

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October 2005 Special Town Meeting

Special Town Meeting
October 3, 2005

Moderator Charles W. Mann called the meeting to order at 7:30 p.m. in the auditorium of the Whitman Hanson Regional High School and recessed the meeting until a quorum was present. The meeting was reconvened at 7:40 p.m. when a quorum was achieved with 105 voters in attendance. Robert Hayes, James Armstrong and Peter Jones were appointed and sworn in to serve as tellers.

Town Counsel was Richard Bowen from the firm of Kopelman and Paige.

The Pledge of Allegiance was recited by the Town Meeting.

Moderator Charles W. Mann recognized State Representative Daniel K. Webster and introduced Congressman Stephen Lynch who spoke to the meeting.

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 2004 and 2005 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 2005. Requires a 9/10 vote.

Finance Committee recommends

VOTED Aye unanimous to transfer the sum of \$1,712.50 from Free Cash to pay unpaid bills from fiscal year 2004 and 2005.

ARTICLE 2: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 30, Selectmen Clerical Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town and the Clerical Union have negotiated a three year contract. These funds are needed to cover the salary, grade re-classifications and retro pay from July 1, 2005 to present in accordance with the new contract.

Finance Committee recommends

VOTED Aye unanimous to transfer the sum of \$55,000.00 from Free Cash to be added to the amount appropriated to Article 5, line 30, Selectmen Clerical Wages of the May 2005 Annual Town Meeting.

ARTICLE 3: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 103 Emergency Communication Center Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town and the Dispatchers Union have negotiated a three year contract. These funds are needed to cover the salary, grade re-classifications and retro pay from July 1, 2005 to present in accordance with the new contract.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$24,000.00 from Free Cash to be added to the amount appropriated to Article 5, line 103 Emergency Communication Center Wages of the May 2005 Annual Town Meeting.

ARTICLE 4: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 93, Highway Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town and the Highway Union have negotiated a three year contract. These funds are needed to cover the salary, grade re-classifications and retro pay from July 1, 2005 to present in accordance with the new contract.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$16,448.00 from Free Cash to be added to the amounts appropriated to the following lines of the May 2005 Annual Town Meeting:

Article 5, Line 19, Town Hall Custodian	\$2,851.00
Article 5, Line 72, Disposal Area Wages	\$2,403.00
Article 5, Line 93, Highway Wages	\$11,194.00

ARTICLE 5: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to the amount appropriated in Article 5, line 101, Police-Other Wages of the May 2005, Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town and the Police Union have negotiated a three-year contract. These funds are needed to cover the salary increase and retro pay from July 1, 2005 to date in accordance with the new contract.

Finance Committee recommends to Pass Over.

VOTED Aye unanimous to Pass Over.

ARTICLE 6: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to meet the expense of surveying and installing bounds in the Town Forest and Town owned cemeteries or take any other action in relation.

Proposed by the Board of Selectmen

Explanation: These funds would used to finalize the bounding of the Town Forest and commence the surveying and bounding of all Town owned cemeteries. This article was passed over at the May 2005 Special Town Meeting

Finance Committee does not recommend.

VOTED Aye 47, Nay 49 (motion defeated) to transfer the sum of \$10,000.00 from Free Cash to meet the expense of surveying and installing bounds in the Town Forest and Town owned cemeteries.

ARTICLE 7: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash and/or Additional Lottery Aid to fund the

purchase of memorials and commemorative markers throughout that Town or take any other action in relation thereto

Proposed by the Board of Selectmen

Explanation: The funds are requested to purchase permanent markers throughout the Town including but not limited to the Hanson Industrial Park for Robert H. Andrews and Conservation Area for Brian Gaffey. The article was passed over at the May 2005 Special Town Meeting.

Finance Committee does not recommend.

VOTED Aye 36, Nay 59 (motion defeated) to transfer the sum of \$2,500.00 from Free Cash to fund the purchase of memorials and commemorative markers throughout the Town.

ARTICLE 8: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash and/or Additional Lottery Aid to fund retirement buy-outs or take any other action in relation thereto.

Proposed by Treasurer/Collector

Explanation: This will fund the Buy-Outs for employees as they retire (i.e. sick time, vacation, etc.)

Finance Committee recommends.

VOTED Aye, voice to transfer the sum of \$20,000.00 from Free Cash to fund retirement buyouts.

ARTICLE 9: To see if the Town will vote to transfer from Free Cash and/or available funds a sum of money to complete roadway modifications of Washington West Meadows Phase II recorded at the Registry of Deeds, Plan No. 29 of 1997, and recorded in Book 39, Page 726.

Proposed by the Planning Board

Explanation: On November 2, 1998 the Planning Board acquired the performance surety bond of this subdivision because the contractor chose not to complete the subdivision and infrastructure in accordance with the approved plan. This article was also passed over at the May 2005 Special Town Meeting.

Finance Committee holds

VOTED Aye, voice to transfer from Free Cash the sum of \$10,000.00 to complete roadway modifications of Washington West Meadows Phase II recorded at the Registry of Deeds, Plan No. 29 of 1997, and recorded in Book 39, Page 726.

ARTICLE 10: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash for the repair and reconstruction of the curbing at the Library/Senior Center or take any other action in relation.

Proposed by the Board of Selectmen

Explanation: The curbing at the entrance of the Library/Senior Center no longer meets ADA requirement and the deterioration of the curb has created a serious safety hazard.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$9,000.00 from Free Cash for the repair and reconstruction of the curbing at the Library/Senior Center.

ARTICLE 11: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110,

Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 57, Building Inspector Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Building Inspector's (Commissioner) position required an upgrade for the purpose of marketability. Current inspector accepted the position in anticipation of this increase. This increase will annualize the current salary at \$56,245.00, which is on the lower side of the average salary for Building Commissioner.

Finance Committee recommends.

VOTED Aye, voice to transfer the sum of \$10,000.00 from Free Cash to be added to the amount appropriated to Article 5, line 57, Building Inspector Wages of the May 2005 Annual Town Meeting.

ARTICLE 12: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 17, Town Audit of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are necessary to for the additional work required by the State mandated GASB requirement.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$10,000.00 from Free Cash to be added to the amount appropriated to Article 5, line 17, Town Audit of the May 2005 Annual Town Meeting.

ARTICLE 13: To see if the Town will vote to transfer a sum of money from the amount appropriated under Article 5, Line 110, of May 2005 Annual Town Meeting, Other Tuition & Transportation and/or Free Cash to be added to the amount appropriated under Article 5, Line 7, of May 2005 Annual Town Meeting, 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 worker compensation, pre-employment physicals, professional bonds, and adjustments to coverage throughout the year.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$6,000.00 from Free Cash to be added to the amount appropriated under Article 5, Line 7, of May 2005 Annual Town Meeting, Town Insurance.

ARTICLE 14: To see if the Town will vote to transfer a sum of money from the amount appropriated under Article 5, Line 110, of May 2005 Annual Town Meeting, Other Tuition & Transportation and/or Free Cash to be added to the amount appropriated under Article 5, Line 9, of May 2005 Annual Town Meeting, Reserve Fund, or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These fund will replenish amounts use to pay insurance premiums which are payable at the beginning of the fiscal year.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$18,000.00 from Free Cash to be added to the amount appropriated under Article 5, Line 9, of May 2005 Annual Town Meeting, Reserve Fund.

ARTICLE 15: To see if the town will vote to transfer from free cash and/or appropriated under Article 5, Line 110, of May 2005 Annual Town Meeting, Other Tuition & Transportation the sum of \$13,000.00 for plans to develop Camp Kiwanee Waterfront Expansion Project or take any other action in relation thereto.

Proposed by the Recreation Commission

Finance Committee holds

VOTED Aye, voice to transfer from Free Cash the sum of \$13,000.00 for plans to develop Camp Kiwanee Waterfront.

ARTICLE 16: To see if the Town will vote to transfer from Free Cash a sum of money to have one (1) quik-coupler power tilt plow frame installed on a Highway Department snow plowing truck or take any other action in relation thereto:

Proposed by the Highway Surveyor

Explanation: This quik-coupler plow frame will improve employee safety on installing and removing the snow plow from the vehicle.

Finance Committee recommends.

VOTED Aye unanimous to transfer from Free Cash a sum of \$7,000.00 to have one (1) quik-coupler power tilt plow frame installed on a Highway Department snow plowing truck.

ARTICLE 17: To see if the town will vote to transfer a sum of money from Ambulance receipts, for the first year of a three year lease purchase agreement to replace Ambulance II or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: This request to replace the 1997 Ford Ambulance. It currently has over 70,000 miles on it and requires frequent repair.

Finance Committee recommends to pass over.

VOTED Aye unanimous to Pass Over.

ARTICLE 18: To see if the town will vote transfer a sum of money from free cash, to add to the May 2005 Annual Town Meeting, Article 5, Line 108 Fire Department Expense or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: This request is to replenish the apparatus maintenance line. A transmission replacement for ambulance I \$3,000.00, repair to the Hurst tool, \$2,818.00, replacing a clutch in the forest fire \$1,000.00 and annual maintenance of Tower I has depleted the repair account.

Finance Committee recommends to pass over.

VOTED Aye unanimous to Pass Over.

ARTICLE 19: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 105, Fire Chief's Wages or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Board and Fire Chief negotiated a three-year contract effective July 1, 2005 to June 30, 2008. This transfer is necessary to fund a 3% increase for FY06.

Finance Committee recommends.

VOTED Aye unanimous to transfer the sum of \$2,262.00 from Free Cash to be added to the amount appropriated to Article 5, line 105, Fire Chief's Wages.

ARTICLE 20: To see if the Town will vote to appropriate the sum of \$400,000.00 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 the Board of Health and
Treasurer/Collector

Explanation: We are seeking an additional \$400,000.00 from the trust for a second round of betterments. Requires a 2/3 vote, as it is a borrowing.

Finance Committee recommends.

VOTED Aye, unanimous that the town appropriate \$400,000.00 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 limitations 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 \$400,000.00 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 to 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 21:** To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for special legislation creating the position of Town Administrator, the duties and responsibilities of that position being substantially similar to those outlined in the job description on file in the office of the Town Clerk or take any other action in relation thereto.

Proposed the Board of Selectmen

Explanation: Upon the recommendation of the Government Study Committee, the Board of Selectmen is recommending the creation of the position of Town Administrator for the purpose of improving and streamlining town government.

Finance Committee recommends.

VOTED Aye unanimous to authorize the Board of Selectmen to petition the Legislature for special legislation creating the position of Town Administrator, the duties and responsibilities of that position being substantially similar to those on the following pages.

TOWN ADMINISTRATOR SPECIAL ACT

Section 1

There shall be an administrative officer in the Town of Hanson known as Town Administrator.
The Town Administrator, reporting directly to and supervised by the Board of Selectmen, shall be the Chief Administrative and

Operating Officer of the Town of Hanson. The Town Administrator will not set Town policy, but shall ensure that there is appropriate coordination in the implementation of Town policy, working with the Board of Selectmen and all elected and appointed boards and commissions.

The Town Administrator will supervise, manage, and coordinate the day-to-day activities of all Town departments and employees under the jurisdiction of the Board of Selectmen and coordinate all activities of these Town departments with the activities of other departments under the jurisdiction of other elected Town officials, boards, and commissions.

Section 2

The Town Administrator shall be appointed by the Board of Selectmen solely on the basis of executive and administrative qualifications and experience. The Town Administrator shall be a person especially suited by a combination of education, training and professional experience to perform the duties of the office. The Town Administrator shall not have served in elective office in the town's government for at least twelve (12) months prior to appointment. The Town Administrator shall devote full-time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term, unless such other service is approved in advance by vote of the Board of Selectmen. The office of Town Administrator shall not be subject to the personnel by-law, and the Board of Selectmen shall fix compensation for the office within the amount appropriated by the town. The Board of Selectmen may enter into a contract with the Town Administrator setting forth the terms and conditions of his/her employment.

Section 3

The Town Administrator, shall be responsible to the Board of Selectmen, and shall be accountable to the said board, for the efficient and orderly conduct of the departments, offices, and functions placed in the charge of the Town Administrator by this Act and for the proper execution of the powers and duties that follow:

- (a) Oversee the efficient administration of all offices and departments appointed by the Board of Selectmen and report on any matters requiring the Board's attention.
- (b) Attend all regular or special Board of Selectmen meetings, unless requested or allowed to be excused, and have the right to speak but not vote.
- (c) Attend all sessions (annual and special) of Town Meeting and be prepared to answer all questions concerning warrant articles that are directed to the Town Administrator and which relate to matters under the general supervision of the Town Administrator.
- (d) Implement Town Meeting votes regarding articles under the control of the Board of Selectmen and provide written progress reports quarterly to the Board of Selectmen as to the status of implementation of all prior Town Meeting votes.
- (e) Under the direction of the Chair of the Board of Selectmen, prepare and distribute agendas for Board of Selectmen meetings.
- (f) Work in conjunction with the Chair of the Board of Selectmen and with Town Counsel regarding any litigation or other legal matters in which the Town has an interest; act as liaison between Town Counsel and the Board of Selectmen and affected Town departments or officials; review and approve new requests, other than Board of Selectmen requests, for use of Town Counsel on new matters; and provide the Board of Selectmen with monthly status reports on legal issues and concerns.
- (g) The Town Administrator shall be the personnel director of the town responsible for the administration of all personnel matters, including personnel by-laws and all personnel policies and regulations that the Board of Selectmen may adopt. This shall include the enforcement of personnel policies, rules and regulations and managing personnel costs, including salaries, benefits, overtime, and use of Town owned vehicles for employees under the jurisdiction of the Board of Selectmen.
- (h) The Town Administrator shall recommend to the Relevant Body the appointment and/or removal, subject to the civil service law where applicable, the following:

Position

Relevant Body

- | | |
|------------------------|--------------------|
| a. Town Accountant | Board of Selectmen |
| b. Treasurer/Collector | Board of Selectmen |

- | | | |
|----|---------------------------|--------------------|
| c. | Building Commissioner | Board of Selectmen |
| d. | Animal Control Officer | Board of Selectmen |
| e. | Veterans Agent | Board of Selectmen |
| f. | Burial Agent | Board of Selectmen |
| g. | Director of Elder Affairs | Board of Selectmen |
| h. | Camp Kiwanee Caretaker | Recreation Comm. |
| i. | Conservation Agent | Conservation Comm. |
| j. | Assessor/Appraiser | Board of Assessors |
| k. | Inspector of Animals | Board of Health |
| l. | Librarian | Library Trustees |
| m. | Planner | Planning Board |
| n. | Health Agent | Board of Health |
| o. | Water Superintendent | Water Comm. |

- p. Administrative and clerical employees in the offices and departments under the jurisdiction of the Board of Selectmen and Town Administrator.

- (i) Recommendations for appointments and/or removal made by the Town Administrator shall be made on merit and fitness alone. All recommendations are subject to an affirmative vote of the Relevant Body as the appointing body.
 - (j) Evaluate, at least annually, the job performance of all Town officers and department heads after seeking input and recommendation from the Relevant Body and any appointive committee served by such officers and department heads. Evaluations will be reviewed with the Town Officer, Town Administrator and a representative selected by the Relevant Body.
 - (k) Serve as the Town's American's with Disabilities Act (ADA) Director and Affirmative Action Officer, and administer the Town's affirmative action program.
 - (l) The Town Administrator shall exercise a general day-to-day supervision over all town agencies consistent with the policy and direction of the Relevant Body.
 - (m) The Town Administrator shall fix the compensation of all town officers and employees within the limits established by existing appropriations and adopted policies and procedures.
 - (n) Administer all applicable general or special laws, all applicable by-laws, and all applicable regulations and implement all goals and policies established by the Board of Selectmen.
 - (o) The Town Administrator shall be responsible for keeping full and complete records of the administrative activities of the town, and shall render a full report to the Board of Selectmen at the end of each fiscal year and otherwise as said board may require.
 - (p) The Town Administrator shall keep the Board of Selectmen informed as to the financial condition and needs of the town and shall make such recommendations to the Board of Selectmen as *it* deems to be necessary or expedient.
 - (q) The Town Administrator shall have access to all town books and records necessary for the performance of the duties of the office.
 - (r) The Town Administrator shall keep a full and complete inventory of all property of the town, both real and personal.
 - (s) The Town Administrator shall be the chief procurement officer responsible for purchasing all supplies, materials and equipment for all departments and activities of the town, excluding schools.
- The Town Administrator shall serve as arbiter of grievances and chief union negotiator for all collective bargaining agreements under the jurisdiction of the Board of Selectmen, provided, however, that the Board of Selectmen shall provide guidelines, advice, and direction to the Town Administrator.
 - The Town Administrator shall facilitate crisis intervention in emergency situations working with the key administrators in Town including the Chair of the Board of Selectmen, Police Chief, Fire Chief, Highway Surveyor, Water Superintendent, Superintendent of Schools and Town Counsel.

- (v) The Town Administrator shall establish and maintain positive community relations with community organizations and groups and with individual citizens.
- (w) The Town Administrator shall receive and act on questions and/or complaints filed with the Board of Selectmen or the Town Administrator and report back to the Board of Selectmen regarding resolution of complaints/questions.
- (x) The Town Administrator shall prepare press releases for the Board of Selectmen, or its designee, for review and approval as directed.
- (y) Prepare written reports for the Board of Selectmen on outstanding matters from time to time as directed.
- (z) The Town Administrator shall perform any other duties required by the by-laws or votes of the town meeting or the Board of Selectmen.

Section 4

The Town Administrator shall have the following budgetary powers and responsibilities:

- (a) Prepare, assemble and present annually to the Board of Selectmen for its review, approval and recommendation to the Finance Committee, detailed budgetary estimates of the amounts necessary for the administration of all Town boards, officers, committees and departments, for the ensuing fiscal year, including both capital and expense items, with the exception of the Water and School Departments.
- (b) Insure that complete and full records of the financial activity of the Town are maintained in accordance with State and Federal laws and Town by-laws, and to render monthly reports to the Board of Selectmen.
- (c) Seek out, prepare, coordinate, and file applications for State and Federal grants.

Section 5

During a temporary absence, the Town Administrator shall designate by letter filed with the Board of Selectmen, a qualified administrative employee or officer to exercise the powers and perform the duties of Town Administrator. If the Town Administrator fails to do so, or the person appointed fails to serve to the satisfaction of the Board of Selectmen, the Board of Selectmen may appoint a qualified administrative employee or officer to so serve. In the event of suspension of the Town Administrator or a vacancy in the office, the Board of Selectmen shall appoint an acting Town Administrator.

ARTICLE 22: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, Line 32, Executive Secretary Wages and to amend the Line 32 title to Town Administrator Wages or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Upon the approval of the establishment of the Town Administrator's Position, the Board of Selectmen and Finance Committee determined that the additional duties and responsibilities warrant an increase in the salary line from the current \$71,138.00 to \$85,000.00 to bring the position in line with area communities.

Finance Committee recommends

VOTED Aye, voice to transfer the sum of \$7,500.00 from Free Cash to be added to the amount appropriated to Article 5, Line 32, Executive Secretary Wages and to amend the Line 32 title to Town Administrator/Executive Secretary Wages.

ARTICLE 23: To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below,

owned by the Town and currently under the care, custody, maintenance and control of the Water Department Board of Commissioners for water department purposes to the Water Department Commissioners for the joint purposes of leasing to a telecommunications company for the location of a telecommunications facility and water department purposes, and further to authorize the Water Department Commissioners to enter into such a lease or leases for said purposes, for all or a portion of the land shown on Assessors Map 49, as Lot 28, also known as Lot 1-1 being a portion of the land described in a deed to the Town recorded with the Plymouth Registry of Deeds at Book 18,114, Page 1-2 upon such terms and conditions, and for a period of up to twenty years; and to grant such easements upon said land as are necessary for utility services in support of such use; as the Water Department Commissioners shall determine to be appropriate; or take any other action relative thereto.

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Proposed by
Board of Water Commissioners

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Explanation: The land described in this Article, which is owned by the Town, is currently under the care, custody and maintenance of the Water Department Board of Water Commissioners for the purposes of supplying water. This Article enlarges the purposes of the care, maintenance, and custody of said land to allow for joint purposes with the town to enter into a lease to a telecommunications company for the location of a telecommunications facility on this land.

Finance Committee refers to Town Meeting.

VOTED Nay, voice as printed in the warrant.

ARTICLE 24: To see if the Town will vote to accept as a Town way, Meadow Lane, 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

Meadow Lane as shown on the plan entitled "Roadway As-built Plan Meadow Lane in Hanson Massachusetts prepared for R&R Homes Construction" dated October 15, 2001 and revised March 31, 2005 prepared by Land Planning, Inc.

or take any other action in relation thereto

Proposed by the Board of Selectmen

Explanation: Meadow Lane 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, voice to accept as a Town way, Meadow Lane as printed in the warrant

ARTICLE 25: To see if the Town will vote to accept as a Town ways, Audubon Lane, Commons Lane, Constitution Way, Cranberry Road, Independence Avenue, Litchfield Lane, Proudfoot Way and Woodbrook Lane 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 thereof the sum of \$1,00:

Audubon Lane as shown on a plan entitled "As Built Acceptance Plan Audubon Lane Hanson, Mass." Dated November 30, 2004, prepared for Hudson Park Assoc., N.T. 2 Columbia Road, Pembroke, MA.

Commons Lane as shown on a plan entitled "Street Acceptance Plan Woodbrook & Commons Lanes, Hanson, MA" dated August 30, 2005 prepared for The Heirs of Sumner: Commons Realty Trust J. Walsh, Trustee.

Constitution Way as shown on a plan entitled "As-Built Plan Colonial Heights, Hanson, Mass." Dated 18 May 2005, Revised 14 June 2005, prepared for William E. Rainey Registered Land Surveyor 8 Standish Avenue, Kingston, Massachusetts.

Cranberry Road as shown on a plan entitled "As-Built Plan Cranberry Road, Hanson, Massachusetts." Dated October 22, 2004, prepared for Richard S. Rosen and Stephen G. Egan 80 Temple Street, Whitman, MA.

Independence Avenue as shown on a plan entitled "As-Built Plan Colonial Heights, Hanson, Mass." Dated 18 May 2005, Revised 14 June 2005, prepared for William E. Rainey Registered Land Surveyor 8 Standish Avenue, Kingston, Massachusetts

Litchfield Lane as shown on a plan entitled "As-Built Plan "Stonewall Estates" Litchfield Lane, Hanson, Mass." Dated December 21, 2004, prepared by Robert C. Bailey Co., Land Surveyors 199 Plymouth Street, Pembroke, Mass.

Proudfoot Way as shown on a plan entitled "As-Built Plan "Stonewall Estates" Proud Foot Way, Hanson, Mass." Dated December 21, 2004, prepared by Robert C. Bailey Co., Land Surveyors 199 Plymouth Street, Pembroke, Mass.

Woodbrook Lane as shown on a plan entitled "Street Acceptance Plan Woodbrook & Commons Lanes, Hanson, MA" dated August 30, 2005 prepared for The Heirs of Sumner: Commons Realty Trust J. Walsh, Trustee.

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These streets have 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 as printed in the warrant and amended to delete Litchfield Lane and Proudfoot Way as being accepted as Town ways.

ARTICLE 26: To see if the town will vote to amend the Hanson Zoning Bylaw by deleting the words "summer houses" from Section VI.B.1.g

Proposed by the Zoning Bylaw Committee

Explanation: This is a housekeeping article.

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye unanimous to approve Article 26 as written in the warrant.

ARTICLE 27: To see if the town will vote to delete Section VI.B.2.f from the Hanson Zoning Bylaw and insert the following:

- Home 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 may be engaged in as an accessory use of a dwelling by a resident of that dwelling, upon issuance of a Special Permit by the Board of Appeals pursuant to Section VIII.D, and upon conformance with all of the following conditions:

Proposed by the Zoning Bylaw Committee

Explanation: This article incorporates the definition for home occupations into the existing home occupation section of the zoning bylaw for clarification.

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye 69, Nay 10 (2/3's achieved) to approve Article 27 as written in the warrant.

ARTICLE 28: To see if the town will vote to amend Section VI.B.2.f.4 of the Hanson Zoning Bylaw to read as follows:

4. Not more than the owner and two other persons shall be employed on the premises in the home occupation.

Proposed by the Zoning Bylaw Committee

Explanation: This article limits the total number of people who can be employed in a home occupation to three.

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye 31, Nay 49 (motion defeated) to amend Section VI.B.2.f.4 of the Hanson Zoning Bylaw to read as follows:

4. Not more than three persons (including household members) shall be employed on the premises in the home occupation.

ARTICLE 29: To see if the town will vote to amend Section VI.B.2 of the Hanson Zoning Bylaw by inserting a new subsection g. Accessory Apartments and renumbering the rest of the section:

g. An accessory apartment (which is defined as, a separate housekeeping unit complete with its own means of egress, sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single family dwelling, but functions as a separate unit) may be constructed under the following conditions:

- The owner must occupy either the principal residence or the accessory apartment.
 - There shall be not more than one accessory apartment within a single-family dwelling.
3. The accessory apartment shall be designed so that the appearance of the structure remains that of a one-family dwelling, subject further to the following conditions:
- Any enlargements or extensions of the dwelling in connection with any accessory apartment must comply with building, safety, and health codes and town bylaws.
 - Any new entrance shall be located on the side or in the rear of the dwelling.
 - Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.
 - The principal residence and the accessory apartment shall be serviced and monitored by common gas, electric and water meters.
 - There shall be provided at least two (2) off-street parking spaces for the main dwelling and at least one (1) off-street parking space for the accessory apartment. The additional parking shall be accessed by the driveway serving the main dwelling.
- The proposed attached dwelling unit shall contain not more than one bedroom and not less than 600 square feet of area or no more than 40 percent, inclusive of all lofts and any attic areas seven feet or greater in height, of the gross area contained in the existing detached one family house, exclusive of all unfinished cellars and attics. A second bedroom may be allowed by the Board of Appeals under extenuating circumstances. The applicant must provide written documentation indicating the need for the second bedroom.
 - The existing detached one family house shall be owner occupied and shall have been issued an occupancy permit at a point in time greater than one year prior to the request for a special permit.
 - A condition of approval and grant of a special permit shall require the submittal of a covenant or deed restriction satisfactory

to the town and stating that the existing one-family house and the proposed attached dwelling unit shall forever, or until such time released by the town, remain in common ownership.

- A special permit for a single family dwelling with an accessory apartment shall terminate upon any of the following events:
 - Sale of the premises.
 - Residence by any person other than a family member in either the main dwelling or accessory apartment.
 - Violation of any of the special permit restrictions imposed by the Board of Appeals
- No accessory apartment shall be permitted prior to the issuance of a special permit by the Board of Appeals and a Building Permit by the Building Inspector.
- An occupancy permit shall only be issued upon confirmation that both the main dwelling and the accessory apartment are in compliance with the approved plans, all applicable provisions of the zoning bylaw, the terms and conditions of the special permit, and all applicable state and local building, health, fire and safety codes and regulations.
- When a structure which has received a special permit for an accessory apartment is sold, the new owners, if they wish to continue to exercise the special permit, must, within ninety (90) days of the sale, apply to the Board of Appeals for a new special permit issued in their name stating that they will occupy one of the dwelling units in the structure as their permanent/primary residence, and shall conform to all of the criteria and conditions for accessory apartments and the approved special permit.

The Board of Appeals shall have discretionary power when determining action in these cases set forth in this bylaw.

Proposed by the Zoning Bylaw Committee

Explanation: This is a new by-law provision intended to regulate the creation of in-law apartment units.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to Pass Over.

ARTICLE 30: To see if the town will vote to amend Section II of the Hanson Zoning Bylaw by adding a new subsection A. Accessory Apartment: to read as follows and renumbering the rest of the section:

- Accessory Apartment:

An accessory apartment is a separate housekeeping unit, complete with its own means of egress, sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Proposed by the Zoning Bylaw Committee

Explanation: This article adds accessory apartment to the definition section of the zoning by-law.

Finance Committee refers to Town Meeting.

VOTED Aye unanimous to Pass Over.

VOTED Aye, voice to dissolve the meeting at 9:30 p.m.

A true copy , Attest:

Sandra E. Harris, CMC, CMMC

Town Clerk