

SPECIAL SPECIAL SPECIAL SPECIAL SPECIAL SPECIAL

TOWN MEETING

PLYMOUTH, SS.

To either of the Constables of the Town of Hanson, in the County of Plymouth
GREETINGS,

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hanson, qualified to vote in Town affairs, and elections, to meet in the Hanson Middle School, Liberty Street in said Hanson on Monday the seventh day of October 2013 at 7:30 o'clock in the afternoon, to act on the following articles, to wit:

ARTICLE 1: To see if the Town will vote to transfer a sum of money from Free Cash and/or Stabilization to pay unpaid bills from Fiscal Year 2013 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: There are a few unpaid bills from various departments, which were received after the end of fiscal year 2013. Requires a 9/10 vote.

ARTICLE 2: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to fund the first year of a three year collective bargaining agreement with Hanson Police Officers, Hanson Police Relief Association/MassCop Local 408 for the fiscal year commencing July 1, 2013 or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This article will fund the first year of collective bargaining agreement with the Police Union for the period July 1, 2013 to June 30, 2014.

ARTICLE 3: To see if the Town will vote to transfer a sum of money from Free Cash to be added to Article 9 of the May 2007 Special Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are needed for the next phase of the required Comprehensive Site Assessment and Corrective Actions Alternatives Analysis Reports related to the closure of the landfill at the Transfer Station Site. The Town is under an order from the DEP to bring the Transfer Station into compliance with State solid waste management regulations. Approx. \$25,000

Posted Warrant

ARTICLE 4: To see if the Town will vote to transfer a sum of money from free cash to Article 8 of the May 2012 Special Town Meeting firefighter retirements or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are needed to fund sick time and vacation buy back of a retiring employees. Approx \$30,000

ARTICLE 5: To see if the Town will vote to authorize the Board of Selectmen, under M.G.L. Chapter 30B, Section 16, to sub-divide a portion of the parcel known as the Plymouth County Hospital Property, purchased by the Town under Article 5 of the October 1999 Special Town Meeting and further to sell through a Bid, Request of Proposal or Auction process the residential house located at 270 High Street and formerly known as the Superintendent's building, or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This will require a declaration that the land is not needed for its original purpose and a 2/3rd vote. The Plymouth County Commissioners which had a 99 year lease on the property, no longer wish to lease the property and have vacated the premises. A septic system has been designed for a single family dwelling. The Board of Selectmen voted to declare a portion of land, as shown on a plan entitled "*Plan of Land Located on High St., Hanson, MA, owned by the Town of Hanson; Land Planning Inc.*" as surplus and not needed for its original purpose.

ARTICLE 6: To see if the Town will vote to transfer \$5,000 from free cash or any available funding source for Emergency Management purposes or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: This transfer is requested to have funds in place for Emergency Management such as costs incurred providing an emergency shelter for our residents. These funds will stay in place from year to year for this purpose.

ARTICLE 7: To see if the Town will vote to transfer \$2,000 from free cash or any available funding source for the purchase of materials to refurbish the Alarm Room at Fire Headquarters or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: This transfer is requested to purchase materials needed to refurbish the Alarm Room and radio console at Fire Headquarters. All labor will be performed by the Firefighters.

ARTICLE 8: To see if the Town will vote to transfer \$40,000 from free cash to repair the septic system at Fire Headquarters or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: The septic system at Fire Headquarters 505 Liberty Street needs to be replaced.

ARTICLE 9: To see if the Town will vote to transfer a sum of money from Free cash to be added to Stabilization or take any other action in relation thereto.

Proposed by the Town Administrator

Explanation: This money will be used to increase the Stabilization Fund. A stabilization fund is a mechanism for setting aside money either for unforeseen needs or for capital projects. Such a fund is intended to equalize the effect of capital expenditures over time and to provide a "rainy day" fund. The dollar amount appropriated under this article will increase the Stabilization Fund to \$989,000 which represents 4.88% of the operating budget. The Town's target has been to maintain close to 5% which is the industry standard minimum amount for Stabilization Funds as recommended by our auditors and will help to maintain a positive bond rating for future borrowing purposes.

ARTICLE 10: To see if the Town will vote to appropriate \$95,000 from the Undesignated Community Preservation Fund to renovate the Botieri complex minor & major league fields, to renovate the Botieri complex parking area and to have the Town Forest surveyed with new lot lines and boundaries or take any other action in relation thereto.

Proposed by Community Preservation Committee

Explanation: This proposal was submitted jointly by the Hanson Little League and the Town Forest Committee. Approximately \$75,000 of these funds will be used to renovate the outfield to the Minor & Major league fields, complete minor fixes to the Minor league infield and complete a total renovation of the Major League infield. These renovations would include removing material, grading, installing new sod, repairing the irrigation system and other tasks as required to have the fields comply with Little League International specifications. Approximately, \$10,000 of these funds will be used to improve Town Forest access and the Botieri field parking area by removing all of the overgrown weeds in the parking lot area, removing dead and decaying trees, grading the parking area and laying out the parking spots either with barriers or posts. The remaining \$10,000 will be used for surveying the Town Forest, installing permanent boundary markers, preparing the plans and recording the plans at the Plymouth County Registry of Deeds.

ARTICLE 11: To see if the Town will vote to appropriate \$18,500 from the Historical Resources Community Preservation Fund to renovate the exterior of the town-owned Bonney House located on High Street or take any other action in relation thereto.

Proposed by Community Preservation Committee

Explanation: The \$18,500 requested jointly by the Hanson Historical Commission and the Hanson Historical Society will primarily be used to purchase the materials needed to renovate or replace the windows, doors and exterior siding on the Bonney House. Because the Historical Commission was successful in securing the labor of South Shore Vocational Technical students to renovate the exterior of the Bonney House for the 2013-2014 school year, the majority of the labor for this project will be at no cost to Hanson. There may be a nominal cost of approximately \$2,000 in labor. If paid for separately, this labor for this project has an estimated value of approximately \$35,000.

ARTICLE 12: To see if the Town of Hanson will vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, upon such terms and conditions as the Selectmen deem appropriate, the property known as the Stone Property consisting of approximately 115 acres shown on Town of Hanson Tax Assessors Maps as Lot #s 58-1, 58-2, 65-14C-1, 66-2, 66-5, 67-5-1AB, 67-7, and 67-9, together with all flowage rights and easements appurtenant thereto, to be held in the care, custody and control of the Conservation Commission in accordance with M.G.L. c.40, §8C, for conservation and passive recreation purposes; and further to appropriate a sum of money to fund such acquisition, including legal fees and costs related thereto, of which \$46,620 shall be transferred from the Open Space Community Preservation Fund, and to authorize the Treasurer, with the approval of the Selectmen, to borrow the remainder of such sum in accordance with M.G.L. c. 44, §7(3), or any other enabling authority, and to issue such bonds and notes as may be necessary for that purpose, provided that such borrowing shall occur only in the event the Town is awarded a LAND Grant from the Massachusetts Division of Conservation Services equaling the amount to be borrowed and MA DCS approves such purchase, and only if the amount of Community Preservation funds appropriated is sufficient to pay for costs of the acquisition not covered by the LAND Grant, and further to authorize the Board of Selectmen or its designee to file on behalf of the Town of Hanson any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under M.G.L. c.132A, §11 and/or any others in any way connected with the scope of this Article, and to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in said property meeting the requirements of G.L. c.184, §§31-33, as may be necessary on behalf of the Town of Hanson to effect said purchase in accordance with Section 12(a) of M.G.L. c. 44B, and all other applicable law, or take any other action in relation thereto.

Proposed by the Conservation Commission and the
Community Preservation Committee

Explanation: For the acquisition to occur, both sources of funding must be approved and made available to the Town. The MA DCS LAND Grant is a reimbursement program, and the Town will purchase this property only if such reimbursement is guaranteed. The LAND Grant would reimburse 64% (\$82,880) of the Town's expenses in the purchase of this property. The remaining 36% (\$46,620) of the \$129,500 purchase would be funded with Community Preservation Act funds. Should MA DCS *not* approve the application for a LAND Grant, the Town will *not* appropriate or borrow any sum for purchasing this property during Fiscal Year 2014. Similarly, if the Article for Community Preservation funds for this project is not approved, the acquisition will not occur this year.
Requires 2/3 Vote

ARTICLE 13: To see if the Town will vote to raise and appropriate through taxation and/or transfer from free cash and/or stabilization a sum of \$127,000 to Article 5 of May 2013 Special Town Meeting, Factory Pond Dam, for the probable construction cost to complete the recommended work, including allowance for engineering and permitting to bring the Factory Pond Dam into Compliance and/or take any other action in relation thereto.

Proposed by the Conservation Commission

Explanation: The Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) has determined that the Factory Pond Dam does not meet accepted dam safety standards and is a potential threat to public safety. Therefore, DCR issued a Certificate of Non-Compliance and Dam Safety Order. The Conservation Commission has received the final draft of the Phase 2 Inspection and Investigation Report which states that a preliminary estimate to bring the Dam into Compliance is \$254,000. As co-owner of the Factory Pond Dam, the Town of Hanover is responsible for the other half of the costs to bring the dam into compliance. Requires 2/3 Vote

ARTICLE 14: To see if the Town will vote to transfer to the care and custody of the Conservation Commission, a 5.1 acre parcel of land located on Crooker Place more specifically described as Lot 9, Map 33 on a plan entitled "Plan of Land located on Crooker Place Hanson, Mass. for the Town of Hanson" dated November 14, 2006 prepared by Land Planning, Inc. and a deed recorded with the Plymouth County Registry of Deeds in Book 15860, Page 320, for the purpose of open space, passive recreation, wildlife habitat protection; and further to name this parcel "Indian Crossway Conservation Area", or take any other action in relation thereto.

Proposed by the Conservation Commission

Explanation: This town-owned property is the historic gateway to the "Indian Crossway", a Native American footpath that crossed through Great Cedar Swamp, which now is the state MassWildlife-owned Burrage Pond Wildlife Management Area. The parcel is unsuitable for other uses because Crooker Place is very narrow and has a high-speed MBTA grade crossing; it also has extensive wetlands, a certified vernal pool, and is located in the Zone II Aquifer Protection Zone. In 2006 the Town cleaned up discarded tires and other refuse with the intention of creating a key trailhead for the Bay Circuit Trail and Greenway. This step is a major goal of the town's state-approved Open Space and Recreation Plan. Requires a 2/3 Vote

ARTICLE 15: To see if the Town will vote to authorize a revolving fund under the provisions of Massachusetts General Law, Chapter 44, Section 53E ½ for the use of the Conservation Commission for maintenance, repairs and other expenses related to administration and oversight of the Nathaniel Thomas Mill. The receipts credited to the fund shall be those generated from the rental fees of the Mill itself. The Conservation Commission is authorized to expend from the fund for the stated purpose without future appropriation subject to the restrictions contained in G.L. Chapter 44, Section 53E ½ an amount not to exceed \$7,500. Expenditures shall not be made, or liabilities incurred in excess of the balance of the fund at any given time.

Proposed by the Conservation Commission

Explanation: An annual article for a revolving fund for ongoing maintenance of the Mill, the beautification of the building and grounds and making any necessary repairs to the Nathaniel Thomas Mill which is owned by the Town of Hanson under the Care and Custody of the Conservation Commission

ARTICLE 16: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section VI L., **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, to provide as follows:
Section VI L. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

A. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and The State Department of Public Health issued regulations to provide guidance to the Town in regulating medical marijuana on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

C. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through **June 30, 2014**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

And further, to amend the Table of Contents of the Zoning Bylaw to add Section VI.L., “Temporary Moratorium on Medical Marijuana Treatment Centers”

, or take any other action in relation thereto.

Explanation: The Town of Hanson Planning Board recommends approval of the aforementioned bylaw establishing a temporary moratorium, ending on **June 30, 2014**, on the use of land or structures for medical marijuana treatment centers. In recommending this bylaw, the Planning Board found the approximately 9-month moratorium is a reasonable exercise of the Town’s zoning power because it allows the Town to manage a new use and take time for study, reflection and decision on a complex subject matter.

The Town of Hanson Planning Board concludes that this time period is reasonable, in that: (1) the Department of Public Health (“DPH”) has issued regulations to provide guidance regarding regulation of medical marijuana related uses; and (2) the temporary moratorium is similar to other land use moratoria previously upheld by the courts. The Planning Board approves this temporary moratorium because it is consistent with the Town’s authority to impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies. Requires 2/3 Vote

ARTICLE 17: To see if the Town will vote to transfer \$3,000 from Free Cash for the purpose of scanning Planning Board subdivision and as-built plans into electronic format or take any other action in relation thereto.

Proposed by the Planning Board

Explanation: These funds will be used to cover the expense incurred for scanning plans into electronic format.

ARTICLE 18: To see if the Town will vote to transfer \$10,000 from Water Surplus to be added to the 1992 Town Meeting Emergency Fund Article 15 or take any other action thereto.

Proposed by the Board of Water Commission

Explanation: This is to replenish the Emergency Account which is used for unforeseen expenditures which are not in the general budget.

ARTICLE 19: To see if the Town will vote to transfer \$7,684.00 from the amounts appropriated under Article 5, Line 91, Expenses of the May 2013 Annual Town Meeting, to be added to the amount appropriated under Article 5, Line 90, Salaries; for the purpose of funding and implementing the cost item of a collective bargaining agreement between the Hanson Water Department and the AFSCME Local-1700 Water Union for the period beginning July 1, 2013 and ending June 30, 2014 or take any other action in relation thereto.

Proposed by the Board of Water Commission

Explanation: This is to fund the salary line for the settlement of the Water Department's FY14 Union Contract which represents a 2% increase.

ARTICLE 20: To see if the Town will vote to transfer \$75,000 from Water Surplus to be added to the May 7, 2007 Annual Town Meeting Article 27, to fund the installation of the Monponsett Street water main repair project; or take any other action in relation thereto.

Proposed by the Board of Water Commissioners

Explanation: This will replace the portion of water main on Monponsett Street that was damaged during the January 2013 blizzard.

ARTICLE 21: To see if the Town will vote to transfer \$12,300.00 from the amounts appropriated under Article 5, Line 91, Expenses of the May 2013 Annual Town Meeting, to be added to the amount appropriated under Article 5, Line 90, Salaries to fund a water department 25 hour per week position or take any other action in relation thereto.

Proposed by the Board of Water Commissioners

Explanation: The Water Department office has needed additional hours for several years. This will fund the 25 hour per week position.

ARTICLE 22: To see if the Town will vote to transfer the sum of money from Free Cash to be added to the amounts appropriated under Article 5, Line 55, of the May 2013 Annual Town Meeting, Tree Warden Expense or take any other action in relation thereto

Proposed by the Tree Warden

Explanation: These funds are needed to remove and trim Town owned trees damaged by last winter's high winds and snow and future unexpected storms. While National Grid provides assistance to the Town for the trees which are close to utility wires, the Town removes and trims other hazardous trees located on Town owned property, which pose a threat to public safety.

ARTICLE 23: To see if the Town will vote to transfer the sum of money from Free Cash to purchase a Traffic Line striper and supplies or take any other action in relation thereto.

Proposed by the Highway Surveyor

Explanation: Currently the Town has a bid to perform the majority of the Street striping work. This equipment would allow the Highway Department to paint stop lines, crosswalks, stencils, and stripe Town owned parking lots at a considerable savings. The total savings would allow for more traffic & edge lines throughout the Town.
Approximately \$8,000.00

Posted Warrant

ARTICLE 24: To see if the Town will vote to transfer the sum of five thousand eight hundred & sixty eight dollars (\$5,868.00) from Article 16 Special Town Meeting of October 3, 2011 for Highway Improvement to be added to the amounts appropriated in Article 5, Line 63 Highway Expenses of the May 2013 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Highway Surveyor

Explanation: This article will add funding to road improvements and signs and lines account. This account is used to purchase asphalt, cold patch equipment repairs and additional signs and lines throughout the Town.

ARTICLE 25: To see if the Town will approve the \$58,436,926 borrowing authorized by the Whitman-Hanson Regional School District (the "District"), for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new pre-kindergarten through grade 5 Maquan Elementary School to be located at 720 Indian Head Street, Hanson, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), to replace the existing Maquan and Indian Head Elementary Schools, which proposed project shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-nine and seventeen hundredths percent (59.17%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any other action relative thereto.

Proposed by the Maquan School Building Committee

Explanation: The overall anticipated MSBA reimbursement is 50% of the project, with a total of \$29,071,258 to be paid by Hanson residents. If approved, the Board of Selectmen is required to call for a Special Election at which time the residents will have an opportunity to vote on a ballot question which would authorize a debt exclusion from Proposition 2½ to provide funding for the project. The anticipated cost to the average taxpayer, based on the median assessed home value of \$307,000, will be approximately \$184.00 per quarterly tax bill or \$1.68 per day.

And you are directed to serve this Warrant by posting attested copies thereof, at the Town Hall, the Fire Station, the public stores, and Post Offices, fifteen days at least, before the said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place above-mentioned.

Given under our hands, this 17th day of September, in the year of our Lord two thousand thirteen.

James O'Keefe
Joseph M. L.
Joseph W. Edward
Dwight
Richard H.
Selectmen of Hanson

A true attest copy

Elbert Sloan
Town Clerk

September 19, 2013
Date

August A. La
Constable

9/19/13