

CHAPTER 1 of the Acts of 1992

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MENDON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Mendon may be recalled therefrom by the qualified voters of the town hereinafter provided.

SECTION 2. Any thirty qualified voters of the town of Mendon may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters who filed such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of this petition shall be entered in the record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the clerk within twenty days after filing of the affidavit and shall be signed by thirty percent of the qualified voters of said town. To every signature shall be added the place of residence of the signer, giving street and number. The said recall petition shall be submitted at or before noon on the Thursday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are the names of the voters of said town.

SECTION 3. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to said selectmen within ten days and said selectmen shall within ten days give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be recalled does not resign within five days thereafter, thereupon order an election to be held on a date fixed by them, not less than sixty-five days and not more than ninety days after the date of certificate of the town clerk that a sufficient petition is filed; provided however, that if any other town election is to occur within one hundred days after the date of said certification, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If re-elected, he shall continue in the office for the remainder of his unexpired term, subject to recall election as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving

notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of officer). Against the recall of (name of officer). Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the propositions shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected; provided that at least thirty percent of those entitled to vote in the election shall have voted. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters. No person who has been removed from office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal or such resignation.

Approved January 27, 1992.

CHAPTER 132 of the Acts of 2000

AN ACT ESTABLISHING A LAND BANK FUND IN THE TOWN OF MENDON.

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. There is hereby established in the town of Mendon a Land Bank Fund for the purpose of acquiring, reclaiming, holding and managing land, conservation easements and interests in lands for open space and recreation that is consistent with the town's most recent open space and recreation plan.

SECTION 2. The town of Mendon shall establish a Land Bank Fund as a separate account to be maintained by the treasurer. The following monies shall be deposited into the account: (a) any gifts made to the town for the express purpose of acquiring land for the purpose set forth in section 1; and (b) any funds appropriated from time to time by town meeting to this fund. The treasurer may invest the funds in such separate account in the manner authorized by sections 55 and 55A of Chapter 44 of the General Laws.

Any interest earned thereon shall be credited to and become part of such account. The town may appropriate, by a vote of the town meeting, monies from said Land Bank Fund for the purpose of acquiring, reclaiming, holding and managing land, conservation easements and interests for open space and recreation.

SECTION 3. The treasurer shall without further appropriation transfer to the Land Bank Fund established in section 1 from the stabilization fund maintained by the town, pursuant to section 5B of chapter 40 of the General Laws, the amount of \$350,000, which is the portion remaining of the amount appropriated to the stabilization fund under Article 1 of the special town meeting held on December 8, 1999.

SECTION 4. This act shall take effect upon its passage.

Approved July 14, 2000.

CHAPTER 188 of the Acts of 2000

AN ACT REGULATING ELIGIBILITY FOR THE OFFICE OF SELECTMEN IN THE TOWN OF MENDON.

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. Notwithstanding the provisions of any general or special law to the contrary, no person employed by the town of Mendon, the Mendon-Upton Regional School District or the Blackstone Valley Vocational Regional School District shall be eligible to hold the office of selectman in the town of Mendon while so employed. Any person so employed and holding the office of selectman in the town of Mendon on the effective date of this act shall be permitted to serve the remainder of his term but shall be ineligible for re-election while so employed.

SECTION 2. This act shall take effect upon its passage.

Approved August 6, 2000

CHAPTER 46 of the Acts of 2004

AN ACT AUTHORIZING THE TOWN OF MENDON TO ESTABLISH A CAPITAL EXPENDITURE FUND

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. The town of Mendon may establish and maintain a special account to be known as the Capital Expenditure Fund and may raise and appropriate money for the fund.

SECTION 2. The town may appropriate to the fund by a majority vote at an annual or special town meeting in any year an amount not to exceed \$100,000 in each fiscal year.

SECTION 3. The account shall be maintained by the town treasurer as a separate account. The town treasurer may invest the funds in the separate account in the manner provided by sections 55 and 55A of chapter 44 of the General Laws. Any interest earned on the fund shall be credited to and become part of the account.

SECTION 4. The town may appropriate by a 2/3 vote at any annual or special town meeting any principal and interest in the fund for any capital purchase or debt payment for any capital purchase. A capital purchase shall be defined as any item with a life expectancy of more than 5 years and valued at \$25,000 or more.

SECTION 5. This act shall take effect upon its passage.

Approved March 12, 2004