

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Selectmen Minutes 8-12-14

Town of Hanson - Board of Selectmen
Meeting Minutes – Hanson Town Hall
August 12, 2014

Members Present: Donald Howard, James McGahan William Scott, David Soper & Bruce Young
Members Absent:
Others Present: Town Administrator Ronald San Angelo
Executive Assistant Meredith Marini
Town Counsel Adam Costa

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 the Hanson Food Pantry was holding a fundraiser at Camp Kiwanee to Pack the Pantry which was very well attended and a great cause.

Mr. San Angelo reported that the repairs and painting of the Town Hall project is progressing well. The brush has been cleared from the building for the painting project. The building is looking good.

Mr. San Angelo read the following letter from Bernadette O'Brien of 182 State Street which was received on August 11, 2014.

*My name is Bernadette O'Brien, I have been a resident of Hanson for 42 years.
My son is a Lt. and paramedic on the Hanson Fire Dept.*

I am writing this letter for two reasons.

On Tuesday July 29, 2014, I had a life threatening allergic reaction called Angioedema. With the severe case that I had, your lips and face swell, along with your tongue and throat, making breathing difficult or untreated, impossible.

I have been blessed with good health, and not a person used to a lot of doctor or hospital visits. On the morning of my medical emergency, I recognized the start of something wrong and made a very bad mistake. I decided to call my son who was working that day. By the time Rob came to the phone and I started explaining my difficulty, I was already in deep trouble. Rob recognized this and immediately started an ambulance to my home. The level of professionalism and expertise of the firemen and paramedics is astonishing. Their team effort quickly assess my situation, allowing them to administer the property medication, and give all the necessary care to keep me breathing on my transport to the hospital. For this I will be forever grateful.

At the hospital when Rob knew I was getting good care, he said, Mom, don't call me in an emergency call 911. I wasted precious seconds getting my son on the phone.

I would appreciate it if you as our Town Administrator would read this letter at the next Board of Selectmen Meeting, as a reminder to the citizens of Hanson, when you or a family member are in an emergency situation do not hesitate call 911.

One of the Hanson Fire Department paramedics in the emergency room told me when the thought crosses your mind should you call 911, do it immediately. Give them the time they need to give you the best possible care. If it is not an emergency they just enjoy talking to the citizens of Hanson

There is no one more qualified or capable to handle a medical emergency than the Hanson Fire Department.

Thank you for your time.

Sincerely, Bernadette O'Brien

Mr. San Angelo read a the letter received on August 6, 2014 from Athletic Director Bob Rodgers seeking Community Service projects.

Dear Selectmen,

One of the important lessons we hope to teach our students at Whitman-Hanson is the value of community service. We have been quite proud of the number of projects our students have completed over the years.

In the athletic department, most teams embrace the concept of living up to the old saying "To Whom much is given, much is expected." We will continue to do team based community service projects like we have done in the past. However, this year, we would like to add an additional project which all of this student-athletes will work on together under the direction of our Captains Council. To that end, I would like to identify a project from each town. I am writing to you at this time to see if you knew of any projects that currently need volunteers or if there are groups in town that could use our help.

I would be happy to attend a board meeting with a couple of the captains to discuss ideas or meet with any individual or group in town that could lead us in the right direction. We have outstanding students at Whitman-Hanson and I am sure they will be a great asset to both towns.

Sincerely, Bob Rodgers, Athletic Director

Mr. San Angelo suggested improvements to the Town Hall green. Mr. Young suggested a park at the Thomas Hall. Mr. San Angelo requested the Board members forward recommended projects and he will relay them to Mr. Rodgers.

III NEW BUSINESS

Discuss Open Meeting Law Complaint –

Mr. San Angelo read the complaint which was received on August 4, 2014 from James Armstrong on relative to an open meeting law violation against Selectmen Bruce Young, Bill Scott and Jim McGahan who attended a posted meeting of the Whitman Hanson Facilities Committee.

"I want to lodge a complaint of the Open Meeting Law. Three Selectmen recently attended a posted meeting of the Whitman Hanson Facilities Committee. The Facilities Committee is a subcommittee of the Whitman Hanson Regional School Committee.

The three selectmen who attended this meeting as well as openly discussing town business where Bruce Young, Bob Scott and Jim McGahn.

I do recognize that these three men are newly elected and have not been trained but they need to understand their obligations as elected officials.

My objective is to minimize any risk that the town me receive as a result of these unauthorized meetings. Elected officials need to follow the open meeting law in order to opening debate the issues and not decide issues outside of the public.

The remedies requested – "Complete the training required of elected officials to mitigate any further infractions."

Mr. San Angelo read the response dated August 11, 2014 which was addressed to the Director of the Division of Open Government Office of the Attorney General with a copy to Mr. Armstrong,

Dear Director,

Reference is made to the above captioned matter. I am the duly appointed Town Administrator for the Town of Hanson. In that the above referenced complaint, a copy of which is attached hereto, involves three members of the Board of Selectmen, I have been tasked with reviewing the complaint and doing an investigation of the circumstances related thereto. In that capacity, my office has solicited responses from three members the Board of Selectmen and have consulted with Town Counsel, Jason Talerman.

The Complaint alleges that three members of the Board of Selectmen (Bruce Young, William Scott and James McGahan) attended a meeting of the Whitman Hanson Facilities Committee (a subcommittee of the Whitman Hanson Schools Committee) and deliberated. By way of correction, the meeting in question was a meeting of the "Indian Head & Maquan School Priority Repair Committee," which is appointed by the Hanson Selectmen. Selectmen Young is a member of the Committee. Furthermore, Selectman McGahan was primarily attending in his capacity as a member of the Whitman Hanson Regional School Facilities and Capital Projects Sub Committee. Nevertheless, the Complainant has alleged that

the attendance and purported deliberation required a posting and that the failure to complete such posting is a violation of the Open Meeting Law. However, after an investigation, it appears that no such deliberation occurred and that, as a consequence, the three members' attendance was proper under the provisions of G.L. c 30A, §18 (definition of "meeting," subsection "c").

Town Counsel conducted a telephone interview of each of the three above-named Selectmen. It is certainly true that Selectmen Scott and McGahan attended the meeting and that Selectman Young also attended as a member of the Committee itself. It is also true that each of the members offered comments at the meeting. However, at no juncture did the members discuss matters as a group and at no point did the members deliberate on a matter that is before the Board of Selectmen. Rather, the three members were simply engaged in the "open participation in the meeting on those matters under discussion by the host body," as permitted under the above-cited exception. Indeed, it is noteworthy that the members openly declared to the host committee that their participation was not intended to be deliberation of the Board of Selectmen.

Based upon the foregoing, it is my opinion, and the opinion of Town Counsel, that the three members of the Board properly attended the subject meeting and that no posting was required. Furthermore, it is worth noting that the Selectmen in question have taken open meeting law training and are scheduled to take additional training in the near future. Accordingly, the Complainant's desired remedy is being satisfied.

Please do not hesitate to contact me with any questions or comments that you may have.

Sincerely,

*Ronald San Angelo
Town Administrator*

Mr. McGahan indicated that he spoke with Mr. Armstrong upon receipt of the letter and asked why as a former Board of Selectman Mr. Armstrong had not contacted him directly. Mr. McGahan Indicated that the conversation turned to the discussion of the rescinding of the PAYT grant and feels the action was a result of retaliation relative to his vote to return the grant funds. He requests that everyone can work together.

Chairman Soper noted that the proper steps is to submit an Open Meeting Law complaint is to first file with the offending Board for response and action.

Mr. Young noted that the open meeting law guide, which is provided to all elected and appointed officials, describes the step necessary to file a complaint of alleged violation. He noted that there are five exemptions to the open meeting law.

Requests

Chairman Soper requested all speakers, state their name, address and go to the microphone so that the residents at home can hear them.

Bean request for easement – William Way

Norman Hill from Land Planning in Hanson. He introduced John Delano a land surveyor, Mr. & Mrs. Thomas Bean were also present.

Mr. Hill presented the Board with a copy photos taken of the Bean's property four years ago following a heavy rain storm which flooded their house. Mr. Hill reported that the contractor constructed the home lower than it should have been and is now prone to flooding. Mr. Hill noted that the Bean's house is not in the flood zone.

Mr. Hill provided a plan with a flood drain which will drain to the town property. He explained that an overflow pipe will also be installed to drain to the retention area.

Mr. Hill indicated that the plans and project has been submitted to the Conservation Commission. All the run off will flow to the Town's wetland area. Conservation Agent/Town Planner Laura Muncy indicated that the Conservation approved the plan and issued an Order of Conditions.

Mr. Hill on behalf of the Beans has proposed an easement if the Town Meeting approves the easement noting that the Beans are willing to pay all costs which will be incurred for the project.

Mr. Howard inquired about the various evaluations to insure the project will work properly as he is concerned about backflow from the drainage pipe. Mr. Hill indicated that the plan is designed to prevent backflow.

Mr. Scott was concerned about the Town's liability if the plan does not work. Mr. Hill pointed out that it is his stamp on the Plan and he will be responsible.

Mr. Hill indicated that there will be no change to the topography of the land.

Mr. San Angelo suggested that Town Counsel comment on the request prior to placing an article on the warrant to avoid any precedent. He noted that all the parties appear to be in support of the request.

Mr. Young and Mr. Scott both commented that each request should be voted on its own merit. The decision to place an article on the Town Meeting warrant will be tabled until the next meeting.

Recreation Commission – Decrease function rates – Recreation Chairman Dave Blauss was present and requested that the Board approve an adjustment for the Friday and Sunday night event fees. The Commission raised the rates six months ago. Saturday functions are still booking. However, very few people have booked functions for Friday and Sunday since the rates were increased. In 2014 there were 34 events on Friday & Sunday nights. Since the increase, only 8 events have been booked for Friday & Sunday nights. By reducing the rates, the Commission expects an increase in the number of Friday and Sunday bookings.

Mr. Blauss indicated the Camp is doing well, but they would like to get more bookings for Friday and Sunday. The Friday and Sunday rates will be reduced from \$4,000 to \$3,500. During FY 2014 they brought in over \$117,000 in revenues between weddings and camping rentals.

Mr. San Angelo noted that the new rate will still be above the old rate from six months ago (\$2,750), but less than the current rate. Mr. Blauss noted that chairs are available for rental at \$2.00 each (usually \$300 – \$400 per event) which would increase for total rental \$3,100 - \$3,200. The new rate of \$3,500 includes the cost of chairs.

Chairman Soper asked about the rate and feels that the new rate isn't low enough. Chairman Soper feels that other factors may be involved in the lack of bookings. Mr. McGahan asked if they got comparisons. Mr. Blauss explained that there are no other similar venues because Camp Kiwanee offers a very unique setting and facility.

MOTION by Howard second by Young to approve reducing the rates for Camp Kiwanee rentals on Fridays and Sundays from \$4,000 to \$3,500. **Voted 5 – 0**

Hanson Little League – Request Permission for Annual 5K road race on Sunday, Oct. 26
10:00 a.m. starting at Damien's Pub.

MOTION by Howard, second by McGahan to approve the request of Hanson Little League for a 5K road race on Sunday October 26th starting at Damien's Pub. **Voted 5 – 0**

Rockland Hanson Rotary – Request permission to hang banner at Rt. 27 & 58 for Sept. 19th event

MOTION by Howard, second by Young to approve the request of Rockland Hanson Rotary to hang a banner at Rt. 27 & 58 for September 19th event. **Voted 5 – 0**

Hanson Children's Museum request permission to hang a banner at Rt. 27 & 58 for Oct. 25th event.

MOTION by Young, second by Howard to approve the request of Hanson Children's Museum to hang a banner at

Rt. 27 & 58 for an October 25th event. *Voted 5 - 0*

Appointments:

Re-Appointment of Election Workers

<i>Election Workers - 2014</i>				
Ernest	Amado	~	Jill	Kelly
Georgene	Blight	~	Peg	Kitchenham
Ann Marie	Bouzan	~	Mary	Lyon
Barbara	Brunsell	~	Jennifer	Mann
Scott	Cheney	~	Leanne	Mann
Deborah	Clemons	~	Marlene	McGivney
Josiah	Clemons	~	Anne	Merlin
Suzanne	Davis	~	Kathleen	Monahan
Arlene	Dias	~	Barbara	Murphy
Marianne	DiMascio	~	Jeanne	Nadeau
Joseph	Duffy	~	Patty	Norton
Kathleen	Ellis	~	John	Norton
Kathleen	Ferrara	~	Maureen	O'Neil
Ruth	Fleming	~	Elvira	Osso
Mary	Foley	~	Annette	Patturelli
Frances	Forte	~	Karen	Peltin
Nancy	Gaffey	~	Marilyn	Pendleton
Lee	Gamache	~	Sue	Robinson
Barbara	Gomez	~	James	Rodick
Judy-Ann	Goodwin	~	Donna	Spencer
Elyse	Gould	~	Patricia	Strait
Leah	Guercio-Paiva	~	Patricia	Strait-McGrath
Sandra	Harris	~	Rachel	Walsh
Diane	Hillstrom	~	Joseph	Weeks
Marie	Johnson	~	Margaret	Westfield

MOTION by Howard, second by McGahan to appoint the election workers as presented. *Voted 5 - 0*

IV OLD BUSINESS

Review Revised plan for Town Forest

Mr. San Angelo noted that a revised plan which now encompasses the septic system from the Indian Head School.

Mr. Howard asked if there is land available for a leaching area if necessary. Mr. San Angelo indicated that there was land available. Mr. San Angelo indicated that he had been informed that the Highway and Parks and Fields have approved the plan.

Parks and Fields Chairman Bob Hayes was present and indicated that he had not heard about the Plan until this very moment. The Parks & Fields have not discussed it. Mr. Hayes cannot comment on the Parks & Fields and needs the committee to review.

Mr. McGahan asked about any additions to the Indian Head School and if it would have an impact on the plan.

Mr. San Angelo reported that the Town Forest Committee is concerned about future encroachment of the forest.

Mr. Howard indicated that he does not feel the Town Forest Committee will be in favor of giving up additional land.

Mr. San Angelo explained that Chairman Soper had inquired about expansion for the Highway Department. Mr. San Angelo discussed the matter with the Town Planner. He does not anticipate expansion, but more likely a replacement building.

MOTION by Howard, second by Young to table the matter for Parks and Fields review. **Voted 5 - 0**

Mr. Vess asked where the cell tower was on the plan as an alternative to the fire station. A plan he had previously viewed cites a location for a cell tower. Mr. Vess would like the Board to investigate the potential of a cell tower on plan. Mr. Vess wants to gain the revenue from the cell tower, but noted that several residents including firefighters to are concerned about a cell tower at the fire station.

Mr. San Angelo acknowledged that he met with Mr. Vess who suggested a new location for the cell tower at the Town Forest. Mr. San Angelo called Bay Communications and Bay Communications is not interested in relocating.

Mr. Vess is concerned about the safety of the Town. Feels the Town will be in a weaker position if it does not offer an option, because he anticipates litigation with respect to the location. Mr. San Angelo explained that there is no litigation with respect to the contract but was concerned that the Town may be in breach of contract if it begins setting forth new locations.

V ONE DAY LIQUOR LICENSES - Camp Kiwanee

Hanson Democratic Town Comm., Tues, Aug. 19th 5:00 p.m. to 10:00 p.m. - Dinner

Amelia McInnis, Hanson, Sat., Aug. 23rd 3:30 p.m. to 10:30 p.m. – Wedding

Evelyn Shaw, Stoughton, Fri., Aug., 29th 5:00 p.m. to 11:00 p.m. – Wedding

MOTION by Howard, second by McGahan to approve the one day liquor licenses as presented. **Voted 5 – 0**

VI COMMITTEE REPORTS

Indian Head & Maquan School Priority Repair Committee –

Mr. Young reported that the committee's 5th meeting is scheduled for Wednesday night. The committee has covered a lot of ground. They have addressed several smaller items.

Mr. Young noted that the School Department has the right to do immediate emergency repairs and bill the Town later.

Mr. Young requested the support of the Selectmen for the following projects totaling \$82,129: Indian Head Sidewalk repair; Library carpet and reinstallation, Cafeteria Floor at Maquan School and Boiler repairs.

Mr. Young indicated that the Board of Selectmen has always supported requests of the School Department of various repairs. The School is going to spend the money now and will be seeking reimbursement from the Town Meeting. The repairs cannot wait until October Town Meeting for the repairs. Mr. San Angelo requested the support of all the groups, Indian Head and Maquan School Priority Repair Committee, Board of Selectmen, the School District.

Mr. Howard asked if the library carpet is in danger of the leaking roof. Mr. Hayes indicated that they are not related and the roof issues will not affect the carpet. The roof issue will be addressed at a later date. The Facilities Committee considered the large square type carpet. Mr. Finley indicated that the cost is prohibitive and they will be looking at wall to wall carpet.

Mr. Hayes indicated that a definition of an "emergency" needs to be established. Mr. San Angelo indicated that the groups have determined that all the above projects are emergencies.

Mr. San Angelo noted that two other items will require estimates which will increase the \$82,129.

The School Committee will submit separate articles for the additional projects.

Mr. Scott is concerned about the locking systems at Indian Head School and feels it is an emergency. Mr. Young indicated the School is getting costs for the locks. They have met with the Police Chief and reviewed all the issues. Mr. Finley indicated that they will have time to submit an article.

Mr. Fred Small, Whitman and chairman of the Whitman Hanson facilities subcommittee indicated that the committee is here to work with the Town. He pointed out that the buildings are the Town's responsibility.

Mr. Hayes recommended that the Finance Committee be kept in the loop about the requests. Mr. San Angelo agreed that the Finance Committee will be notified. Mr. Hayes will meet with the Finance Committee.

MOTION by Young, second by Howard that the Board of Selectmen will support an article which were included in the letter dated August 12 from the Superintendent of Schools for Indian Head and Maquan School totaling \$82,129
Voted 4 – 0 – 1 Howard

Mr. San Angelo explained that the Town needs to set up some type of funding to address school building issues. A budget line should be established for emergency repairs at the schools.

Mr. Young suggested adopting a similar article for a stabilization fund for the schools. The Town of Whitman established a stabilization fund for both their schools as well as the High School.

Mr. Hayes feels that a stabilization account for the schools would be more appropriate to allow the funds to group and tap into it when needed.

Mr. Young recommended addressing the \$5,000 limit for repairs.

Mr. Jones of the Priority Repair Committee indicated that he would like to attend the Facilities Committee meetings, but they are during day and he cannot attend. He also asked what the Town needs to do to raise the \$5,000 limit. Dr. Gilbert Whitner indicated that the subcommittee of the school committee has been reviewing the \$5,000 limit. She noted that whatever the amount is, it will come from the Taxpayers. She noted the committee will be meeting in the evenings during the fall.

Oldham Pond Committee – Mr. San Angelo indicated that the group met and is discussing the issues of run-off from the street which is causing algae. A berm has been installed. The residents of Lakeside Terrace are dumping grass clippings into the woods and contaminating the pond. That issue is being addressed.

Rep. Cutler is looking at funding for the clean-up of the ponds. Mr. San Angelo indicated that the group will be meeting on a quarterly basis.

Monponsett Pond committee – Meeting Thursday noting that Blue algae is in the pond. They are trying to clean up the algae. Brockton keeps diverting the water to Silver Lake and the group is concerned it will contaminate Silver Lake.

WHRSD Facilities Sub-Committee – Mr. McGahan was impressed with the working relationship with Indian Head & Maquan and the Facilities Committee. Mr. McGahan reviewed some of the projects at the Hanson School. Work at the Middle School for the floors and bathroom partitions. Review the sidewalk repairs and carpet installation at Indian Head. The Insurance Company is requiring the replacement. Maquan School had a walk through by the insurance company.

VII APPROVE MINUTES

July 22, 2014

MOTION by Young, second by Howard to approve the minutes of July 22, 2014. ***Voted 5 – 0***

VIII EXECUTIVE SESSION

Chairman Soper announced that the Board would 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 –Administrative Professionals Union. The Board will be returning to open session only to adjourn.

So moved by Howard, second Young. ***Roll Call Howard aye, McGahan aye, Soper Aye, Young Aye and Scott Aye. Voted 5 – 0***

9:37 p.m. Brief Recess

9:55 p.m. Return to Open Session

IV ADJOURNMENT

MOTION by Howard, second by McGahan to adjourn. ***Voted 5 – 0***

9:56 p.m. Meeting Adjourned.

Respectfully submitted,

Meredith Marini,
Executive Assistant

Approved and Voted 5 – 0
September 9, 2014