

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October 2002 Special Town Meeting

Special Town Meeting
October 7, 2002

Moderator Charles W. Mann called the meeting to order at 7:35 p.m. in the auditorium of the Middle School with James Armstrong and Charles Sturtevant appointed and sworn in as tellers.

Town Counsel was Richard Bowen from Kopelman and Paige.

The Moderator declared a quorum present.

The Pledge of Allegiance was recited by the Town Meeting.

The Chairman of the Board of Selectmen, Daniel K. Webster presented Edward Gronlund with citations in honor of his retirement from the Board of Health and his 30 years of dedicated service to the Town of Hanson.

ARTICLE 1: To see if the Town will vote to transfer a sum of money from Free Cash to pay unpaid bills from fiscal year 2002 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: There are several unpaid bills from various departments, which were received after the end of fiscal year 2002. Requires a 9/10 vote.

Finance Committee recommends.

VOTED Aye unanimous to transfer a sum of \$2,261.23 from Free Cash to pay unpaid bills from fiscal year 2002.

ARTICLE 2: To see if the Town will vote to transfer a sum of money from the May 2002 Annual Town Meeting Article 5, Line 117, Water Expenses for payment of unpaid prior years clerical bill or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: This is an unpaid bill from the previous fiscal year in the amount of \$340.53. Requires a 9/10 vote.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$340.53 from the May 2002 Annual Town Meeting Article 5, Line 117, Water Expenses for payment of an unpaid prior years clerical bill.

ARTICLE 3: To see if the Town will vote to amend the Wage and Personnel By-law Article 2-12, Classification and Compensation, Section 11C, line R, Election Officer, as approved by the May 6, 2002 Special Town Meeting, by deleting under column 7/1/02 6.30 to 7.60 and in its place insert 6.30 to 7.83, or take any other action in relation thereto.

Proposed by the Town Clerk

Explanation: This position inadvertently did not receive a wage increase at the 2002 May Special Town Meeting when all the other positions were adjusted. This adjustment will allow the Election Officers to receive a wage increase.

Finance Committee recommends.

VOTED Aye unanimous Article 3 as printed in the Warrant.

ARTICLE 4: To see if the Town will vote to transfer a sum of money from **Article 10** of the October 2001 Special Town Meeting, Beede Waste Superfund to be added to the May 2002 Annual Town Meeting, Article 5, Line 7, Town Insurance or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The actual town insurance figures were received after the May Town Meeting. All the major insurance premiums have been paid but the budget line has been exhausted. The requested amount will be used to cover pre-employment physicals, professional bonds, adjustments to coverage throughout the year and new if Article is approved.

Finance Committee recommends.

VOTED Aye unanimous to transfer a sum of \$5,500.00 from Article 10 of the October 2001 Special Town Meeting, Beede Waste Superfund to be added to the May 2002 Annual Town Meeting, Article 5, Line 7, Town Insurance.

ARTICLE 5: To see if the Town will vote to transfer a sum of money from available Free Cash, to be added to the 2002 Annual Town Meeting Article 5, Line 97, Police Other Wages or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Retroactive wages from January 1, 2002 to June 30, 2002 pursuant to the terms of the police union contract.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$15,100.00 from Free Cash, to be added to the 2002 Annual Town Meeting Article 5, Line 97, Police Other Wages.

ARTICLE 6: To see if the Town will vote to transfer a sum of money from available Free Cash, to be added to the 2002 Annual Town Meeting Article 5, Line 97, Police Other Wages or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: In accordance with the terms of the police union contract, these funds are needed to cover the cost of salary increase and the retroactive pay for the period of July 1, 2002 through October 5, 2002.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$95,000.00 from available Free Cash, to be added to the 2002 Annual Town Meeting Article 5, Line 97, Police Other Wages.

ARTICLE 7: To see if the Town will vote transfer a sum of money from Free Cash to be added to May 2002 Annual Town Meeting Article 5, Line 20 – Selectmen Clerical Wages or take any other action.

Proposed by the Board of Selectmen

Explanation: In accordance with the terms of the clerical union contract, these funds are needed to cover the cost of retroactive pay for the period of July 1, 2001 through June 30, 2002.

Finance Committee recommends.

VOTED Aye, voice to transfer the sum of \$11,100.00 from Free Cash to be added to the May 2002 Annual Town Meeting Article 5, Line 20, Selectmen Clerical Wages.

ARTICLE 8: To see if the Town will vote transfer a sum of money from Free Cash to be added to May 2002 Annual Town

Meeting Article 5, Line 20 – Selectmen Clerical Wages or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: In accordance with the terms of the clerical union contract, these funds are needed to cover the cost of 3% salary increase for FY2003.

Finance Committee recommends.

VOTED Aye, voice to transfer the sum of \$26,200.00 from Free Cash to be added to the May 2002 Annual Town Meeting Article 5, Line 20, Selectmen Clerical Wages.

ARTICLE 9: To see if the town will vote to transfer \$2,500.00 from the annual town meeting Line 104A- Fire Department Equipment, to Line 104- Fire Department Expense or take any other action relative thereto.

Line 104 Fire Department Expense - \$2,500.00
Repairs to Vehicles

Proposed by the Fire Chief

Explanation- This is to cover the increased cost of heavy maintenance and testing of apparatus. Items scheduled for replacement in the equipment line will be deferred until next fiscal year.

Finance Committee recommends.

VOTED Aye, voice Article 9 as printed in the Warrant

ARTICLE 10: To see if the Town will vote transfer a sum of \$100,000 from Free Cash to be added to Stabilization or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This transfer is to replenish stabilization monies, which had been used for the Capital Improvement program at the May 2002 Town Meeting.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$100,000.00 from Free Cash to be added to Stabilization.

ARTICLE 11: To see if the Town will vote to transfer a sum of money from Water Surplus to pay a court judgment plus interest, or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: This money is necessary to pay for judgment plus interest to general fund for FY '03.

Finance Committee recommends.

VOTED Aye, voice to transfer \$452,049.78 from Water Surplus to pay a court judgment plus the interest thereon.

ARTICLE 12: To see if the Town will vote to appropriate \$50,000, or any other sum of money, for the payment of charges incurred under a contract for the expert appraisal of taxable property in the town; to determine whether this appropriation shall be raised by borrowing or otherwise or take any other action in relation thereto.

Proposed by the Board of Assessors

Explanation: M.G.L. Ch. 797, Acts of 1979 requires that valuations be recertified every three (3) years. All building schedules, land tables, depreciation tables, etc. are recalculated according to the current real estate market. New income and expense figures are adopted based on the current commercial/industrial market. A 2/3 vote will be necessary for passage of this article.

Finance Committee recommends

VOTED Aye unanimous that \$50,000.00 is appropriated for the payment of charges incurred under a contract for the expert appraisal of taxable property in the town; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$50,000.00 under G.L. c.44, section 7(18) or any other enabling authority; and that the Board of Assessors is authorized to take any other action necessary to carry out this project.

ARTICLE 13: To see if the Town will vote to transfer from free cash the sum of \$8,097.00 as the local contribution for the purchase of a van provided by Mobility Assistance Program or take any other action in relation thereto.

Proposed by the Board of Library Trustees
And the Council for Elder Affairs

Explanation: The Library/Senior Center has been awarded a state grants totaling \$32,389.00 for an 8-11 passenger lift-equipped Minivan. This van will be used to serve the homebound and persons with disabilities to access our facilities and services.

VOTED Aye unanimous to Pass Over.

ARTICLE 14: To see if the Town will vote to hear the reports of The Police Station Feasibility Study Committee and the Senior Center Feasibility Study Committee, both committees established by the Board of Selectmen and to hear a brief presentation from the Police Station Architect, The Carrel Group or take any other action in relation thereto.

Proposed by The Police Station Feasibility Study Committee
Proposed by The Senior Center Feasibility Study Committee

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to hear the reports of The Police Station Feasibility Study Committee and the Senior Center Feasibility Study Committee and to hear a brief presentation from the Police Station Architect, The Carrel Group.

ARTICLE 15: To see if the Town will vote to amend the General By-Laws, Article 3-13, Sec. 3B – Earth Removal, by deleting the following:

“or buried and covered with a minimum of three feet of soil in an approved area on the site.”

Or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The deleted verbiage is in conflict with the Board of Health regulations and State Law.

Finance committee refers to Town Meeting

VOTED Aye unanimous to amend the General By-Laws, Article 3-12, Sec. 3B – Earth Removal, by deleting the following:

“or buried and covered with a minimum of three feet of soil in an approved area on the site.”

ARTICLE 16: To see if the Town will vote to amend Article 2-17 Streets and Highways of the General By-Laws by deleting the following:

Sections 6, 6A, 6B, 6C, 7, 7A, 7B, 7C, 7D, 8, 8A, 8B, 8C, 9, 9A and 9B

Or take any other action in relation thereto.

Proposed by the General By-Law Committee

Explanation: This is a housekeeping article. This is the second half of the process, which moves Article 2-17 Sections 6-9B into the zoning by-laws. The update to the zoning by-laws took place at the May 2002 Town Meeting. This now removes the zoning by-law verbiage from the general by-laws.

Finance Committee refers to Town Meeting

VOTED Aye unanimous to amend Article 2-17 Streets and Highways of the General By-Laws by deleting the following:

Sections 6, 6A, 6B, 6C, 7, 7A, 7B, 7C, 7D, 8, 8A, 8B, 8C, 9, 9A and 9B

ARTICLE 17: To see if the Town will vote to accept M.G.L. Chapter 111, Section 127B ½, or take any other action in relation thereto.

Proposed by Richard Edgehille & 142 others

Explanation: Accepting this law would allow citizens to petition for agreement to remove underground fuel storage tank or lead paint or to provide proper service by a septic system; costs; authority to evict.

Finance Committee recommends

VOTED Aye unanimous to accept M.G.L. Chapter 111, Section 127B ½.

ARTICLE 18: To see if the Town will vote to appropriate the sum of \$200,000.00 for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitations all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water pollution abatement trust or otherwise, or take any other action in relation thereto.

Proposed by Richard Edgehille and 155 others

Explanation: Requires a 2/3 vote.

Finance Committee recommends

VOTED Aye unanimous to appropriate \$200,000.00 for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000.00 and issue bonds or notes therefor under G.L. c.111, s 127B1/2 and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant the Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

ARTICLE 19: To see if the Town will vote to amend the Hanson Zoning Bylaw, and delete Section VII.B.4.a., in its

entirety, and insert the following:

a. All setbacks shall conform to the zoning district in which the lot is located and the setbacks shall commence at the end of the access portion.

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Explanation: In some cases the current setbacks become hardships when building.

Finance Committee refers to Town Meeting.

VOTED Aye 18, Nay 71 (motion defeated) Article 19 as printed in the warrant.

ARTICLE 20: To see if the Town will vote to amend Hanson Zoning Bylaw, Section II, Definitions by inserting the following definition in alphabetical order :

Farm:

A tract of land devoted to the pursuit of all branches of agriculture, viticulture, aquaculture, and horticulture including the gathering of crops and the rearing of livestock, poultry and other domesticated animals used for food or recreation.
or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Explanation: The current Zoning Bylaw does not have a definition of a farm.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous Article 20 as printed in the warrant as follows:

to amend Hanson Zoning Bylaw, Section II, Definitions by inserting the following definition in alphabetical order :

Farm:

A tract of land devoted to the pursuit of all branches of agriculture, viticulture, aquaculture, and horticulture including the gathering of crops and the rearing of livestock, poultry and other domesticated animals used for food or recreation.

ARTICLE 21: To see if the Town will vote to amend Hanson Zoning Bylaw, Section II, Definitions S. Home Occupation and inserting the following definition in alphabetical order:

Home Occupation:

Occupations such as dressmaking, home cooking, repair of portable equipment or appliances, real estate agent, arts and crafts, selling antiques, and computer based businesses, but not including convalescent or nursing home, tourist home, motor vehicle sales or similar establishments offering services to the general public

Or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Explanation: The existing definition of home occupation requires an update to meet modern usages.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous Article 21 as printed in the warrant as follows:

to amend Hanson Zoning Bylaw, Section II, Definitions S. Home Occupation and inserting the following definition in alphabetical order:

Home Occupation:

Occupations such as dressmaking, home cooking, repair of portable equipment or appliances, real estate agent, arts and crafts, selling antiques, and computer based businesses, but not including convalescent or nursing home, tourist home, motor vehicle sales or similar establishments offering services to the general public

ARTICLE 22: To see if the Town will vote to amend the Hanson Zoning Bylaw VII.G., Trailer or Mobile Home, by deleting Section G and inserting the following:

G. Travel Trailer, Motor Home, Mobile Home, or Camper

No area in any zoning district in Town shall be occupied or used as a dwelling for living quarters by a travel trailer, motor home, mobile home, or camper for a total time in excess of ninety (90) days during any one calendar year, unless permit for same is issued by the Board of Appeals, such permit to be for a term of not more than twelve (12) months. The travel trailer, motor home, mobile home, or camper shall conform to yard and area requirements as specified for a dwelling in a Residence A District and Board of Health Regulations. In the event of a disaster, such as fire, flood, hurricane, tornado or lightning or similar catastrophe, a permit may be obtained from the Building Inspector to allow a mobile home on lot affected for a period of not more than twelve (12) months.

Such Permit will be subject to Board of Health Regulations and Requirements of the Building Inspector. One extension of six (6) months may be granted by the Board of Appeals upon written application of the original petitioner.

Or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Explanation: The article proposes minimal changes to the existing bylaw, but ensures compliance with public health issues.

Finance Committee refers to Town Meeting.

VOTED Aye 81, Nay 9 (motion successful) to amend the Hanson Zoning Bylaw VII.G., Trailer or Mobile Home, by deleting Section G and inserting the following:

G. Travel Trailer, Motor Home, Mobile Home, or Camper

No area in any zoning district in Town shall be occupied or used as a dwelling for living quarters by a travel trailer, motor home, mobile home, or camper for a total time in excess of ninety (90) days during any one calendar year, unless permit for same is issued by the Board of Appeals, such permit to be for a term of not more than twelve (12) months. In the event such a permit is issued, the travel trailer, motor home, mobile home, or camper shall conform to yard and area requirements as specified for a dwelling in a Residence A District and Board of Health Regulations. In the event of a disaster, such as fire, flood, hurricane, tornado or lightning or similar catastrophe, a permit may be obtained from the Building Inspector to allow a mobile home on lot affected for a period of not more than twelve (12) months. Such Permit will be subject to Board of Health Regulations and Requirements of the Building Inspector. Extensions of six (6) months may be granted by the Board of Appeals upon written application of the original petitioner.

ARTICLE 23: To see if the Town will vote to establish an Open Space Committee, consisting of seven members appointed by the Board of Selectmen. In addition to the seven appointed members, one Selectman shall be appointed by the Board to serve as an "ex officio" member. Each member of the open Space Committee shall be appointed for a term of three years and shall serve without compensation or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The duties of the committee shall be to assist other town officials with responsibility for open space

properties and natural resources, to promote public awareness of open space issues, and to work in cooperation with other organizations and individuals with related interests. Such assistance and cooperation shall include updating of the town's open space plan and promoting its implementation, preparing stewardship plans, enhancing public access to open space properties and promoting educational activities relating to natural resources. Each member of the open Space Committee shall be appointed for a term of three years and shall serve without compensation.

Finance Committee refers to Town Meeting

VOTED Aye unanimous to establish an Open Space Committee, consisting of five members appointed by the Board of Selectmen. The composition of the committee shall be one member of the Board of Selectmen, one member of the Planning Board and three citizens at large. Terms shall be two members for three years, two members for two years and one member for one year. Thereafter, all terms to be three years.

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation which would allow the Commonwealth of Massachusetts to transfer 3.5 +/- acres of State owned land, formerly a portion of the Northland property, as shown approximately on a sketch plan filed in the office of the Town Clerk to the Town of Hanson in exchange for the Town's waiver of roll back taxes in the amount of \$240,000, or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town has the opportunity to offset the losses of the rollback taxes by receiving this 3.5+/- acres of commercial/residential zoned property. The Town has received approval for a Brownfields grant of \$35,000.00 to insure that this parcel is environmentally clean. If the Board of Selectmen is satisfied that this property is clean they will petition the General Court to transfer it to the Town and then the Board of Selectmen will seek proposals from developers to purchase and develop this land for commercial purposes. Then the property will be returned to a productive tax property.

Finance Committee does not recommend.

VOTED Aye, voice to authorize the Board of Selectmen to petition the General Court for special legislation which would allow the Commonwealth of Massachusetts to transfer 3.5 +/- acres of State owned land, formerly a portion of the Northland Cranberry property, as shown approximately on a sketch plan filed in the office of the Town Clerk to the Town of Hanson in exchange for the Town's waiver of roll back taxes in the amount of \$240,000.

ARTICLE 25: To see if the Town will vote, for the purpose of making certain roadway improvements, to accept the altered layout of Roller Coaster Road and Old Cross Street, as laid out by the Board of Selectmen and shown on a plan entitled "Layout Plan of Land located on Old Cross Street & Roller Road Hanson, Massachusetts" dated 4/17/02, prepared by Land Planning, Inc. ("Plan") and filed with the Town Clerk, and to authorize the Board of Selectmen to acquire the necessary land or easements to effect said layout as so altered all as shown on the Plan, by gift, purchase of eminent domain, and to raise and appropriate and/or transfer a sum of money to defray the cost of such acquisition; and further to discontinue those portions of Roller Coaster Road and Old Cross Street that lie outside of the altered way and to authorize the Board of Selectmen to release any right, title or interest the Town may have in said discontinued portions as shown on the Plan, or take any other action in relation thereto.

Proposed by the Board of Selectmen
And the Private Road Oversight Comm.

Explanation: This layout will permit future intersection improvement to improve the line of sight at the intersection and reduce the number of access points to improve public safety.

Finance Committee refers to Town Meeting

VOTED Aye unanimous, for the purpose of making certain roadway improvements, to accept the altered layout of Roller Coaster Road and Old Cross Street as printed in the warrant.

ARTICLE 26: To see if the Town will vote to accept as a Town way, Catherine Road and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson, and to appropriate therefore the sum of \$1.00 or take any other

action in relation thereto.

Catherine Road as shown on the plan entitled "As built Plan of Land of Catherine Road, dated September 21, 2001, and revised June 14, 2002 prepared by Russell A. Wheatley Co., Inc."

Proposed by the Board of Selectmen

Explanation: Catherine Road has been constructed in accordance with Town standards and the Planning Board and Highway Surveyor have recommended acceptance. The subdivision control law contemplates that towns will accept as public ways all such roads, which are constructed in conformance with local standards while they are still in good condition.

Finance Committee recommends.

VOTED Aye unanimous to accept as a Town way, Catherine Road as printed in the Warrant and transferring \$1.00 from Free Cash.

Voted Aye voice to dissolve the meeting at 10:05 p.m.

A true copy of the vote, Attest

**Sandra E. Harris, CMC, CMMC
Town Clerk**