the evening.

MAJORITY HAND COUNT

YES 59

NO 27

ARTICLE 21 Voted to amend the Town's General By-laws by adding a new Chapter XXIII as written in the Annual Town Meeting warrant:

CHAPTER XXIII
Non-Storm Water Discharge:

Section 1. Purpose

The purpose of this Bylaw is to regulate illicit connections and discharges to the storm water system, which is necessary for the protection of the Town's water bodies and groundwater, and to safeguard the environment and public health, safety, and welfare.

The objectives of this Bylaw are:

To prevent pollutants from entering the Town's municipal separate storm water system (MS4);
To prohibit illicit connections and unauthorized discharges to the MS4;
To require the removal of all such illicit connections;
To comply with state and federal statutes and regulations relating to stormwater discharges;
To establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement; and

To prevent contamination of drinking water supplies.

Section 2. Authority

In accordance with the Home Rule Amendment and in partial fulfillment of the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 & Sec.) and under the Town's National Pollutant Discharge Elimination System Storm Water Permit, the Town hereby establishes a comprehensive and fair system of regulation of Discharge to the Town's Municipal Separate Storm Water System (MS4).

Section 3. Responsibility for Administration

The Highway Department shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Highway Department may be delegated in writing by the Highway Surveyor to employees or agents of the Highway Department.

Section 4. Definitions

For the purposes of this Bylaw, the following shall mean:

Section 4.1 *Authorized Enforcement Agency*: The Highway Department, its employees or agents designated to enforce this Bylaw.

Section 4.2 *Best Management Practice (BMP)*: An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Section 4.3 *Clean Water Act*: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Section 4.4 *Discharge of Pollutants*: The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

Section 4.5 *Groundwater*: All water beneath the surface of the ground.

Section 4.6 *Illegal Discharge*: Any direct or indirect non-stormwater discharge to storm drain systems, except as specifically exempted in Section 6.

Section 4.7 *Illicit Connection*: Any surface or subsurface drain or conveyance, which allows an illegal discharge into storm drain systems. Illicit connections include conveyances which allow a non-stormwater discharge to storm drain systems including sewage, process wastewater or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted or approved before the effective date of this bylaw.

Section 4.8 *Impervious Surface*: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Section 4.9 *Municipal separate storm water system (MS4) or Municipal Storm Drain System*: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

Section 4.10 *National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit*: A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States (Massachusetts Department of Environmental Protection).

Section 4.11 *Non-Stormwater Discharge*: Any discharge to the storm drain systems not composed entirely of stormwater.

Section 4.12 *Person*: Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, department or political subdivision of the Commonwealth

or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Section 4.13 *Pollutant*: Any element or property of sewage, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

- 1) Paints, varnishes, and solvents;
- 2) Oil and other automotive fluids;
- 3) Non-hazardous liquid and solid wastes and yard wastes;
- 4) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, accumulations and floatables;
- 5) Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- 6) Dissolved and particulate metals;
- 7) Rock, sand and soils;
- 8) Construction wastes and residues;
- 9) And noxious or offensive matter of any kind.

Section 4.14 *Process wastewater*: any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Section 4.15 *Recharge*: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Section 4.16 *Stormwater*: Runoff from precipitation or snow melt.

Section 4.17 *Storm Drain System*: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town.

Section 4.18 *Toxic or Hazardous Material or Waste*: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Section 4.19 *Uncontaminated*: Water containing no pollutants.

Section 4.20 *Watercourses*: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Section 4.21 *Waters of the Commonwealth*: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Section 4.22 *Wastewater*: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 5. Applicability

This Bylaw shall apply to flows entering the municipally owned storm water and drainage system on public or private ways within the Town.

Section 6. Regulations

The Highway Department may promulgate rules, regulations and a permitting process to effectuate the purposes of this Bylaw. Failure by the Highway Dept. to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

Section 7. Prohibited Activities

Section 7.1 Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into storm drain systems, watercourse, or into the waters of the Commonwealth.

Section 7.2 Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to storm drain systems, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Section 7.3 Obstruction of the Storm Drain Systems

No person shall obstruct or interfere with the normal flow of stormwater into or out of storm drain systems without prior approval from the Highway Department or its designated agent.

Section 7.4 Exemptions

This Bylaw shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems:

Municipal waterline flushing;

Discharges from landscape irrigation or lawn watering;

Water from individual residential vehicle washing and temporary fund-raising car wash events;

Discharges from dechlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance;

Discharges from street sweepers of minor amounts of water during operations;

Discharges or flows resulting from fire fighting activities;

Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.

Section 8. Exemptions With Verbal Notification To Highway Department

This section shall apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems, provided that verbal notification is received by the Highway Surveyor or his designee:

a. Uncontaminated groundwater discharge from a sump pump, with a permit from the Highway Department;

b. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;

c. Dye testing, provided verbal notification is given to the Highway Department prior to the time of the test.

Section 9. Suspension Of Storm Drainage System Access

Section 9.1 Emergency Suspension of Storm Drainage System

The Highway Department may suspend storm drain access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 9.2 Removal of Illicit Connections

Any person discharging to a municipal storm drain system in violation of this ordinance may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Highway Department will notify a violator of the proposed termination of storm drain system access. The violator may petition the Highway Department for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Highway Department.

Section 10. Notification Of Spills

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility or operation which is resulting or may result in illegal discharge of pollutants, that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Highway Department and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 11. Enforcement

Section 11.1 The Highway Department or its authorized agent shall enforce this Bylaw, and the regulations promulgated hereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

Section 11.2 Civil Relief

If anyone violates the provisions of this Bylaw, regulations, permit, notice, or order issued hereunder, the Highway Department may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities, which would create further violations or compelling the person to abate or remedy the violation.

Section 11.3 Orders

The Highway Department may issue a written order to enforce the provisions of this Bylaw or the regulations hereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance

of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection herewith. If the Highway Department determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Highway Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Highway Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, § 57 after the thirty-first day at which the costs first become due.

Section 11.4 Non-Criminal Disposition

The Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, § 21D. The Highway Department shall be the enforcing entity. The penalty for the 1st violation shall be up to \$100.00. The penalty for the 2nd violation shall be up to \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 11.5 Criminal and Civil Penalties

Any person who violates any provision of this Bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued hereunder, shall be subject to a fine not to exceed \$300.00 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

Section 11.6 Entry to Perform Duties under this Ordinance

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Highway Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Highway Department deems reasonably necessary.

Section 11.7 Appeals

The decisions or orders of the Highway Department shall be final. Further relief shall be to a court of competent jurisdiction.

Section 11.8 Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 12. Severability

If any provision, paragraph, sentence, or clause, of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Section 13. Transitional Provisions

Residential property owners shall comply with this Bylaw on a schedule set forth in the Highway Department compliance order, but such property owners shall have no more than eighteen months from the effective date of the Bylaw to comply with its provisions, unless good cause is shown for the failure to comply with the Bylaw during that period.

MAJORITY VOICE VOTE

ARTICLE 22 Voted to amend Chapter III of the Town of Mendon By-Laws by adding the following:

Section 11. – Residency Requirement - Boards, Commissions and Committees.

No person shall be appointed to or serve on a board, commission or committee of the Town or any other board, commission or committee for which the appointment thereto is by a town board or officer, unless such person is a resident of the Town. Any person serving as a member of a board, commission or committee who, during the term of office for which appointed, ceases to be a resident of the town, shall be deemed to have vacated such membership.

The provisions of this bylaw shall not apply to ex-officio members (including any non-resident town officer(s) or employee(s) representing the Town in such capacity), non-voting members, or members of a board, commission or committee holding such membership at the time this bylaw becomes effective.

MAJORITY VOICE VOTE

ARTICLE 23 Motion to amend the Town of Mendon Zoning Bylaws Section III- PROHIBITED USES by adding:

Letter K: Medical Waste Treatment Facilities

And, to add to Section II Definitions Item 22:

Medical Waste Treatment Facility: To read to the extent permitted by law, no new building or facility or part thereof shall be altered, enlarged, reconstructed or used for any purpose to include: processing, storing or staging of solid waste, hazardous waste, infectious waste as defined by the Department of Environmental Protection of the Commonwealth of Massachusetts.

It is the recommendation of the Planning Board that this article be amended.

Petitioner amends the motion to read as follows:

Voted to amend THE TOWN OF MENDON ZONING BY-LAWS SECTION III – PROHIBITED USES by adding:

LETTER K: Medical Waste Treatment Facilities

And, add to Section II Definitions Item 22:

Medical Waste Treatment Facility: Any structure or facility (or part thereof), or any parcel of land, used for the purpose of treating, processing, staging, storing or disposing of infectious or physically dangerous medical or biological waste. The waste described in this definition shall mean waste which because of its characteristics may: cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, and shall include all “Infectious or

Physically Dangerous Medical or Biological Waste”, as that term is defined (from time to time) in 105 Code of Massachusetts Regulations 480.000 “Storage and Disposal of Infection or Physically-Dangerous Medical or Biological Waste State Sanitary Code Chapter VII” or, in the event that such definition is repealed, as said waste is defined elsewhere in said Code of Massachusetts Regulations or applicable state law. Medical Waste Treatment Facilities’ shall not include hospital, clinics, medical or dental offices, or laboratories, that treat or process waste described in this section that is generated by such facilities’ primary activities, provided that such waste is treated or processed in accordance with all applicable laws.

MAJORITY VOICE VOTE

Voted to amend the original motion to read as the amended motion.

HAND COUNT

YES 48

NO 24

2/3 Vote declared by hand count

The warrant was dissolved at 11:13pm. There were 277 voters in attendance. The officer on duty was Philip Dunlavey. The tellers for the meeting were Kathryn Rich, Laura Taylor, Nancy Fleury, Ruth O’Grady and Deb Costa.

A true copy. Attest:

Margaret Bonderenko
Town Clerk