

***Hanson Board of Selectmen
Selectmen's Meeting Room, Hanson Town Hall
Tuesday, November 13, 2018
Regular Meeting 7:00 P.M.***

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

Members Absent:

Others Present: Town Administrator Michael McCue
Executive Assistant Meredith Marini

7:00 p.m. Chairman Mitchell called the meeting to order. Clerk Dyer read the announcements and upcoming meetings.

II NEW BUSINESS

Update from Board of Health Regarding Transfer Station – Board of Health members Gil Amado and Arlene Dias and Administrative Assistant Theresa Cocio were present to discuss the status and future of the Transfer Station relative to the costs for recycling. The Transfer Station has had to use some of its retained earnings in order to operate. The Retained earnings will only sustain for another year. Chairman Mitchell asked if the system is working. According to Mr. Amado, it is working and is a full service transfer station. Chairman Mitchell inquired as to the number of people using the Transfer Station. Ms. Dias indicated they do not know how many people are using the Transfer Station. The private haulers do report to the Board of Health as to the number of customers. Mr. Amado noted that trash is cyclical. Chairman Mitchell noted that in the original proposal for Pay-As-You-Throw, the Transfer Station would be self sustaining. Ms. Dias indicated a reduction in costs could be effectuated by reducing the hours of operation. Mr. Amado feels the cost of the Transfer Station should be placed back in the taxes. He feels the Town controls dumping of trash by keeping the Transfer Station open.

Chairman Mitchell would like to see a reduction in hours and services for recycling and have residents hire their own trash removal vendors.

Ms. Dias indicated that she serves on South Shore Recycling and all area communities are having the same issue regarding recycling and the new cost burden. Town-wide curbside pickup is not cost effective for the Town.

Mr. Hickey inquired about trash haulers in Town. He feels that the current program is going to fail and the Town needs to have a plan in place within two years. He noted the problem is with recycling. Busy families will not rinse their recyclables.

Mr. Dyer suggested a regional approach with other communities. He feels the Town needs to keep the Transfer Station and deal with the recycling. Mr. Blauss agrees with Mr. Dyer and believes in the Transfer Station. The Townspeople need to do proper recycling for the planet. He feels people will take the lazy way out and dump their trash on the roadside.

Mr. Amado says that trash changes and changes fast as do haulers.

Adam Valachovic of 372 Holmes Street says he loves the transfer station. He feels a matrix should be in place to determine which days are the busiest. If the Transfer Station closes, recycled cans would no longer go to the sports groups.

Ms. Dias said that the busiest days are Saturday and Sunday, but will work on a matrix. Mr. McCue suggested setting up a working session with the Selectmen, Board of Health, Town Accountant and Finance Committee to discuss all the options.

Town Accountant Todd Hassett indicated that this year the Transfer station is treading water. In two years all the retained earnings will be gone.

Mrs. FitzGerald-Kemmett suggested a public forum first.

Potential Plastic Bag Restriction Bylaw – Mr. Blauss started the discussion of plastic bags. Mrs. Dias says that the proper handling of plastic bags would resolve the issues. Mr. Dyer noted that paper is better to use. Plastic bags are a single use which creates a lot of waste which we cannot handle. Nearly 90 communities within the State have banned plastic bags. He also suggested banning styrofoam cups. Mr. Hickey suggests having a cable show highlighting the proper disposal of recyclables. Ms. Dias will get the updated information from South Shore recycling.

7:30 p.m. Annual Tax Classification Hearing with Board of Assessors

Ms. FitzGerald-Kemmett read and moved the hearing notice:

In accordance with Massachusetts General Laws, Chapter 40, Section 56, a public hearing will be held in the Selectmen's Meeting Room, Town Hall, Hanson, Massachusetts on Tuesday, November 13, 2018 at 7:30 P.M. for the purpose of allocating the percentage of tax levy to be borne by each class of property for Fiscal 2019. All interested taxpayers are encouraged to present oral or written information on their views. This is a necessary hearing, which must be held prior to certification of the fiscal 2019 tax rate.

So moved by FitzGerald-Kemmett, second by Hickey to open the hearing. **Voted 5 – 0**

Assessor Lee Gamache was present with Board of Assessor Chairman Kathy Marini and the Administrative Assessor, Denise Alexander. Ms. Gamache reviewed the classification data and explained that the Assessors are seeking three separate votes from the Selectmen which include deciding on a split tax rate, residential exemption and small business exemption.

Ms. Gamache explained that Hanson is comprised of 94% residential and 4.6% commercial. The Board of Assessors does not recommend a split rate as the Town is made up primarily of residential.

MOTION by FitzGerald-Kemmett, second by Hickey to use a uniform rate of \$15.53 per \$1,000. **Voted 5 – 0**

Ms. Gamache reviewed the last three years of tax rates. The values are rising due to growth. The Small Residential Tax Exemption is for Class I residential property owners who own and

occupy properties. She explained that the exemption is generally for communities with a high rate of rental properties.

The Board of Assessors does not recommend the Small Residential Tax Exemption.

MOTION by FitzGerald-Kemmett, second by Hickey not to adopt the Small Residential Tax Exemption. **Voted 5 – 0**

Small Commercial Tax Exemption is applied to the real estate, but is not given to the individual businesses who lease space from the building owner. Only 15 business owners will qualify for the exemption. Historically Hanson has not adopted the exemption. Consequently, the Board of Assessors has voted not to adopt the Commercial Tax Exemption.

MOTION by FitzGerald-Kemmett, second by Dyer not to adopt the Small Commercial tax exemption. **Voted 5 – 0**

Mr. Valachovic inquired about the former Ocean Spray property on Main Street as an exemption. Ms. FitzGerald-Kemmett noted the particular parcel is being considered for a TIF. She also noted that any small business owners who lease space will not benefit from the exemption.

Ms. Gamache informed that Board of the FY2019 Excess levy capacity is \$248,954.53.

MOTION by FitzGerald-Kemmett, second by Hickey to close the Classification Hearing. **Voted 5 - 0 .**

Ms. Gamache thanked the financial team for all their work.

Legal Counsel Interviews - Clifford and Kenny – Labor Counsel Candidates John Clifford and Jamie Kenny were present who noted their office is located in Pembroke. They represent 20 local communities. They offer counseling to client. Attorney Clifford served as a Town Administrator for 13 years in two different communities. He works to resolution instead of litigation which raises the cost of legal services. Attorney Kenny says they are different. They will give specific advice and provide specific scripts for their clients. She also worked on the union labor side on over 500 grievances. She works to prevent arbitration. They work respectfully with the unions to reach a resolution which everyone can live with.

Mr. Hickey noted a few communities are outside the South Shore Malden, Fall River, Eastham. Marshfield and Rockland are the oldest clients. Somerset and Cohasset are the newest clients.

Chairman Mitchell asked what they know of Hanson. Attorney Kenny has done research on Hanson which has a longstanding with AFSCME Representatives. She would deal in collective bargaining strategies. They would meet with the Selectmen to determine what is sustainable and put together a plan.

Chairman Mitchell inquired how Mr. Clifford would handle a situation if one arose with the Intermunicipal Agreement with East Bridgewater. Mr. Clifford would defer to General Counsel if a problem arose.

Ms. FitzGerald-Kemmett inquired about the number of staff members available to deal with Hanson. Attorney Kenny noted that she would handle Police and Attorney Clifford would handle Fire. They would both serve the Town and be informed. There are five associates in the office.

Mrs. FitzGerald-Kemmett asked about any pending cases and whether the firm is willing to do training for the departments. Attorney Kenny said they do specific training for sexual harassment, discipline and union issues.

Mr. Blauss likes the idea of a local firm. He questioned the size of the client base and keeping up with the workload. Attorney Clifford pointed out that General Counsel work is difficult to handle when there is more than two towns because all the communities have the same issues at Town Meeting time etc. Labor work is cyclical.

Mr. Clifford said the flat fee allows for regular calls during the month. These calls avoid litigation by dealing with issues before they start.

Mr. Dyer asked how they would get up to speed on union issues. Attorney Kenny would ask a lot of questions at the bargaining table. She will get historical knowledge of AFSCME units. They would meet with the Town Administrator and Department Heads. Then meet with the Selectmen and Financial Team to see what the Town can afford.

Chairman Mitchell asked who would handle Hanson. Attorney Clifford and Attorney Kenny would both represent the Town depending on the issue. Attorney Clifford would handle fire issues and Attorney Kenny would handle Police issues.

8:14 p.m. Brief Recess

8:19 p.m. Returned to Open Session

Legal Counsel Interviews - Murphy, Hesse, Toomey & Lehane – Attorney Michael Maccaro and Attorney Cynthia Amara were present to review their proposal for both General and Labor Counsel. They have 31 attorneys and 2 paralegals. They are not the largest or the smallest firm. They have seen everything throughout the years. They have a labor group and the largest school service, with land use and labor and employee services. They also have private clients, which gives them background in the federal level. Working with them for 10 years. Attorney Maccaro worked with union counsel. He likes working with Boards of Selectmen. He has dealt with all unions, the civil service commission, on the labor relation commission.

Attorney Amara does a lot of work in all aspects in municipal law. They represent Hanover, Scituate and Mendon. She has been doing work for over 25 years. The towns they represent vary in size. She does a lot of work with Zoning Boards.

Attorney Maccaro noted that Attorney Amara has not been with the firm very long, but they recruited her. There are 31 attorneys but he and Attorney Amara would be Hanson's primary

contacts. The attorneys work together so that the backup counsel will have the knowledge of the Town.

Chairman Mitchell asked what they know of Hanson and what they see as challenges. Attorney Maccaro feels that money is always an issue. He will review the union negotiation process. Attorney Amara sees that balancing development and preservation. A challenge for the town is land use and insuring that memorandums of understanding are executed. Public records requests have been an issue for communities.

Asked what would they look at if they were interviewing Town Counsel, Attorney Amara would look for balance. Relative to unions, Attorney Maccaro noting knowing what other communities are doing. They have a record for a strategy with labor. They would look for a firm with experience and diversity. He would seek a firm that can be creative and does not operate in a vacuum. Attorney Amara said a lot of work involves discussing various issues among attorneys in the firm.

Mr. Dyer asked how they would get up to speed. Attorney Maccaro will meet with the board and Department Heads, look at the Collective Bargaining Agreement and old proposals. He would find out the issues within department. They do not charge for ramp up time meeting with the client. He would also talk to former counsel.

Mr. Dyer asked how many towns they represent currently. Attorney Amara has 5 towns and a few school districts. They represent 13 towns most of which have been clients for nearly 30 years.

Mr. Dyer ask how do they balance town meetings. Attorney Amara indicated carefully. They work in pairs and cover for one another. They have never had a situation in which a meeting was not covered.

Attorney Maccaro indicated their attorneys meet once a month and schedule accordingly.

Mr. Dyer asked what is a weakness of the firm. Attorney Maccaro doesn't feel there is a weakness and certainly not the skill of the staff.

Ms. FitzGerald-Kemmett noted the firm is partly woman owned. They have five women partners but no minority partners. They would consider a flat fee proposal. Attorney Maccaro said they would look at that and have done that with other communities. They offer other fee arrangements based on the Town's current legal fee needs.

Mrs. FitzGerald-Kemmett inquired about the types of training. Attorney Maccaro feels it is a hallmark of the firm. They offer a number of areas of training for supervisors, discipline and harassment, open meeting law, public records. There should be training for new board members. They offer two trainings per year at no cost. They also do client alerts.

Mr. Blauss how often have you avoided litigation. Attorney Maccaro feels it is avoided often. The trend is that most cases do not go to jury trial. He noted there has been a rise in MCAD cases.

Attorney Amara said it is a little different in the land use, as many decisions are challenged. She finds it is hard to prevent appeals as they come from abutters. Most appeals resolve themselves amicably.

Discussion/Appointment of Selectman Liaison to Recreation Commission – Mr. McCue noted that he has had conversations with the Chairman of the Recreation Commission, Diane Cohen, regarding the way the Commission has operated. Mr. McCue noted the Mr. Dyer has been attending some of the Recreation Commission meetings. Mr. McCue feels there are some short term and long term issues being addressed. The current Commission only deals with Camp Kiwanee and would like to see it deal more broadly with town-wide recreation. Mr. McCue pointed out there is a precedent with Mr. Mitchell serving on the Parks and Fields Commission. Mr. McCue feels it will bridge the gap to bring information to the Selectmen. Ms. FitzGerald-Kemmett thinks it is a good idea, but wants to know what is going on with the Commission. She asked if the current Commission is still willing to deal with the camp and broaden the scope of service for the community. Ms. FitzGerald-Kemmett would like to have a community visioning session as there are a lot of questions which need to be addressed.

Mrs. Cohen noted that this is a baby-step. The current positions need clarification as to duties and responsibility. The Commission is looking for programming ideas. Ms. Cohen noted there are a lot of projects which need to be addressed. There are several components including administrative, facilities and programming. She is seeking guidance in procedures and coordinating everything together.

MOTION by FitzGerald-Kemmett, second by Blauss to appoint Mr. Dyer as the Selectmen's Liaison to the Recreation Commission. ***Voted 5 – 0***

Accept donation of 600 flower bulbs from Pembroke Lowes – Mr. Dyer informed the Board that they requested 200 bulbs for planting around the Food Pantry. Lowes donated 600 bulbs.

MOTION by FitzGerald-Kemmett, second by Dyer to accept the donation of bulbs from Lowes. ***Voted 5 – 0***

Appointments/Resignation:

Christine Spence 343 Elm Street – Appointment - 200th Anniversary Committee – Indefinite Term

Mr. Hickey asked if Mr. McCue met with Ms. Spence. Mr. McCue indicated Ms. Spence was not able to attend, but he had met with Ms. Spence and recommends her appointment.

MOTION by FitzGerald-Kemmett, second by Dyer to appoint Christine Spence to the 200th Anniversary Committee. ***Voted 5 – 0***

III OLD BUSINESS

Vote to sign the Purchase and Sales Agreement and authorize the Town Administrator to sign the closing documents for 270 High Street.

MOTION by Dyer, second by Hickey to authorize Town Administrator to sign the closing documents for the sale of 270 High Street.

Ms. FitzGerald-Kemmett requested to be on the record that Ms. Brown was the Town's attorney, hired to handle Town auctions. In order for her to purchase 270 High Street, the Board had to vote to make her a Special Employee so it would not be an ethics violation. While she did clear ethics, Ms. FitzGerald-Kemmett says Ms. Brown is the Town's counsel and should be acting and solely in the Town's benefit and not her own.

Voted 4 – 1 (FitzGerald-Kemmett)

Vote bids for Tax Title Auction Properties and Authorize the Town Administrator to sign the closing documents for each property

Chairman Mitchell reviewed the list of winning bidders for the eight properties which were sold at the Tax Title Auction on Friday, October 26, 2018

<u>ID</u>	<u>Name</u>	<u>Town</u>	<u>Lot #</u>	<u>Street</u>	<u>Lot Size</u>	<u>High Bid</u>
<u>S1</u>	<u>William Cushing</u>	<u>Hanson</u>	<u>023-0064A</u>	<u>332 MONPONSETT ST</u>	<u>9,496</u>	<u>\$45,000.00</u>
<u>S2</u>	<u>Ann Devine</u>	<u>East Bridgewater</u>	<u>067-0002A</u>	<u>Lot 2A W WASHINGTON</u>	<u>43,560</u>	<u>\$42,500.00</u>
<u>S4</u>	<u>William Cushing</u>	<u>Hanson</u>	<u>007-0025</u>	<u>143 WOODBINE AVE</u>	<u>31,870</u>	<u>\$20,000.00</u>
<u>S6</u>	<u>Ruth Teague</u>	<u>Hanson</u>	<u>002-0683</u>	<u>Lot 683 HANCOCK ST</u>	<u>4,800</u>	<u>\$3,000.00</u>
<u>S8</u>	<u>Kyle Slagen</u>	<u>Hanson</u>	<u>108-0021A</u>	<u>Lot 21A GLENWOOD PL</u>	<u>43,560</u>	<u>\$5,250.00</u>
<u>S10</u>	<u>Kevin Perkins</u>	<u>Hanson</u>	<u>070-0002B- 02</u>	<u>Lot 2B-2 PINE GROVE AV</u>	<u>60,504</u>	<u>\$8,750.00</u>
<u>S11</u>	<u>Virginia Casoli</u>	<u>Hanson</u>	<u>043-0014</u>	<u>Lot 14 PHILLIPS ST</u>	<u>4,950</u>	<u>\$5,000.00</u>
<u>S12</u>	<u>John Rothwell</u>	<u>Hanson</u>	<u>003-0009</u>	<u>Lot 9 WOODBINE AVE</u>	<u>4580</u>	<u>\$2,000.00</u>

MOTION by FitzGerald-Kemmett, second by Hickey the Board vote to accept the bids as presented by William Cushing, Ann Devine, Ruth Teague, Kyle Slagen, Kevin Perkins, Virginia Casoli and John Rothwell or to their nominees and further authorize the Town Administrator Michael McCue to effectuate the sale to the winning bidders or their nominees by executing any closing documentation necessary in the opinion of legal counsel, including but not limited to, the deeds and settlement statements for properties from the Tax Title Auction held on Friday, October 26, 2018. ***Voted 5 – 0***

16 Liberty Street status - Mr. McCue gave the Board an update on the cleanup of 16 Liberty Street. No fence has been erected and no clean up has commenced. Mr. McCue is seeking the Board's direction. Attorney Feodoroff suggested the Board's option to file court

action to enforce the fence installation or wait to see whether the clean up commences within the 45 days to avoid the need of two court actions.

Chairman Mitchell feels the Board should keep pressure on in getting action as required by the Board at the last meeting. Ms. FitzGerald-Kemmett agreed to move forward now.

MOTION by FitzGerald-Kemmett, second by Hickey to authorize the Town Administrator to instruct Town Counsel to move forward with the case. ***Voted 5 – 0***

IV TOWN ADMINISTRATOR'S REPORT

Mr. McCue reported that he and Mary Collins met with a representative of UMass Boston from the regarding the Senior Center assessment.

Mr. McCue explained that there is some discussion of moving forward with a possible sewer district in order to enhance the stretch along Main Street. The Brockton moratorium has been lifted. He will provide more information in the future. There should be little or no cost for the Town. The Selectmen will have to make a decision on the proposal in the future.

Mr. McCue noted that on November 28th the town should be declared as a Green Community. There are a few items which needed to be completed on the application.

Mr. McCue reported that on December 13th the Economic Opportunity Area will be voted by the State at an event in Worcester.

Mr. McCue attended the Veterans recognition breakfast held last week at the Senior Center. There was a high turnout from the Veterans. The thanked the Veterans, agent and Senior Center staff.

Mr. McCue noted that the election on November 6th required a lot of volunteers due to the Town's special Election. Sixty-Eight percent of the voters cast ballots. Both the general by-law and the zoning by-law passed prohibiting the retail sale of marijuana. Mr. McCue indicated that Town Meeting will need to vote to change the zoning by-law so that it coincides with the General By-law to prohibit retail sales of marijuana. He will contact Town Counsel. He thanked the Town Clerk and her staff as well as the volunteers for the work handling two separate elections. It was a difficult election.

Mr. McCue informed the Board that representatives from the Mass Housing will be in town to conduct a site visit at 280 Liberty Street for the 40B project. Representative from Planning and Conservation will be in attendance. He will also attend and report back at the next meeting.

V ONE DAY LIQUOR LICENSES – Camp Kiwanee - None

VI COMMITTEE REPORTS

200th Anniversary Committee – Ms. FitzGerald-Kemmett – Nothing to report

Energy Committee – Mr. Dyer – Nothing to report

Final Plymouth County Hospital Reuse Comm. – Mr. Dyer indicated the committee met last week with the engineer who will draft plans for a park. Nothing has been drafted yet. There will be a few more outreach meetings. He thanked the WH golf team and National Honor Society for cleaning up the area and planting bulbs.

Highway Building Committee – Chairman Mitchell – Nothing to report

Maquan School Reuse Committee – Ms. FitzGerald-Kemmett - Meeting December 5th at which time they will review the survey results.

VII ADJOURNMENT

MOTION by FitzGerald-Kemmett, second by Dyer to adjourn. ***Voted 5 – 0***

9:35 p.m. Meeting Adjourned.

Respectfully submitted,

Meredith Marini,
Executive Assistant
Approved and Voted 5 – 0
November 27, 2018