

***Hanson Board of Selectmen
Selectmen's Meeting Room, Hanson Town Hall
Tuesday, October 1, 2019
Regular Session 7:00 P.M.***

Members Present: Wesley Blauss, James Hickey, Laura FitzGerald-Kemmett, Kenny Mitchell, and Matthew Dyer

Members Absent:

Others Present: Meredith Marini, Town Administrator; Greer Getzen, Executive Assistant;

7:00 p.m. Chairman FitzGerald Kemmett called the meeting to order. Jack Gillet, Hanson Troop 68, led the pledge of allegiance. Mr. Blauss read the announcements and upcoming meeting schedule.

II NEW BUSINESS

Appoint Highway Surveyor – Town Administrator Merry Marini introduced candidate Curt McLean of Hanover to the Board of Selectmen, and told them that he brings a wealth of experience in public works. Mr. McLean elaborated, saying his is in his 47th year in the public works field, and worked his way up to Hanover's Deputy Superintendent of Field Operations with experience in the operations of Highway, Snow and Ice, Parks, Cemetery and Trees. Mrs. Marini recommended that he be appointed interim Highway Surveyor, working 25 hours per week and during emergencies.

MOTION by Mr. Hickey, seconded by Mr. Mitchell to appoint Mr. McLean as interim Highway Surveyor at a rate of \$65.00 per hour. ***Voted 5 – 0***

Mrs. Marini will ask Labor Counsel to prepare an employment contract for execution.

Jack Gillet to discuss Eagle Scout project proposal – Mr. Gillet told the Board that he is a Life Scout with Troop 68. He is proposing to build a 10' X 20' pavilion in Boteri Park next to the snack shack. This covered structure would shield picnickers and ballgame onlookers from inclement weather. His uncle is a contractor who would have oversight over the building of the pavilion. So far he has collected \$1,600 for materials through fundraising. Mr. Gillet also asked the Board to consider waiving the building permit fee for this project.

MOTION by Mr. Dyer, seconded by Mr. Mitchell to waive the building permit fee and grant Mr. Gillet permission to proceed with his project. ***Voted 5 – 0***

The Board thanked Mr. Gillet for his efforts.

Historical Commission and Thomas Mill Committee – Amy Broderick, 80 Baker Street
MOTION by Mr. Dyer, seconded by Mr. Mitchell to appoint Ms. Broderick to the Historical Commission and Thomas Mill Committee for terms to expire on June 30, 2022. ***Voted 5 – 0***

Requests:

Hanson Holiday Committee Request to use Town Hall on Saturday, December 7, 2019

Chairman FitzGerald-Kemmett commended the Holiday Committee for the fantastic job they have done bringing the community together to take part in holiday festivities. The fireworks have been ordered for this year's event and the Indian Head School PTO is selling buttons. There will be a 200th Anniversary swag display at this event to fundraise for next year's bicentennial celebrations.

MOTION by Mr. Hickey, seconded by Mr. Mitchell to grant permission to the Hanson Holiday Committee to use the Town Hall on December 7th from 5:00 – 7:00 p.m.

Voted 5 – 0

Laina McMahon – Request to use the Town Green for candle light vigil – Ms.

McMahon is requesting to use the Town Green on October 5th from 12:00- 1:00 p.m. to hold a candle light vigil for missing resident Sandra Crispo.

MOTION by Mr. Dyer, seconded by Mr. Mitchell to approve use of the Town Green on October 5th for a candle light vigil. ***Voted 5 – 0***

Recreation – Request to use Maquan School parking lot for the Halloween

Extravaganza – Recreation Director Billy Boyle explained that last year the Recreation Department used a single bus to transport trick or treaters and their families to Camp Kiwanee for the Halloween Extravaganza from Maquan School. Due to the large turnout for this fun event, he plans to use two busses this year to get families to the extravaganza with reduced wait times at the Maquan School parking lot if the Board approves usage of that location for parking, pickup and drop off.

MOTION by Mr. Dyer, seconded by Mr. Mitchell to allow Recreation to use the Maquan School parking lot on October 27th. ***Voted 5 – 0***

Police Department – Declare 2014 and 2015 Ford Interceptors as surplus for trade in –

Police Chief Miksch is requesting the Board to declare his department's 2015 Ford Interceptor VIN 1FM5K8AR2FGA15929 and 2014 Ford Interceptor VIN 1FMSK8AR2EGA18312 as surplus for trade in as they have reached the end of their useful life expectancy.

MOTION BY Mr. Hickey, seconded by Mr. Dyer to declare those two vehicles as surplus for trade in. ***Voted 5 – 0***

Discuss fee arrangement with Clifford & Kenney – Chairman FitzGerald-Kemmett said that currently the Town of Hanson is charged a fee for service by individual service by Labor Counsel. Attorney Kenney of Clifford & Kenney has proposed an alternative billing method.

Attorney Clifford offered to charge the Town a flat rate of \$525 per month for all telephone calls and emails to stabilize that aspect of billing. He stressed that it is important to have a strategy for dealing with labor matters early to avoid them potentially progressing to litigation. The monthly flat rate billing has met with a positive response from clients using it. For example, in June 2019, the Town was charged \$1,200 for these services using the current per individual service billing method.

Chairman FitzGerald-Kemmett agreed that many legal issues can be solved before they escalate. Mrs. Marini assured the Board that there are protocols in place for department heads/boards/committees seeking legal services to direct those requests to the Town Administrator, who serves as the Town's legal gatekeeper. At the Board's direction, the Selectmen's office will work with Clifford and Kenney to look back eight months at the total cost for these specific kinds of services and report back to the Board.

Town Meeting Preview - Each proponent of the October 7, 2019 Special Town Meeting articles read and moved the articles in preparation for Town Meeting. The Selectmen have one outstanding article that they will make a recommendation on before Town Meeting.

LAND Grant award – Mrs. Marini reported to the Board that last Wednesday she had the pleasure of going to Salem to attend a grant award ceremony at which the Town received a grant award of \$203,296 for a LAND grant for the Sleeper Preserve acquisition. Conservation Commission Chairman Phil Clemons was thanked for all of his hard work during the grant application process.

Mr. Clemons responded that a number of people contributed time and effort to this, including the stewards of the Sleeper property, members of Wildland Trust, Conservation Commission, Community Preservation Committee and the Town Planner. Community Preservation funds plus this state LAND grant can make this possible with no impact on taxes. This 13-acre parcel's shape and location make it a keystone that will connect Hanson's Camp Kiwanee and Smitty's Bog with two other conserved parcels in Pembroke, and will protect the "gateway" where Hanson and Pembroke connect on the 200-mile-long Bay Circuit Trail. It will also finish connecting more than 400 contiguous acres of diverse habitats and vistas between Indian Head and Maquan Ponds. It is the last piece in a landscape sized puzzle, whose completion will enhance both local and regional interests in watersheds, water supplies, wildlife, and passive recreation.

Phase III Remedial Action Plan for the Hanover Fireworks site – Chairman FitzGerald-Kemmett provided an update on the former Hanover Fireworks site, which also extends into areas in Pembroke, Rockland and Hanson. She, Mr. Dyer and Mrs. Marini recently attended a meeting hosted by the Town of Hanover where representatives of the Department of Environmental Protection (MassDEP), the Department of Public Health (DPH) and Tetra Tech gave some background on contamination at that location, and ongoing remedial efforts. The open comment period for the Phase III Remedial Action Plan opened on September 10th and will close on October 25th.

The Fireworks Site was first used for the manufacturing of fireworks and pyrotechnics in 1907, and then intermittently for the research and development and the manufacturing, storage and testing of munitions for the Department of Defense from World War II until it closed in 1970. Past activities at the site's facilities have resulted in releases of various chemical contaminants and military munitions. The Phase III Remedial Action Plan will identify and evaluate effective remedial action alternatives for the site. It will address the presence of munitions and explosives of concern material potentially presenting an explosive hazard in Factory Pond, as well as mercury and other contaminants in the site's sediment and soil. For more information, go to Hanover's town website: www.Hanover-MA.gov or: <https://eeaonline.eea.state.ma.us/EEA/fileviewer/Default.aspx?formdataid=0&documentid=508218>.

Chairman FitzGerald-Kemmett said the potential responsible parties (PRPs) for the contamination include the Hanover Fireworks Company, MIT and the federal government. Currently MassDEP and the Attorney General's office are in negotiations with MIT and the Department of Defense for cleanup costs (the state and affected towns are not responsible for those costs). There are two levels of remediation that are being considered, and Chairman FitzGerald-Kemmett said that it is imperative that Hanson has a voice in this going forward. A temporary clean-up has been done to get rid of the immediate and present dangers. Proposed for phase III: Alternative 1 is to Clean-Up to Achieve Project-Specific Remedial Objectives. This method would restore things to the point where the wide-mouth bass in Factory Pond would test for contaminant levels equal to the contamination levels found in wide mouth bass across the state. This was a concerning benchmark to Chairman FitzGerald-Kemmett. Alternative 2 is to Clean-Up to Achieve or Approach Background Level. This alternative brings the area back to as close to the way it would have been had the contamination never occurred and requires dredging and shipping off of contaminated soil and sediment. She will arrange for representatives from MassDEP, Representative Cutler, Senator Brady and residents of Hanson to come to a Selectmen's meeting on October 15th or 22nd to learn more, ask questions and offer comments before the October 25th deadline.

III OLD BUSINESS

Reinstate Upscale Auto, 169 A Franklin Street, Car Dealership's License – On January 23, 2019, Building Commissioner Bob Curran cited several serious defects needing to be remedied within 45 days. The car dealership was subsequently revoked on June 4, 2019 by the Board of Selectmen for lack of compliance. The Building Commissioner now reports that all requirements have been satisfied and he is recommending reinstatement.

MOTION by Mr. Dyer, seconded by Mr. Mitchell to reinstate Upscale Auto's Class II Dealer's License. ***Voted 5 – 0***

School Assessment Discussion – See document appended for the statement by Chairman FitzGerald-Kemmett regarding this matter.

The Board reviewed a draft letter distributed by the Town Administrator to Superintendent Szymaniak requesting school building costs, salary and benefits costs for all school employees, breakdown of student populations, and potential savings if Maquan School is closed down and where the staff would be relocated to. This information will aid the Selectmen in determining Hanson's share of the costs in educating the students in the district.

MOTION by Mr. Mitchell, seconded by Mr. Dyer to support this letter to Superintendent Szymaniak. **Voted 5 – 0**

Chairman FitzGerald-Kemmett sees this as an opportunity to engage Whitman and the School Committee in a civil dialogue based on facts and numbers, beginning with the formation of a committee comprising several citizens' at-large, the Town Administrator and members of the Board of Selectmen. This committee should gather information regarding revenues versus expenses, and get a more accurate picture of Hanson's dwindling student populations with two Hanson Schools not full at present.

IV TOWN ADMINISTRATOR'S REPORT – Town Administrator Merry Marini shared the following information:

- Economic Development – Discussions continue regarding the redevelopment of Main Street with the Town Planner requesting monies at Town Meeting for developing a conceptual plan
- Maquan Reuse – Discussions with realtor Keller Williams regarding property values for a narrowing group of options for reuse (e.g., senior center, housing)
- Generator – The gas will be connected shortly to Town Hall
- Met with Jan Mutchler regarding the Senior Center Needs study – She will be reaching out to various individuals
- Cell Tower – The hearing has been continued to November 12th. Verizon looked to move the tower 100' south away from the abutter's property line.
- The Highway Director position has been posted. Applications are due for the on Friday, Oct. 18th.
- Vaping Ban – BOH has sent out notices to all the tobacco establishing informing them of the statewide ban of sales of these products.
- The Town Administrator will be out of the office next week.
- Eversource will be trimming along the power lines along Birchbark, Woodbrook, Winter Street, Brook Bend and State Street. Work will be completed by November weather permitting. Construction will occur Monday – Friday between 7 a.m. & 5 p.m.
- Becky Nehily of the Planning/Conservation offices retired after 24 years of service to the community and her smile will be missed

V APPROVE MINUTES
September 10, 2019 Reg. & Executive Session
September 17, 2019 Reg. & Executive Session

MOTION by Mr. Mitchell, seconded by Mr. Hickey to approve the September 10, 2019 regular and executive session meeting minutes. **Voted 5 – 0**

The September 17, 2019 regular and executive session meeting minutes were tabled.

VI ONE DAY LIQUOR LICENSES – Camp Kiwanee

MOTION by Mr. Hickey, seconded by Mr. Dyer to approve a one-day license for Christine Sullivan for a birthday party on October 18, 2019 from 7:00 - 11:00 p.m. **Voted 5 – 0**

VII COMMITTEE REPORTS

Final Plymouth County Hospital Reuse Committee – Mr. Dyer has received the plans and the committee is moving forward with proposed usages of the property.

Highway Building Committee – Mr. Mitchell reported that on October 16th the committee is scheduled for review/confirmation of design plans, on November 22nd they will look at schematic designs (including lifts and oil storage), and they expect to complete the development phase by the end of January. The next phase will be to work on construction designs for bidding in March, filed sub-bidding due in early April with a request for monies with a debt exclusion at the May 2020 Town Meeting.

VIII EXECUTIVE SESSION

At this time, Chairman FitzGerald-Kemmett said the Board will convene in executive session for the purpose of discussing strategy with respect to collective bargaining for the American Federation of State, County and Municipal Employees, Council 93, - Highway and further to conduct contact negotiations with nonunion personnel if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, not to return to open session.

So moved by Mr. Hickey, seconded by Mr. Dyer. **Roll Call Blauss aye, Hickey aye, FitzGerald-Kemmett aye, Mitchell aye and Dyer aye. Voted 5 - 0**

IX ADJOURNMENT

MOTION by Mr. Hickey, seconded by Mr. Dyer at 8:44 p.m. to adjourn.

Respectfully submitted,

Greer Getzen
Executive Assistant

**Statement by Chairman FitzGerald-Kemmett regarding the WHRSD assessment matter
October 1, 2019**

I would like to begin tonight's discussion about the school assessment by providing some historical context.

In 1992, Whitman and Hanson entered into a regional agreement that specified that each town would be assessed based upon their student population. With the current populations, that assessment has landed at approximately 60% Whitman and 40% Hanson. Historically and without incident that methodology has been used to assess the towns.

Several years ago, both towns agreed to open up the existing regional agreement so that it could be updated to reflect school closings, new schools and other non-material changes.

Unbeknownst to anyone in Hanson, language was added to the revised regional agreement that changed the assessment method to be a statutory method. Under that assessment methodology, Whitman would pay less than it currently is paying and Hanson would pay more as a result of the criteria used to measure wealth in each community. Whitman has still not executed this revised agreement. Hanson has executed this agreement. However, once it became clear to this board that there was a material change to the assessment formula that was not to Hanson's advantage, this board put a warrant article into the upcoming October Town Meeting warrant to rescind our agreement.

Over the past few years and despite a much larger commercial and residential tax base, Whitman has found itself in dire financial straits as a result of some financial decisions they have made. As part of their efforts to support the schools, they put together the Whitman Override Committee.

This Whitman Override Committee discovered what they thought was an inequity in the way the towns were being assessed and insisted that the towns are required to use the statutory method of assessment. Under the statutory assessment methodology over 1 million dollars of the school assessment would be shifted from Whitman and onto Hanson.

About a month ago, the District Superintendent attended a Hanson Board of Selectmen's meeting to put us on notice that based upon his participation in the Whitman Override Committee meetings and his understanding of the 2007 DESE guidance, we were likely going to be assessed under the statutory method and as a result he anticipated that Hanson would be paying 1 million dollars more per year to the District.

At the September 16th School Committee Meeting, the School's Attorney repeatedly told those in attendance that until (if ever) a new regional agreement is struck, the per pupil methodology outlined in the 1992 regional agreement will prevail. At that same meeting, the School Committee voted to put together a 24 member committee comprised of elected officials, appointed officials and citizens at large for the purposes of renegotiating the regional agreement.

Last week, the Whitman Board of Selectmen voted to demand that the Whitman Hanson Regional School Committee assess each town based upon the statutory method.

When we left the meeting on September 16th, we agreed to participate in discussions regarding the renegotiation of the regional agreement. While we did not commit to renegotiating the agreement, we agreed to be part of the discussions as a show of good faith. Now, the Whitman Board of Selectmen have effectively let us know that they are not interested in opening up a dialogue. Their actions have made it clear that despite what DESE and the School's Attorney have said, they are going to try to bulldoze through the statutory method for assessments.

Here in Hanson, we make decisions based on data, facts and the law. We are currently in the process of gathering all of the data we need to get a clear picture of the revenue and expenses of each town relative to the District. Once we have collected that information, we will gather our Hanson team and weigh our options including deregionalization of k-8, renegotiating the regional agreement, litigating, etc.,...

Although we do not have all of the data and facts necessary to complete that analysis, we do have some information. We know that enrollment in Hanson is declining. We know that we have two schools in Hanson and Whitman has three (which means 1/3 more in staff, administration and maintenance costs) and we know that a disproportionate amount of special education costs (perhaps as much as 86%) are attributable to Whitman. Given all of that, I am hard pressed to see how any objective person could reasonably believe Hanson needs to pay more.

While some have tried to paint Hanson as a wealthier town that is taking advantage of Chapter 70 funding meant for Whitman, I take objection to that. Not all Chapter 70 funding is attributable to Whitman. Here in Hanson we also have folks living at or below the poverty level as evidenced by the heavy use of the Hanson Food Pantry and other similar giving organizations in the area. In addition, here in Hanson we have a lot of multi-generational households which statistically looks like a high per household income unless you drill down to see there are five or more adults living in a house. So, no...we are not a wealthy community. We are community living within our means and with our financial house in order.

I always find that people's true colors come out when they are faced with obstacles or difficult decisions. So, it's disappointing to see that some in Whitman have resorted to threatening elected officials, hurling insults at Hanson, contorting the law and misstating the facts just to get their way. It's concerning to see elected officials disregard our regional agreement, advice of counsel and the law so that they can wiggle out of their financial obligation. It's disturbing that throughout this whole debacle, there has been little focus on the impact this debate will have on the District overall and on the divide it is creating between the two towns who should be united. I would like the board to take a vote tonight on whether we should participate in the regional agreement renegotiation committee and whether we should send a letter to the Whitman Hanson Regional School Committee putting them on notice that it is our counsel's opinion and their own counsel's opinion that they have no authority to assess the towns using any methodology other than the per pupil methodology outlined in the 1992 regional agreement which is still in effect.

8 – Board of Selectmen meeting of October 1, 2019

Approved 10/15/19

