

**Town of Hanson**  
**542 Liberty Street, Hanson, MA 02341**

## Selectmen Minutes 6-3-14

*Town of Hanson - Board of Selectmen*  
*Meeting Minutes – Hanson Town Hall*  
*June 3, 2014*

**Members Present:** Donald Howard, Stephen Amico, William Scott, David Soper & Bruce Young  
**Members Absent:**  
**Others Present:** Town Administrator Ronald San Angelo  
Executive Assistant Meredith Marini

**I~ 7:30 p.m.** Chairman Soper called the meeting to order, led the Pledge Allegiance. Chairman Soper read the announcements, and upcoming meeting schedule.

### **II TOWN ADMINISTRATOR'S REPORT**

Mr. San Angelo reported that he attended the MMMA two day conference. It was a good opportunity to network with other managers. There was also a labor law seminar which will be helpful during the next cycle for negotiations.

**Memorial Day-** Mr. San Angelo thanked Bob Arsenault for his work on the Memorial Day parade and event. He indicated that there was great participation by the residents. He was very impressed with the event.

**Hanson Day -** The Activities Committee held its last meeting. He thanked all the individuals involved in the event. He pointed out there may be some flaws as it is a first event. There will be three buses transporting attendees from Indian Head School to Camp Kiwanee. He listed several of the events which will be taking place during the day. He hopes it will become a Hanson tradition and a culture of the Town.

**Transfer Station –** Mr. San Angelo reported that the Transfer Station has been short staffed due to the departure of two part time employees. Two new employees have been hired to fill the part time positions. The Highway Department will be painting lines and lanes. Signage will be installed shortly. He displayed the new bag for Pay as You Throw program. The bags will be in stores by the middle of June. All of the retail stores in Hanson will have the bags for sale.

The transfer station will be closed on Monday, June 30<sup>th</sup> in order to reconfigure the Transfer Station to accommodate the Pay as You Throw Program. New Transfer Station stickers The Town needs to get a count of the number of residents who use the Transfer

**Fire Department Staff –** Mr. San Angelo reported that there are two vacancies at the Fire Department due to the retirement of a long time Firefighter and the departure of one member who has left for another community. The Fire Chief has conducted an assessment and has provisionally hired two firefighters from another community. One of the firefighters will attend the academy. The other firefighter is fully trained and will not be required to attend the academy.

**Facilities Report –** Mr. San Angelo will be working with the Capital Improvement Committee to add some of the components to the CIC Matrix. He will be reviewing the report with the individual department heads.

**Painting of Town Hall –** The project will be advertised on the Central Register on June 4<sup>th</sup>. He is waiting on the Sheriff Department relative to painting the interior of the Town Hall.

**Maquan School Building project –** Mr. San Angelo read the following letter dated May 20, 2014 from the Whitman Hanson Regional School Committee to Ms. Mary Pichetti, Director of Capital Planning regarding the Elementary Building Project

Dear Ms. Pichetti:

*The proposal for the funding of the Whitman-Hanson Regional School District's building project for a new elementary school in Hanson was presented to Hanson voters for a third time at the annual town election on May 17, 2014.*

*The purpose of this letter is (1) to present the vote results, (2) explain the school district's understanding of the reason(s) for the failed vote, and (3) set forth the District's plan to remedy the failed vote and a suggested timeline for such a remedy in accordance with the requirements of the Massachusetts School Building Authority (MSBA).*

#### Vote Results

*On May 17, 2014, the vote to fund a new elementary school in Hanson was posed as Question 1: Shall the Town of Hanson be allowed to exempt from the provisions of proposition two and one half, so-called, the amounts required to pay its allocable share of the bond issued by the Whitman-Hanson Regional School District for the purpose of paying costs of demolishing and removing the existing Maquan Elementary School located at 38 School Street and the Indian Head Elementary School located at 720 Indian Head Street, and designing, constructing, originally equipping and furnishing a new pre-kindergarten through grade five elementary school to be located at 720 Indian Head Street, Hanson, Massachusetts, including the payment of all costs incidental or related thereto. The vote failed with 1140 in favor, 2183 opposed, and 18 blanks.*

#### Explanation

*The building of a new elementary school in Hanson was brought to citizens in Hanson at two separate town meetings, on October 7, 2013 and on January 25, 2014. At both meetings, a majority of the voters approved moving the project forward to a town election. Because the town's legal counsel, Kopelman and Paige, had misinformed town officials that a two-thirds majority was required to move the vote to secret ballot at a town election, it was the understanding that the building project would not move forward. In October, the MSBA agreed to extend the funding agreement due to mitigating circumstances. Following the second town meeting, the Director of Business Services for the Whitman-Hanson Regional School District, Christine Suckow, was involved in a phone conversation with Lisa Dickinson, Senior Vice President and Manager of UniBank Fiscal Advisory Services. When Ms. Dickinson inquired about the vote at the January 25<sup>th</sup> Town Meeting, Mrs. Suckow replied that the vote had gained a majority, but had failed to achieve the required two-thirds for it to move to secret ballot at an election. Ms. Dickinson replied that it was her understanding that a two-thirds majority was not required for building project votes that involve regional school districts, unless specified in the regional agreement or town by-laws. The conclusion was reached that as the Regional School Committee is the appropriating authority, not the Town of Hanson, under Massachusetts General Laws (MGL) Chapter 71, Section 16 (d), the town vote was a simple majority to disapprove authorization of the Regional School Committee to incur debt toward construction of the new school, and therefore did not require a two-thirds super majority. The option to place debt authorization to a town meeting under MGL 71 16(d) is at the discretion of the Board of Selectmen. Therefore it was determined the vote, as certified, was passed.*

*When MSBA was notified of the error, the funding agreement for the elementary school building project was extended to June 4, 2014. As noted above, the building project vote failed on May 17. The school district's understanding of the failed vote centers on financial concerns, the circulation of misinformation by the opposition, and the result of inaccurate legal advice.*

#### *Financial Concerns:*

- *The increase in taxes for the taxpayer's portion of the building project was cited as a reason the project did not pass. Those opposed to the project identified the building project as "the biggest tax increase ever." Some referred to it as a Taj Mahal.*
- *The grant recovery for the 1999 Indian Head School Project or claw back (\$794,473) was identified as a concern by voters because this lowers the MSBA reimbursement to the Town of Hanson to 50%. Some voters questioned the inclusion and added expense of the Indian Head School in the project because the building was partially renovated in the late 1990s.*

#### *Misinformation:*

- *In the Indian Head School project in the 1990s, the slate roof was not replaced. Four years ago, shingles began sliding off the roof. In September of 2011, a protective fence and warning signs were placed around the school. Although the roof repair qualified for a MSBA Green Repair Project in January 2011, the Town of Hanson was unable to fund their portion of the roof repair. In May 2011, a debt exclusion for a roof replacement failed at the annual town election. There is misinformation that the roof replacement is the school*

*district's responsibility. While, in truth, the role of the school system was solely to prepare and submit the Green Repair application.*

- *The combination of the Maquan and Indian Schools into one building project occurred after the roof replacement vote failed. Misinformation was circulated that this combined project was done improperly and without proper notification. On the contrary, all building committee meetings were open to the public, and regular updates were provided at Town Meetings. Throughout this process, the Building Committee communicated directly with MSBA.*
- *Misinformation was circulated that the school district poorly maintained its schools in spite of information from MSBA and project engineers that the buildings had been properly maintained.*
- *Misinformation was distributed regarding the role of MSBA in the comprehensive selection of the preferred design, the reimbursement percentage, the composition of the building committee, and the funding agreement.*

#### *Inaccurate Legal Advice:*

- *Some of those who opposed the project cited the inaccurate advice from the Town of Hanson's legal counsel, Kopelman and Paige, regarding the requirement of a 2/3 vote from town meeting to place the project on the ballot as a conspiracy and predetermined to ensure that the project moved forward. While this was blatantly untrue, this was also a factor in the failure of the project.*
- *Two Selectmen were recalled after there was clarification that a majority vote, rather than a 2/3 vote, was required to move the vote to a ballot although neither person was responsible for the error of legal counsel. Ultimately, town officials fired Kopelman and Paige.*

#### *The District's Plan:*

*Following the failed vote on May 17, the Building Committee met on Monday, May 19 to discuss the results of the election and to consider the ongoing facility issues at the Maquan and Indian Head Schools. Although many facility issues have been identified, the heating system at the Maquan School and the roof at Indian Head School are major concerns. After much discussion, it was agreed that an engineer should be hired by the Town of Hanson to evaluate and price the current needs at the Indian Head and Maquan Schools.*

*Both schools are owned by the Town of Hanson. According to the regional agreement, the Town of Hanson is responsible for capital improvements and repairs that exceed \$5,000. The town Board of Selectmen, Finance Committee, and Capital Improvement Committee will need to convene to discuss the failed vote and their plans for addressing critical facility needs. On June 11, the Facilities Sub-committee of the Regional School Committee will meet to discuss the failed vote, the facility concerns, and future collaboration with Hanson officials. The feasibility study, completed as part of the MSBA application project, will be reviewed to assist in prioritization of needs for the town's current school buildings, and further be used as a starting point once the town has engaged professional services to assist in the evaluation.*

*The Whitman-Hanson Regional School District and the Building Committee value our partnership with the Massachusetts School Building Authority. With this failed vote, we believe that the biggest losers are the children of Hanson who require and deserve safe and effective 21<sup>st</sup> century learning environments. Our leadership team and school committee members will continue to work collaboratively with town leadership and community members to ensure our students have adequate school facilities.*

*Sincerely,*

*Robert Hayes, Chair*

*Ruth C. Gilbert-Whitner, Superintendent*

*Whitman-Hanson Regional School Committee*

*Whitman-Hanson Regional School District*

*Mr. Young commented that in his opinion many of the reasons listed in the letter are misinformation and were not accurate.*

**Transfer Station Stickers** – Mr. San Angelo read the following announcement regarding stickers for the Transfer Station.

#### ***New Stickers for access to the Transfer Station:***

*Access to the Hanson Transfer Station/Recycling Center will require a new sticker for your vehicle. Stickers will be issued beginning June 9, 2014 and are valid through June 30, 2016. Only Hanson residents are eligible. Our new sticker is orange in color and is available at the Hanson Board of Health office. Stickers will be issued at no cost, Monday through Thursday, 9:00 a.m. – 2:00 p.m. and Tuesday evenings 5:00 p.m. – 8:00 p.m. Completion of the enrollment form and a copy of your current vehicle registration is necessary to obtain a sticker. Households will be allowed a maximum of two stickers. Vehicles must be registered in Hanson. Leased, company and rental*

*vehicles are eligible per the Town of Hanson Transfer Station Regulations. All vehicles must have a new sticker by August 1, 2014 to be an eligible user of the Center and to be in compliance with the Town Regulations.*

*Residents should get their new stickers as soon as possible. Vehicles without orange stickers will not have access to the Transfer Station after August 1, 2014*

*The Hanson Transfer Station will be closed all day to the public on Monday, June 30, 2014 for reconfiguration and to prepare for the launch of Pay-As-You-Throw, beginning July 1, 2014.*

### **III NEW BUSINESS**

***Discussion/Action creation of School Building Repair Committee*** – Chairman Soper turned the matter over to Mr. Young. Mr. Young indicated that several items need to be addressed which have been put on hold during the feasibility discussions for a new school.

Mr. Young suggested that the committee should be comprised of seven Hanson residents, one Selectman, one member of the Whitman Hanson Regional School Committee's facilities subcommittee and five citizens at large.

Non-voting members Building Inspector, one school committee, and up to three additional members of the committee.

The Committee will be looking for volunteers in the fields of construction, roofs and windows.

Mr. Young read a proposed Mission Statement for the committee:

*The responsibility of the Indian Head and Maquan School Priority Repair committee will be to develop and present the Board of Selectmen a viable and realistic plan; to identify the immediate capital and related repairs necessary to keep the Indian Head and Maquan Schools safe, secure and comfortable for the students, faculty and visitors; to be responsible for developing accurate descriptions of the prioritized repairs and the estimated project costs to be used for town meetings articles; to recommend the various immediate repair projects necessary to be funded to keep these buildings open and functional for the immediate future until other long term solutions are explored.*

***MOTION*** by Amico, second by Howard to appoint Mr. Young as the Board's representative to the Committee. ***Voted 5 – 0***

***MOTION*** by Amico, second by Howard to create an Indian Head and Maquan School Priority Repair Committee ***Voted 5 – 0***

Resident Chris Howard inquired as to the task of the committee. Mr. Young indicated that the committee would submit to the Selectmen recommendations of the committee which could include grant options.

The Board requested that interested residents submit applications for appointment to the Selectmen's Office.

#### **Resignations**

James Egan resigning from Capital Improvement, Open Space, Zoning By-law and Private Way Oversight committees

***MOTION*** by Young, second by Scott to accept with regret Mr. Egan's resignation from the above committees.

Mr. Amico thanked Mr. Egan for his nine years of service on the various committees.

***So Voted 5 – 0***

### **IV OLD BUSINESS**

None Heard

### **V ONE DAY LIQUOR LICENSES** - Camp Kiwanee

Andrea Thomas, Amesbury, Sat., June 7<sup>th</sup> 4:00 – 9:00 p.m. – Wedding

***MOTION*** by Howard, second by Scott to approve the One day liquor license as presented. ***Voted 5 - 0***

## **VI APPROVE MINUTES**

April 29, 2014

May 13, 2014

May 20, 2014

Mrs. Marini indicated that she spoke with Town Counsel as to the acceptance of minutes when a major of the board is not present. Town Counsel indicated that the minutes could be voted administratively.

**MOTION** by Amico, second by Howard to administratively accept the minutes of April 29, 2014 as printed. ***Voted 5 – 0***

**MOTION** by Amico, second by Soper to administratively accept the minutes of May 13, 2014 as printed. ***Voted 5 – 0***

**MOTION** by Amico, second by Howard to approve the minutes of May 20, 2014 as printed. ***Voted 5 – 0***

## **VII COMMITTEE REPORTS**

***Monponsett Pond*** – Mr. Howard reported the committee continues to work on the issues with Brockton's withdrawal of water.

Activities Committee – previously reported.

## **VIII EXECUTIVE SESSION**

Chairman Soper announced that the Board will be going into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares –Highway and Administrative Professionals Union

***So move*** by Amico, second by Howard to go into Executive Session – ***Roll Call Howard aye, Amico aye, Soper aye, Young aye and Scott aye Voted 5 – 0.***

***8:26 p.m. – Brief Recess***

**9:50 returned to open session**

## **IX ADJOURNMENT**

**MOTION** by Howard, second by Amico to adjourn meeting 9:50 p.m.

Respectfully submitted,

Meredith Marini,

*Executive Assistant*

***Voted and Approved as amended 4 – 0 – 1 McGahan***

***July 8, 2014***