

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Selectmen's Minutes 3-31-15

Town of Hanson - Board of Selectmen
Meeting Minutes – Hanson Town Hall
March 31, 2015

Members Present: Donald Howard, James McGahan, William Scott & Bruce Young

Members Absent: Kenny Mitchell

Others Present: Town Administrator Ronald San Angelo
Executive Assistant Meredith Marini

7:00 p.m. Chairman Young called the meeting to order, led the Pledge Allegiance. He read the announcements and upcoming meeting schedule.

II TOWN ADMINISTRATOR'S REPORT

Mr. San Angelo reported that a Hanson Day meeting was held on Monday. There are several groups interested in attending the event. Rep. Josh Cutler will have a various groups from State organizations at the event.

Mr. San Angelo noted that the New Mini pumper has been delivered to the Fire Department. Fire Department personnel will take the mini pumper to calls with the ambulance. He thanked Chief Thompson and Town Counsel for their work on the contract for the purchase of the mini pumper.

Mass DOT has notified the Town that it was receive \$48,447 to fix potholes in Town prior to June 30, 2015. All work must be completed by June 30, 2015.

Mr. San Angelo toured town buildings with the Energy group to replace the lighting at the Senior Center, Town Hall and Police Station.

Mr. San Angelo met with Capital Improvement and noted that the matrix has been updated and will be discussed later in the agenda.

Town Budget. Mr. San Angelo reported that he has met with the Finance Committee and the Town Accountant. They have a good working relationship. The process is moving along well.

South Shore Recycling Cooperative presented the Town with an award for the Town's progress in reduction and trash. Mr. San Angelo and Board of Health Administrative Assistant attended an event. Mr. Howard thanked Transfer Station Attendant Chris Callahan for his work and record keeping of the hauling and disposal figures.

Mr. San Angelo explained that at times only one lane is open at the Transfer Station due to the fact they need to fill the containers to capacity prior to removing it from the facility. Hauling half empty containers is not cost effective.

Mr. San Angelo presented the Board with a memo regarding record keeping of some employees who perform duties outside the Town Hall. Mr. San Angelo noted that he has been having difficulty getting reports from the Veterans Agent. He reminded the Board that he had problems getting reports from the former Animal Control Officer. He requested the Board review the report and determine whether they wish to create a policy as to reporting. The issue will be discussed at the next meeting.

III NEW BUSINESS

Discuss contract for the Highway Surveyor – Mr. San Angelo provided the Board with information provided by Town Counsel, an opinion from the Department of Revenue and a copy of the Special Act regarding the Highway Surveyor.

Mr. San Angelo read an e-mail from Labor Counsel Leo Peloquin dated March 31, 2015 at 4:25 p.m.

Ron and Bruce:

You have asked about the legality of the Board of Selectmen entering an Employment Contract with the Highway Surveyor,~a position not covered by a statute authorizing an employment contract for the position. ~

Under the 2012 Hanson Highway Surveyor Act, the Highway Surveyor changed from an elected position to one appointed by the Board. (copy attached.)

There is a question about the enforceability of employment contracts for employees not in the category of a statute authorizing such contracts. Statutes do authorize multi-year employment contracts for~~ a number of positions, including police and fire chiefs, town administrators, town accountants/auditors, and library directors and administrative assistant to the board of selectmen. See M.G.L. c. 41, sections 108N and 108O. ~The argument against Employment Contracts for other positions is that the Legislature would not have singled out certain positions if a municipality could generally contract with any position. However, some argue that a Board of Selectmen has general contracting powers.

Fifteen years ago, the Massachusetts Department of Revenue (DOR) offered an opinion on this issue. It stated that the general rule is that such a~contract can only be for one year and that any multi-year contract would be subject to an annual appropriation. M.G.L. c. 44, section 31. I do not know if this is still the view at DOR. The issue has never been decided by an appellate court.~

In our experience, Towns do contract with positions that are not covered by a statute authorizing an employment contract for the position. In Hanson, for example, there used to be Employment Contracts with several such positions but that approach was stopped in the last few years. However, the Town/Board just entered a Contract with Lieutenant Joseph Yakavonis. The Lieutenant also had a prior Contract.

Please let me know if you have any other questions about this matter.

Chairman Young read the special act regarding the Highway Surveyor. Mr. Young noted that the Act was approved by the Town Meeting and did not go to the ballot. This special act creates the position as an employee at will and no term is set. Mr. Young feels that the act does not prohibit the issuance of a contract.

The Board will discuss the matter at the next meeting. Chairman Young asked for information from area towns with Highway Surveyors appointed by the Board of Selectmen. The Town should not have a Charter.

Discussion of General By-laws Article 2-12 Section 10 Wage & Personnel –

Chairman Young noted that Section 2 Personnel Board should organize after the election. He suggested that the Board reorganize at its next Wage & Personnel Board meeting.

Section 7A - Annual increases are not automatic and based on evaluations of the employees by the Town Administrator. Mr. Young feels that the Town Administrative should not be required to evaluate several of the positions. He recommended the Wage & Personnel Board meet and clean up the by-law.

Review Capital Improvement Matrix - Mr. San Angelo reviewed the Capital Improvement plan with the Board. He noted that several items are on the matrix, but the Capital Improvement Committee is not recommending funding for this fiscal year.

Discussion regarding the Maquan gym and cafeteria replacement of \$500,000.

Building Commission Robert Curran indicated that he will be evaluating the roof with a contractor on Wednesday.

Mr. McGahan asked why the High School Computers are not included on the Capital Improvement Matrix. Mr. San Angelo indicated that the computers will be funded through a separate article for a borrowing.

Mr. McGahan inquired about the Maquan and Indian Head septic being on the plan in 2020. Mr. Young noted that the School Committee has previously determined the system in failure but the Board of Health indicated that septic systems are functioning. Consequently, the replacement has been set for 2020.

Chairman Young indicated that it is the responsibility of the School Committee to determine the long term solutions of the Maquan School. Mr. McGahan indicated that the facilities committee is attempting to repair the building to keep it safe for the students and teachers.

Mr. McGahan feels that the Matrix needs some adjustments which should include the high school computers.

Set timetable for Town Administrator evaluation and contractual renewal discussion. – Chairman Young read the following letter to Mr. San Angelo indicating all the duties which the Town Administrator must do as part of the Town Administrator Act.

March 31, 2016

Dear Mr. San Angelo,

We are in receipt of your notice of March 24, 2015, calling the Boards attention that the automatic 1 year renewal date to extend your contract from the regular termination date of June 30th 2016 to June 30th 2017 is approaching. Also in your letter you lay out many of the Accomplishments of "Your Administration, and management team" since you became Town Administrator on July 15, 2013 to present (a year and 8 months ago) at a Salary of 105,000 with 2.5% increases annually. You also state that you are asking the Board of Selectmen to "extend you current employment for an additional 3 years." You also state in part that the "Board is in a position to immediately offer you a new contract, and it is your intention to begin looking at long term options for the security of your family, and that we as a Board have all seen the accomplishments of this administration, and it is in our hands if we would like to see the success of this administration continue for the next three (3) years.

First of all we would like to remind everyone, that the term of your original Contract commenced on July 15th 2013, and extends until June 30th 2016. Also that under section II of your contract entitled "Term of Agreement", our Board of Selectmen, in contract terms set by the last Board of Selectmen and signed by James Egan, David Soper, Donald Howard and Richard Flynn, has 3 options regarding your Contract. We can 1. Take no action by the June 30th 2015 date, and your contract will automatically be continued until June 30th 2017 (one additional year past the current expiration date). 2. We could vote not to extend your Contract by June 30th 2015, thus giving you a one year notice that your current contract will expire and your employment with the Town Hanson will not extend past the June 30th 2016 Expiration date. Or Option 3. The parties (the BOS and the T.A.) can enter into a new agreement in writing duly executed with respect to your employment, for up to 3 years past the current June, 2017 expiration date.

Again I would like to put emphasis on the fact that this Board in accordance the contract, has until June 30th 2015 to make this important decision. This Board would not be serving the best interest of the Town of Hanson, if it acted hastily, or acted out of pressure exerted by comments on Social Media or anyone, we must perform our due diligence. This important matter concerns the future of the current Town Administrator our Chief Operating Officer, and his position here in the Town of Hanson. We will be carefully reviewing all the aspects our Town Administrators Job performance dealing with his many duties and obligations, authority and limitations as spelled out under the Town Administrator Act, and the bylaws of Hanson, and the General Laws of the Commonwealth of Massachusetts, and policies established by the Board of Selectmen. These include but are not limited to, overseeing the efficient operation of all Town Depts., And Offices appointed by the Board of Selectmen, Conduct and professionalism at Town Meetings, Selectmen Meetings and meetings of all other Boards. Implementing articles passed at T.M. under the control of the BOS, working with the Chairman and keeping the BOS informed on Legal matters, and upcoming meeting agendas, and keeping the Selectmen informed in timely manner of all Complaints and Allegations of Misconduct to come before the Board. Use of Town Counsel both labor Counsel and Town Counsel. His service as the personnel director of the Town and his responsibility for the administration of all personnel matters, including the personnel bylaws, personnel policies, and regulations that the Board may adopt. Managing Salaries, overtime, benefits, and use of Town owned vehicles. Preparing hiring information, interviewing and Recommending the appointment of 15 important positions including Town Officials and Dept. Heads and as well as all other Administrative and clerical positions to the respective Boards, Committees and Commissions to whom they report. Conducting evaluations on a yearly basis of all Town Officers and Dept. heads the cooperation and input with the relevant boards. His performance as Procurement Officer, Americans with disabilities director and affirmative

action officer, and exercising the general day to day supervision over all town agencies consistent with the policy and direction of the relevant Committee, Commission, Board or Town Officer or Dept. Heads. Implements of all goals and policies set by the Board. Keeping full and complete records of the Administrative activities of the Town, rendering a full report to the BOS at the end of the Fiscal Year. Keeping the BOS informed of the Financial Conditions and needs of the Town and making recommendations to the Board of Selectmen. The keeping of full and complete inventory of all property of the Town, both real and personal. His performance as grievance arbiter and chief union negotiator for all for all bargaining agreements under the BOS. Cooperation and active role in interventions in emergency situations, working with the emergency management team. Preparing and assembling and presenting annually to the BOS for review and approval and recommendations to the FC, budgetary estimates for the administration of Town Operations excluding the Water and School Depts. Insuring complete and full records of the financial activities of the Town are maintained in accordance with all applicable laws. Filing applications for State and Federal Grants.

In summary, I hope everyone has a good idea now of the task, remaining before the Board of Selectmen, and that we cannot and should not rush into an important and well thought out decision regarding the options that are now before us, one of which must be decided and voted on by June 30, 2015.

*Sincerely
Bruce R. Young, Chairman.*

Chairman Young does not want to make a political football. He doesn't want this be part of the upcoming election.

MOTION by McGahan, second by Scott to approve the letter presented by Chairman Young. **Voted 4 – 0**

Chairman Young wants the Board to take their time to do an evaluation of the Town Administrator.

MOTION by McGahan, second Scott, make a decision on the options of the contract on May 19th. **Voted 3 – 1 (Howard)**

Mr. San Angelo questioned the fact that the Board would need to take a month and a half to complete the evaluation. He feels that he has done a good job and is looking for a long term commitment of the Board. Mr. San Angelo

Chairman Young wants to be sure that all the duties have been completed by the Town Administrator, which are outlined in the Town Administrator Act.

Mr. McGahan noted that the evaluation should be done before the contract extension. He has a problem with the process in which Mr. San Angelo took in getting his contract renewed. Mr. McGahan needs to do his job and perform an evaluation on Mr. San Angelo's renewal.

Chairman Young doesn't want to negotiate the contract in public. The Board will be fair and vote in the best interest of the Town.

Mr. Howard noted the in May he will have been on the Board for seven years. He gave the history of Town Administrators from Mike Finglas, Rene' Read and Ron San Angelo. He feels the Town Administrator needs to stir up the pot sometimes and Mr. San Angelo has done that and is doing a good job. He noted that Mr. San Angelo has only been here a year and a half.

Annmarie Bouzan asked if the Town Administrator's evaluation will be conducted in open session. Mr. San Angelo is happy to have the evaluation in open session.

Requests:

Building Inspector request to increase Gas, Plumbing & Wiring Fees

Building Commissioner Robert Curran presented the Board with proposed revisions for the Gas, Plumbing & Gas they have not been adjusted since 2008.

Wiring fees now include the cost of solar panel which is \$100 and \$1.00 per panel

Gas & Plumbing fees – Will now be a flat fee for each home which is \$150 per home up to 10 fixtures with a \$10.00 fee for each additional fixture.

MOTION by Howard, second by Scott to approve the new fees presented by the Building Commission. **Voted 4 – 0.**

Green Hanson request to use Town Hall Green for the annual Green Up Clean Up on Saturday, May 9, 2015 from 8:00 a.m. to 12:00 p.m.

MOTION by Howard, second by McGahan to approve the request to use Town Hall Green for Green Up Clean Up day on May 9, 2015. **Voted 4 – 0**

Dollars for Scholars request to erect fundraising thermometer on Town Hall Green

MOTION by Howard, second by McGahan to approve the request fundraising thermometer on Town Hall Green in April. **Voted 4 - 0**

Dollars for Scholars request to Declare April as Dollars for Scholars Month

MOTION by Howard, second by McGahan to approve the request and proclaim April as Dollars for Scholars month. **Voted 4 – 0**

Board of Health request to use Plymouth County Hospital site for annual Hazardous Waste Day, Saturday, June 6th 9:00 a.m. to 1:00 p.m.

MOTION by Howard, second by McGahan to approve the Board of Health request to use Plymouth County Hospital for Hazardous Waste Day on June 6th. **Voted 4 – 0**

Resignations/appointments:

Resignation of James Armstrong from Energy Committee and CATV Committee was received via e-mail dated March 25, 2015. Chairman Young read the letter of resignation.

Merry, Ron and BOS,

~

I am sending this letter off as an official resignation from all boards that a I may still be part of.

~I know that I have not performed the duties of any of these positions for well over a year and feel this needs to be official.

~I believe I was on the following positions

~Energy Committee

Cable TV Committee

I send this with regret as I have not have time to fulfill these positions for some time now.

Jim Armstrong

Mr. Howard indicated that he is sorry to see Mr. Armstrong leave. The Board acknowledged his work on the committees.

MOTION by Howard, second by McGahan to accept with regret Mr. Armstrong's resignation from the Energy Committee and CATV Committee. **Voted 4 – 0**

Resignation – Joanne Miniutti as Alternate to the Board of Appeals. Mrs. Marini explained that Ms. Miniutti would like to be appointed to the David Nagle's vacant seat.

MOTION by Howard, second by McGahan to accept Joanne Miniutti's resignation as the Zoning Board of Appeals alternate. **Voted 4 – 0**

Appointment – Joanne Miniutti 524 Gorwin Drive – Board of Appeals
Term to Expire June 30, 2017

MOTION by Howard, second by McGahan to appointed as regular member **Voted 4 – 0**

IV OLD BUSINESS

Status Cable contract – Tabled – Mr. San Angelo reported that all negotiations are complete and they are waiting on Comcast. He hopes to have the contract complete for the next meeting.

Lease Agreement with Cell Service provider (Status on violation of Good Faith Clause) – Mr. San Angelo informed the Board that AT&T has stopped all communications in Massachusetts. Bay Communications feels that they have had made a good faith effort with the lease as they have spent over \$30,000 in plans. Bay Communications only option is the Fire Station. They are willing to meet with the Town.

Chairman Young feels that over three years have passed and something should be happening. They are tying up the parcel behind the fire station and making it difficult for the septic system installation. He feels the lease can go on indefinitely if something doesn't happen.

Mr. Scott indicated that Bay Communication withdrew its application without prejudice. Mr. Scott advocated that the lease should be withdrawn with prejudice and require Bay Communications to start the application process over.

Mr. San Angelo suggested that a representative of the Board meet with him and representatives from Bay Communications.

Mr. Scott doesn't want to keep the door open. Chairman Young noted that the Zoning Board of Appeals accepted the withdrawal without prejudice.

Review and add articles and questions to the Warrants

Town Clerk Beth Sloan sent a memo to the Board regarding the ballot questions. She indicated that ballot questions must be received in the Town Clerk's office at least 35 days before the election. The vote to place a question on the ballot must occur by Saturday, April 11th.

Ms. Marini provided the Board with a memo indicating that additional articles needed to be added to the warrants and other articles could be removed.

MOTION by Howard, second by McGahan to open the Special and Annual Town Meeting warrants. **Voted 4 – 0**

Special Town Meeting Warrant –

Conservation Commission – restoration of runoff at KatyDid Lane - \$5,000

MOTION by Howard, second by McGahan to place on and recommend. **Voted 4 – 0**

Conservation Commission - Replenish Open Space Fund - \$5,000

MOTION by Howard, second by McGahan to place and recommend **Voted 4 – 0**

Conservation Commission – Update Open Space Plan. \$5,000

MOTION by Howard, second by McGahan to place and recommend **Voted 4 - 0**

Water Commission – Crystal Spring Wellfield - \$60,000

MOTION by Howard, second by McGahan to place and recommend **Voted 4 – 0**

Annual Town Meeting

Mrs. Marini explained that Articles 6, 7 and 8 relative to the cruise leases have been combined into one article. The Library/Senior Center roof project has been taken out of the Capital Improvement Plan article and will be in its own article. The School Fire Alarm project, formerly Article 20, has included in the Capital Improvement Plan Article. The Fiber Optic project has been removed from the Capital Improvement Plan article.

A new article relative to the Special Act concerning 2/3's vote on school borrowing is now listed as article 26

MOTION by Howard, second by McGahan to approve and recommend the changes to the Capital improvement Plan. **Voted 4 - 0**

Library Senior Center Roof

MOTION by Howard, second by McGahan to place and recommend Article 10 replace Library/Senior Center Roof. **Voted 4 – 0**

Special Act requiring two thirds vote for school borrowing.

MOTION by Scott, Second by McGahan vote place and recommend *Voted 3 – 1 (Howard)*

MOTION by Howard, second by McGahan to remove former article 6, 7, & 8 regarding cruiser leases. *Voted 4 – 0*

MOTION by Howard, second by McGahan to close the warrants. *Voted 4 – 0*

V ONE DAY LIQUOR LICENSES - Camp Kiwanee

Rockland Lions Club – Rockland, Sat., April 18th 4:00 p.m. to 7:00 p.m. – Dinner

MOTION by Howard, second by McGahan to approve the one day license as presented.

Voted 4 – 0

VI COMMITTEE REPORTS

Monponsett Pond Committee – Mr. Howard reported the next meeting is Wednesday, April 1st in Plympton. All other meeting have been postponed.

Indian Head & Maquan Priority Repair Comm. – Chairman Young reported the next meeting will be held on April 8th.

WHRDS Capital Repairs & Facilities Committee – Mr. McGahan reported that last meeting was March 11th. The group will be discussing at the next meeting the Maquan SOI and waiting on estimates for the Maquan Roof gym and cafeteria. They plan to have the roof last for six to ten years.

Lite Control Acquisition Review Comm. – Mr. Scott indicated that a construction superintendent estimator will be providing pro bono services as it relates to the highway department needs. They are considering a special membrane to be use for a salt shed at one of the buildings. They hope to have some cost estimates by mid April. The Committee has been relying on information from Hubbell. The committee would like to hire an engineer on the Town's behalf. They will be looking for funding through the Engineering line. He requested the matter be added to the next agenda. Mr. Scott noted that John Delano is working with the Town of Halifax and may be able to provide services to the Town of Hanson. Mr. San Angelo noted that specifications and scope of services should be drafted before hiring an engineer. Mr. Delano would review the potential hazards and contamination and environmental impact. Mr. San Angelo indicated that the work would have to go out to bid.

MOTION by Howard, second by McGahan to adjourn. *Voted 4 – 0*

9:12 p.m. meeting adjourned

Respectfully submitted,

Meredith Marini,
Executive Assistant
Approved and Voted 4 – 0 – 1 (Mitchell)
September 15, 2015