

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Selectmen's Minutes 2-17-15

Town of Hanson - Board of Selectmen
Meeting Minutes – Hanson Town Hall
February 17, 2015

Members Present: Donald Howard, Kenny Mitchell, William Scott & Bruce Young

Members Absent: James McGahan

Others Present: Town Administrator Ronald San Angelo
Executive Assistant Meredith Marini

7:00 p.m. Chairman Young called the meeting to order, led the Pledge Allegiance. Chairman Young read the announcements and upcoming meeting schedule.

II NEW BUSINESS

Announcement of receipt of Old Colony Planning Council's Draft Feasibility Study of Plymouth County Hospital - Chairman Young read the following Press Release:

Feasibility of Prospective Reuses of the Former Plymouth County Hospital Site

On March 5, 2015 at 7:00 PM the Board of Selectmen of the Town of Hanson will hold a Special Selectmen's meeting for the purpose of a public hearing to listen to a presentation from the Old Colony Planning Council regarding potential uses of the former Plymouth County Hospital site. All citizens are encouraged to attend to discuss this very important town issue. The meeting will be held at the Regional High School in the Library.

The Old colony Planning Council has completed their Draft report of Prospective Reuses of the Former Plymouth County Hospital Site. This report was prepared at the request of the Hanson Town Administrator and supported by the Council's District Local Technical Assistance funds from the Massachusetts Department of housing and Community Development.

The report describes the site and its buildings, reviews its recent history and summarizes 12 past studies. It also comments on 'Conceptual Potential Uses'.

Once the meeting is held public input will be added to the draft report and a final report will be given to the Town of Hanson.

The Draft Report can be found on the Town of Hanson website at: <http://www.hanson-ma.gov/bullitinboard> under Plymouth County Hospital Feasibility.

Chairman Young indicated that the report is 72 pages. The report covers previous studies and the history of the Plymouth County Hospital.

III OLD BUSINESS

Declare Snow Emergency in accordance with Ch. 44, Section 31D – Chairman Young reminded that Board that at the last meeting the Board voted a cap deficit at \$300,000. Chairman Young indicated that the Finance Committee voted to declare the snow Emergency with no cap. Chairman Young read the following memo from Town Administrator Ron San Angelo.

Members of the Board of Selectmen,

The snow budget for the Town of Hanson has a tremendous impact on the entire budget. With that in mind I am providing you with the current status of the Snow operation budget.

Original snow budget:

\$177,050

Board of Selectmen allowed deficit spending	<u>\$300,000</u>
Total Budget to date	\$477,050
Current posted expenditure to date 2/12/15	<u>\$454,152</u>
Remaining Balance	\$ 22,899

Because of the tremendous budget impact the Snow Operation has on our town budget and ultimately on the taxpayers of Hanson I have recommended that we increase our deficit spending for snow removal on a step by step basis. I thought it was important to provide transparency to the Board of Selectmen and to the citizens of Hanson of the amounts that are being spent during these storms. This allows you to review current expenditure and give you a basis for how much the entire snow season may cost the Town of Hanson.

*During the Board of Selectmen's meeting of 2/17/15 you can continue to increase the deficit spending on a step by step basis or allow the Highway Superintendent to spend whatever he considers necessary to provide public safety to the citizens of Hanson.
Ron San Angelo, Hanson Town Administrator*

MOTION by Mitchell, second by Howard to remove the restriction of the \$300,000 and allow the Highway to deficit spend the Snow and Ice Line with no limit. **Voted 4 – 0**

Highway Surveyor Robert Brown indicated that according to his records as of earlier in the day he has spent \$406,524.94. He noted that the snow continues to fall. The Highway crews have been out assisting elderly residents with the ends of their driveways. They lost the engine in one of the large trucks during the second blizzard. They have ordered a new engine in the amount of \$8,000.00. A 1971 winged plow was damaged. They are working on intersections at night to knock down banks and widen streets which have lost lanes due to the snow piles. They have not dumped any snow at this point. If necessary they will pile it at Botieri field parking area. Salt has been at a premium but they have are still able to acquire limited amounts. Sidewalk program ended after the first blizzard. They have cleared the sidewalk along Main Street for the commuters to the rail.

Mr. Brown thanked the Board, particularly the Chairman, during the storms. He also thanked the Police and Fire and Finance Committee for their support. They pushed the snow back as far as they can, but will have to start moving the snow. They have been using front end loaders to move the snow. They have been using two backhoes and two front end loaders.

He asked residents to be patient. He reported that his crews are fatigued and he sends them home.

Mr. Mitchell asked who is responsible for clearing hydrants. Mr. Howard indicated that Fire and Water Departments are responsible.

The Board thanked Mr. Brown and the Highway Department crews for their work.

Chairman Young read the following letter into the record from the Lt. Scott Billings of the Plymouth County Sheriff's Department dated February 5, 2015 to the Board of Selectmen:

On behalf of Sheriff McDonald, I would like to recognize and congratulate Hanson Highway Department for their continued outstanding service in aiding the Sheriff's Dept. at the radio tower site off 241 Industrial Blvd.

Above and beyond the recent storms, the Hanson Highway Dept. staff have a long history of assisting the Sheriff's Dept. with a variety of tasks and issues at its site over the years, and have always been extremely helpful and professional – all of the employees have always put Public Safety paramount over everything else 24x7 all year long – it is greatly noticed and appreciated.

*Respectfully
Scott S. Billings
Lieutenant*

Discussion regarding the Regional School Agreement 2/3's borrowing vote – Chairman Young indicated that on January 6th the Board voted to amend the Regional Agreement to require a 2/3's vote for approval of any borrowing for the schools. He took the vote to the School Committee on January 14th.

The School Committee voted 2 in favor and 6 opposed to the amendment. The most outspoken reason was that the Whitman Town Administrator and Whitman Board of Selectmen Chairman felt the amendment was not in compliance with G.L. 71 Sec. 16(d).

Hanson Town Counsel advised that it was a legal amendment as it provides a greater scope of the school committee. Mr. Young had found other regional agreements which at similar language.

Chairman Young informed the Board that on January 23rd the Superintendent Ruth Gilbert Whitner on behalf of the Regional School District sent a letter to Mitchell Chester of Dept. of Elementary and Secondary Education informing him of the Town's January 7, 2015 request to bring the matter of amending the regional agreement to the Regional School Committee. She noted that the amendment would modify 71, sec 16(b) .

"Notwithstanding any provision of applicable law, no such debt shall be incurred unless and until the amount of the proposed debt has been specifically approved by two-thirds vote (2/3) majority of the registered voters at the next annual or special Town Meeting in the member town (or towns) for which the debt will be incurred as set forth under this agreement."

The letter noted that on January 14th the school committee voted against placing an article on the Towns' warrants. As a result of the vote, the Hanson Board of Selectmen proposed that the amendment apply only to Hanson.

"Notwithstanding any provision of applicable law, no such debt shall be incurred for capital costs attributable to Elementary Schools located in Hanson unless and until the amount of the proposed debt has been specifically approved by a two-thirds (2/3) majority vote of the registered voters at the next annual or special Town Meeting of the Town of Hanson"

Dr. Gilbert-Whitner requested guidance from DESE as to whether the amendment is in compliance with Mass. General Laws.

In response, Town Counsel drafted the following letter to Mr. Chester which was read by Chairman Young:

February 11, 2015

*Mitchell D. Chester, Ed.D,
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148*

Re: Whitman-Hanson Regional School Agreement

Dear Commissioner Chester:

Please be advised that we are in receipt of a certain letter, dated January 23, 2015, written to you by the Superintendent of the Whitman-Hanson Regional School District. Such letter discusses the Town of Hanson's proposed amendment to the Regional School Agreement. Such letter also suggests that the proposed amendment would "modify" or "vary" the requirements of G.L. c. 71, §16(d).

Notwithstanding the concerns raised by the Superintendent, nothing in the proposed amendment seeks to modify the requirements of such statute. Nor does Hanson's proposed amendment conflict with the requirements of G.L. c. 71, §16(d). Rather, such Amendment is a simple and legal exercise of the Town's home rule authority designed to place additional safeguards on the incurrence of debt. Similarly, the amendment is expressly authorized by the provisions of G.L. c. 71, §14B(i), which allows provisions within a regional school agreement to address: "any other matters, not incompatible with law, which the said board may deem advisable."

As is noted in the Superintendent's letter, the Town's proposed Amendment states as follows:

Notwithstanding any provision of applicable law, no debt shall be incurred for capital costs attributable to Elementary Schools located in Hanson unless and until the amount of the proposed debt has been specifically approved by a two-thirds (2/3) majority vote at the next annual or Special Town Meeting of the Town of Hanson.

Plainly this provision does not conflict with the procedures outlined in G.L. c. 71, §16(d). Such procedures, in relevant part, empower a Town to disapprove of (or veto) debt authorized by a Regional School District Committee. Hanson's proposed amendment clearly does not abridge, supplant or alter such process. Rather, it simply adds an additional requirement of holding a Town Meeting vote to affirmatively approve such indebtedness.

Hanson's proposed concept is not unique or unprecedented. Indeed, the process that is contemplated in Hanson's proposed amendment is already in place within the Manchester-Essex Regional School Agreement, Section 9 http://www.mersd.org/Pages/MERSD_SchoolComm/RegionalAgreement.pdf as well the Wachusett Regional School district agreement which is even more strict then the one we are proposing. Note in Section 15, which requires a 2/3 majority of the Registered voters, by a yes or no ballot vote (Secret Ballot) at either a Town Meeting or an Election . http://www.wrsd.net/0513Agreement_Final.pdf

Furthermore, such process is not dissimilar to the process set forth in G.L. c. 71, §14D which states that a regional school agreement may include an additional requirement for the affirmative approval (by registered voters) of any indebtedness. Here, Hanson seeks a similar result although it seeks the affirmative vote of Town Meeting, rather than of the registered voters at an election.

Based upon the foregoing, it is clear that Hanson has proposed an amendment that is consistent with the Town's home rule authority, the provisions of G.L. c. 71, §14B(i) and the provisions of G.L. c. 71, §14D. We have consulted with Town Counsel who has agreed with this analysis.

Accordingly, based upon the foregoing, we respectfully request that you confirm the legality of Hanson's proposed amendment to the Whitman-Hanson Regional School Agreement. In the meantime, please do not hesitate to contact me or Town Counsel Jason Talerman ((508) 376-8400) if you have any questions regarding this matter.

Thank you.

Sincerely,

Bruce Young, Chairman
Hanson Board of Selectmen

Ron San Angelo
Town Administrator

cc: Ruth Gilbert-Whitner, Superintendent
Robert Hayes, Chairman Whitman-Hanson Regional School Committee
Frank Lynam, Whitman Town Administrator
Carl Kowalski, Chairman Whitman Board of Selectmen
Whitman Board of Selectmen
Christine Lynch, Regional Governance, Mass. DESE

According to the Superintendent, they anticipate a response within the next ten days.

Mr. Howard feels a majority vote would be easier to obtain and asked why change Mr. Young wants to change it to two thirds. Chairman Young explained that a borrowing in all other situations requires a two thirds vote. He pointed out that long term debt for all other departments requires a two thirds vote, except the School Department. The amendment will make it uniform with all other departments.

The reason for the Town Meeting vote is to approve the funding. The Ballot question decides how the funding it paid through debt exclusion or capital exclusion.

Mr. Scott feels there is a lot of mistrust of the Regional School Committee and it is only the tip of the iceberg. Chairman Young said that he is trying the rehab the trust.

IV ADJOURNMENT

MOTION by Mitchell, second by Howard to adjourn. **Voted 4 – 0**

8:01 p.m. Meeting Adjourned.

Respectfully submitted,

Meredith Marini,
Executive Assistant

Approved and Voted 4 – 0 – 1 McGahan
September 15, 2015