

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October 2010 Special Town Meeting

Special Town Meeting
October 4, 2010

Moderator Charles W. Mann called the meeting to order at 7:30 P.M. in the auditorium of the Middle School with Robert Hayes, Robert O'Brien and William Clay appointed and sworn in as tellers.

Town Counsel was Richard Bowen from the firm of Kopelman and Paige.
A quorum was declared present with 141 voters in attendance.
The Pledge of Allegiance was recited by the Town Meeting.
Moderator Charles W. Mann recognized State Representative Daniel K. Webster.

ARTICLE 1: To see if the Town will vote to transfer a sum of money from May 2006 ATM - Article 19 Library Repairs, and from the amounts appropriated in Article 5, Line 109, South Shore Vo-Tech of the May 2010 Annual Town Meeting to pay unpaid bills from fiscal year 2010 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 2010. Requires a 9/10 vote.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$415.00 from the amounts appropriated in Article 19 of the 2006 Annual Town Meeting, Library Repair to pay unpaid bills from fiscal year 2010.

ARTICLE 2: ~~~~~ To see if the town will vote to transfer a sum of money from the Ambulance account for the first year of a three or four year lease purchase agreement to replace Ambulance II or take any other action in relation thereto.

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~~~~~ Proposed by the Fire Chief

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**Explanation:**~ This request will allow us to replace the 2002 Ford Ambulance.

Finance Committee recommends.

**VOTED Aye unanimous to transfer \$46,600.00 from the ambulance account for the first payment of a four year lease purchase agreement for a new ambulance.**

**ARTICLE 3:** To see if the Town will approve the \$500,000 borrowing authorized by vote of the Whitman Hanson Regional School District, for the purpose of paying costs of a feasibility study to understand the best solution to the physical and educational deficiencies of the Maquan Elementary School, located at 38 School Street, Hanson, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the Maquan Elementary School, or

any combination of the foregoing, said sum to be expended at the direction of the School Building Committee. The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, or take any other action relative thereto.

Proposed by the Whitman Hanson Regional School Committee

**Explanation:** Funding requires an affirmative vote on a ballot question which will appear on the November 2, 2010 State Election Ballot.

Finance Committee recommends.

**VOTED Aye unanimous to approve the \$500,000 borrowing authorized by vote of the Whitman Hanson Regional School District, for the purpose of paying costs of a feasibility study to understand the best solution to the physical and educational deficiencies of the Maquan Elementary School, located at 38 School Street, Hanson, Massachusetts, which shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District's Maquan Elementary School, or any combination of the foregoing, said sum to be expended at the direction of the School Building Committee.~ The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; provided, however, that this vote shall not constitute approval of the debt authorized by the District for the purpose described in this vote unless and until the Town shall have a vote to exclude from the limitations of Proposition 2 ½, so called, the amounts required to repay the allocable share of the principal of and interest on any bonds or notes issued by the District for this purpose.**

**ARTICLE 4:** To see if the Town will vote to appropriate \$41,800.00 to acquire by gift, purchase, eminent domain or otherwise, for conservation purposes under Chapter 44B, the Community Preservation Act, and to authorize the Board of Selectmen to accept the deed to the Town of fee simple interest or less, in the property north of Main St. and east of the Town's Commerce Park known as the Poor Meadow Brook property, consisting of 11.2± acres of open land identified as Map 51, Lot 8, in the records of the Hanson Assessors, on file with the Town Clerk, together with all flowage rights and easements and subject to all well rights and easements; said land to be managed by the Hanson Water Commission; and that to meet this appropriation the sum of \$20,900.00 be transferred from the Undesignated Community Preservation Fund balance, Open Space Reserve, or any other available monies in the Community Preservation Fund, and the sum of \$20,900.00 be transferred from the Water Surplus Account, and to authorize the Water Commission and the Board of Selectmen to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States and/or any other state or federal programs including those in aid of conservation land acquisition; and/or any others in any way connected with the scope of this Article; and that the Board of Selectmen be authorized to grant a perpetual conservation restriction in said parcels of land meeting the requirements of M.G.L. Chapter 44B, §12 and M.G.L. Chapter 184, as may be deemed appropriate, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Hanson to affect said purchase, said funds to be expended by the Water Commission and the Hanson Community Preservation Committee; or take any other action thereon.

Proposed by the Community Preservation Comm.

**Explanation:** This project offers the Town a cost-effective opportunity to acquire a parcel that helps protect a public water supply. The Town's acquisition of this property will help to protect the integrity of the adjacent Crystal Spring Well Field, which supplies drinking water for the Town and lies just to the east. This property is next to many other town-owned parcels, including several parcels under the care and custody of the Hanson Conservation Commission, and the rear portion of the Town's Commerce Park holding and as a result it will effectively expand the assemblage of publicly owned conservation land in southwest Hanson and help to protect wildlife habitat and hydrological resources.

Finance Committee recommends.

**VOTED Aye unanimous to transfer the sum of \$20,900.00 from the Undesignated Community Preservation Fund Balance and \$20,900.00 from Water Surplus Account as printed in the warrant.**

**ARTICLE 5:** To see if the Town will vote to appropriate \$25,000 from the Undesignated Community Preservation Fund balance, Historic Resources Reserve, or any other available monies in the Community Preservation Fund, to be used by the Hanson Historical Commission for historic preservation, restoration and rehabilitation purposes to repair and replace the roof of the historic property know as the “Bonney House” located at High Street or take any other action in relation thereto.

Proposed by the Community Preservation Comm.

**Explanation:** The “Bonney House” is a town-owned property currently under the care of the Hanson Historical Commission. The “Bonney House” roof is in need of repair and is in a state of rapid deterioration. Repairing this roof now will mitigate any damage to this building as a result of a leaking roof and insure the enjoyment of this building by future generations for years to come.

Finance Committee does not recommend.

**VOTED Aye, voice to transfer the sum of \$25,000.00 from the Undesignated Community Preservation Fund Balance as printed in the warrant.**

**ARTICLE 6:** To see if the Town will vote to appropriate \$4,752.00 from the Undesignated Community Preservation Fund balance, Historic Resources Reserve, or any other available monies in the Community Preservation Fund, to be used by Hanson’s Town Assessor for the restoration and preservation of Assessor’s maps on linens, an 1856 Town of Hanson map and historic books and records, or take any other action in relation thereto.

Proposed by the Community Preservation Comm.

**Explanation:** Many of the Town Assessor’s records are in a state of disrepair due to their age. In order to prevent any further deterioration of these records, and to insure that these records continue to be available to the public, professional preservation and restoration is required.

Finance Committee recommends.

**VOTED Aye, voice to transfer the sum of \$4,752.00 from the Undesignated Community Preservation Fund Balance as printed in the warrant.**

**ARTICLE 7:** To see if the Town will vote to appropriate \$6,000 from the Undesignated Community Preservation Fund balance, or any other available monies in the Community Preservation Fund, to be used by the Hanson Historical Society for historic preservation, restoration and rehabilitation purposes to repair and replace the roofs of the historic properties know as the “Two-Holer” located at 565 Main St. and the “Hearse House” located at 565 Main Street or take any other action in relation thereto.

Finance Committee recommends.

**VOTED Aye, voice to transfer the sum of \$6,000.00 from the Undesignated Community Preservation Fund Balance as printed in the warrant.**

Proposed by the Community Preservation Comm.

**Explanation:** The “Two-Holer” and the “Hearse House” are town-owned properties currently under the care of the

Hanson Historical Society. Both buildings have roofs that are in need of repair. Repairing these roofs now will mitigate any damage to these buildings as a result of leaking roofs and insure the enjoyment of these buildings by future generations for years to come.

**ARTICLE 8:** To see if the Town will vote to appropriate \$8,000 from the Undesignated Community Preservation Fund balance, or any other available monies in the Community Preservation Fund, to be used by the Hanson Recreation Commission to conduct an engineering feasibility study on the historic Camp Kiwanee firehouse for the purposes of obtaining in depth specifications needed to preserve, restore and rehabilitate said building, and to be used in seeking bids for the same, or take any other action in relation thereto.

Proposed by the Community Preservation Comm.

**Explanation:** The Recreation Commission has proposed using the Firehouse located at Camp Kiwanee as a maintenance building to be used for the repair of Camp Kiwanee equipment and as a work area for the Camp Kiwanee staff. Currently, the Firehouse is in need of structural repairs in order to provide a safe work environment for the staff and volunteers at Camp Kiwanee. Further study is needed of the scope of this project before the Recreation Commission can move forward with its plans to repair the Firehouse.

Finance Committee recommends.

**VOTED Aye, voice to transfer the sum of \$8,000.00 from the Undesignated Community Preservation Fund Balance as printed in the warrant.**

**ARTICLE 9:** To see if the Town will vote to transfer a sum of money from the Water Department Surplus Account to be used to fund the purchase and installation of an Emergency Generator for the Crystal Spring Wellfield or take any other action thereto.

Proposed by the Board of Water Commissioners

Finance Committee waiting for information from Water Department.

**VOTED Aye, voice to Pass Over Article 9.**

**ARTICLE 10:** ~~~~~ To see if the Town will by its vote give the Board of Selectmen guidance on whether to exercise the authority given to the Board by the vote under Article 19 of the October 5, 2009 Special Town Meeting concerning the purchase of the Nathaniel Thomas Mill property, or take any other action in relation thereto.

~~~~~ Proposed by the Board of Selectmen

Explanation:~ The Board of Selectmen commissioned a title search of the property to determine whether this purchase would include the water rights excluded from the Town's lease.~ The title examiner was unable to conclude that it would, thus the Board seeks guidance from the meeting as to whether it should go forward with the purchase, and if so, on what terms.

Finance Committee refers to Town Meeting.

Laura Kemmett of the Community Preservation Commission read a letter stating that the Owner is reducing the selling price of the Nathaniel Thomas to \$59,000.00.

VOTED Aye, voice to give the Board of Selectmen guidance on whether to exercise the authority given to the Board by the vote under Article 19 of the October 5, 2009 Special Town Meeting concerning the purchase of the Nathaniel Thomas Mill Property.

ARTICLE 11: To see if the Town will vote to amend Article 2 – 1 ***General Provisions Governing All Departments, Boards, Committees commission and Elected Officers***, Section 6, by deleting Section 6 in its entirety and in its place inserting a new Section 6 as follows:

“With the Board of Selectmen’s approval, any Officer or Board in charge of a department may sell to any person property or material no longer needed in accordance with the provisions of M.G.L. Chapter 30B, Sec. 15.”

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The purpose of this article is to amend the Town of Hanson General Bylaws so as to mirror the current provisions of Massachusetts General Law. This measure will resolve the existing conflict between the two processes and afford the Town greater flexibility should the statutes be changed in the future. Additionally, should this article be approved, the Board of Selectmen will be reviewing a new Surplus Supply policy for their consideration.

Finance Committee refers to Town Meeting.

VOTED Aye, voice to amend Article 2-1 General Provisions Governing All Departments, Boards, Committees commission and Elected Officers, Section 6, by deleting Section 6 in its entirety and in its place inserting a new Section 6 as printed in the warrant.

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to lease a portion of the Hanson Town Hall property at 542 Liberty Street, Hanson, Massachusetts, which parcel is shown on Assessors Plan 81 as Lot 1, described in a deed recorded with the Plymouth Registry of Deeds in Book 393, Page 29, and which portion is depicted on a plan entitled, “Existing Conditions Plan, Hanson Town Hall, 542 Liberty Street, Hanson, Massachusetts” prepared by Land Planning, Inc., dated August 23, 2010, approximately in the location shown on a sketch plan on file with the Town Clerk, for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to twenty (20) years; and further to grant such access and utility easements on said property as the Board of Selectmen deems appropriate to serve the telecommunications tower and other facilities installed pursuant to said lease; or take any action relative thereto.

Proposed by Board of Selectman

Explanation:~The purpose of this article is to authorize the Board of Selectmen to enter into a lease agreement with (a wireless telecommunications provider to be named following procurement process) for the use of a portion of the Hanson Town Hall property on which will be located a cellular tower up to 175' feet in height. The construction of said tower would result in greater cellular coverage in Hanson in addition to providing an anticipated revenue stream of approximately \$26,000 per year.

Finance Committee recommends.

VOTED Aye 78, Nay 48 (2/3's not achieved) to authorize the Board of Selectmen to lease a portion of the Hanson Town Hall property at 542 Liberty Street, Hanson, Massachusetts, which parcel is shown on Assessors Plan 81 as lot 1, described in a deed recorded with the Plymouth Registry of Deeds in Book 393, Page 29, and which portion is depicted on a plan entitled, "Existing Conditions Plans, Hanson Town Hall, 542 Liberty Street, Hanson, Massachusetts" prepared by Land Planning, Inc., dated August 23, 2010, contains approximately 1,700 square feet, and shown on a sketch plan on file with the Town Clerk, for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to (20) years; and further to grant such access and utility easements on said property as the Board of Selectmen deems appropriate to serve the telecommunications tower and other facilities installed pursuant to said lease.

ARTICLE 13: To see if the Town will vote to adopt 780 CMR Appendix 120AA to the 7th edition of the Massachusetts Building Code, known as the Stretch Energy Code, the purpose and intent of which is to provide a more energy efficient alternative to the base energy code for new and existing buildings, and that the Building Commissioner shall be the enforcing agent for the Town, or take any other action relation thereto.

Proposed by the Energy Committee

Explanation: Chapter 169 of the Acts of 2008 refers to the stretch energy code, Appendix 120AA of the State Building Code (7th edition) as published by the State Board of Building Regulations and Standards and require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction within the Town of Hanson to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conversation and other renewable or alternative energy technologies pursuant to said "stretch energy code."

Finance Committee refers to Town Meeting.

VOTED Aye, voice to adopt 780 CMR Appendix 120AA to the 7th edition of the Massachusetts Building Code, known as the Stretch Energy Code, the purpose and intent of which is to provide a more energy efficient alternative to the base energy code for new and existing buildings, and that the Building Commissioner shall be the enforcing agent for the Town.

ARTICLE 14: To see if the Town will vote to name, in perpetuity, the intersection of East Washington Street and Liberty Street as Captain Gary Thurston Porter Square or take any other action in relation thereto.

Proposed by the Patriotic Observance Comm.

Explanation: Captain Gary Thurston Porter USMC was born and raised on East Washington Street, Hanson, MA and attended Hanson schools. On 20 June 1967 Captain Porter was killed in action in Quang Nam Province, Republic of South Vietnam. It is fitting and proper that his memory be memorialized.

Finance Committee recommends.

VOTED Aye unanimous to name, in perpetuity, the intersection of East Washington Street and Liberty Street as Captain Gary Thurston Porter Square.

ARTICLE 15: To see if the Town will vote to accept as a Town way Deer Hill 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:

Deer Hill Road is shown on a plan entitled "Subdivision As-Built Plan, Deer Hill Road, Hanson, MA 02341" by John Cavanaro Consulting 179 CJC Highway, Cohasset, Massachusetts 02025 dated August 12, 2010"

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Deer Hill 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 refers to Town Meeting.

VOTED Aye, voice to accept as a Town way Deer Hill Road as printed in the warrant.

ARTICLE 16: To see if the Town will vote to raise and appropriate and/or transfer a sum of money from Free Cash and/or stabilization and/or transfer from the May 2010 Annual Town Meeting Line 93 Highway Department Wages, or take any other action in relation thereto.

Proposed by Robert Brown Jr. and 128 others

Explanation: These funds are needed to reinstate the Highway Department Employee who was laid off July 1, 2010, due to budget constraints. This employee is needed for the day to day operations of the Highway Department and for Snow & Ice removal in the fast approaching winter.

Finance Committee refers to Town Meeting.

VOTED Aye 27, Nay 87 (2/3's not achieved) to transfer from the stabilization fund the sum of \$25,000.00 to be added to the May 3, 2010 Annual Town Meeting Line 93 Highway Department Wages.

Voted Aye, voice to dissolve the meeting at 8:42 p.m.

A true copy of the vote, Attest:

Elizabeth Sloan, CMC
Town Clerk