

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Selectmen's Minutes 3-17-15

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

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

Members Absent:

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, read the announcements and upcoming meeting schedule.

II NEW BUSINESS

7:00 p.m. Dog Hearing – Owner Deric Wicker 371 Elm Street

Chairman Young swore in witnesses who would be testifying at the hearing: Henry Moniz, Amanda Morrison, Deric Wicker, Michael Schleiff and Town Administrator Ron San Angelo.

Chairman Young announced that a hearing has been requested by Henry Moniz of 405 Elm Street regarding complaints of leash law and nuisance dog violations by dogs owned by Deric Wicker of 371 Elm Street. Dogs are Ceaser a Bull Mastiff and Deliah a Pit Bull. Included in the complaint are excess barking, barking in an aggressive manner, charging at neighbors, unlicensed and dogs trespassing on neighbor's property. The dog owner at times has ordered the dogs to charge.

In Mr. Moniz complaint he is requesting that the dogs be required to be restrained at all times while they are outside.

Chairman reviewed the process of the hearing noting that each party will have an opportunity to speak and ask questions.

Chairman Young asked that the complainants site their complaints.

Henry J. Moniz 405 Elm Street, Hanson read a prepared statement. He questioned when the dogs will hurt someone. Mr. Moniz reported that on January 15, 2015 the Bull Mastiff attempted to attack him while he was installing a dog deterrent. The dog stopped short, growled and snapped at him. Dog owner Deric Wicker witnessed the incident and told the dog to "go, go", encouraging the dog to go after Mr. Moniz. The police were called to the scene.

Mr. Moniz noted that while his initial report to the Selectmen was to have the dogs restrained, he has now requested that the dogs be removed from the property for public safety. He cited several articles regarding Pit Bulls and Bull Mastiffs which have caused injury and death to humans. He noted that Pit Bulls are the number 1 breed which cause fatalities and Bull Mastiffs are number nine.

He gave a background of each of the breeds noting their purpose of the breed and the trainability.

Mr. Moniz noted that dog owners can be held liable for injury caused by their dogs.

Mr. Moniz believes that the Animal Control Officer's lack of record keeping has caused a problem for his family. He feels that the Animal Control officer failed his family and residents of Hanson. He requested the Selectmen protect the residents of Hanson

Mr. Moniz's daughter, Amanda Morrison, read an affidavit dated March 17, 2015 on behalf of her mother, Christine Moniz who was unable to attend the hearing.

Ms. Moniz noted they moved to Elm Street in 2008, at which time the Wickers had the Pit Bull. Two years later they got the Bull Mastiff. Ms. Moniz indicated that the dogs were not restrained until May 2012 when an electric fence was installed. Both dogs are aggressive toward her. She is allergic to the dogs. She feels the dogs are let out to harass her.

According to Ms. Moniz, her family cannot invite people to the house because they are concerned the dogs will attack them. She is concerned for the safety her family and visitors. She reported that the Wickers tried to get the dogs to attack Mr. Moniz. The Wickers have installed an electric fence and it is not reliable. It has gone down at least twice.

Ms. Moniz feels if the Animal Control Officer had done his job properly, including the administrative paperwork, they would not be here tonight. She feels his job performance was substandard. The Animal Control Officer never submitted any reports regarding their complaints during the last two years. She noted that the Wicker's dogs were not properly licensed, which is in violation of the state and general by-laws.

Mrs. Moniz indicated that when her husband initially filed the nuisance complaint they requested that visible physical restraints be ordered. However, at this point, based on Mr. Wicker's response, she requests that the dogs be removed from the property and from the Town of Hanson.

She note all the parties involved in the nuisance complaint from the dog owners, Deric and Mary Wicker, the former Animal Control Officer and the Town of Hanson are liable criminally, civilly, personally and professionally if anyone is attacked or bitten by the two dogs. She believes that the dogs are being used as a dangerous weapon.

Ms. Morrison noted that initially Deliha the Pit Bull would come to her house and she would return her. When Cesare first arrived he was fine but when he got older, he became more aggressive. The dogs are no longer approachable. The dogs bark viciously at the Moniz family when they are in the yard or getting into their cars.

Mr. McGahan asked if the comment is correct that no reports have been filed by the Animal Control Officer in the past two years. Mr. San Angelo said the answer is No. He reported that when he received a complaint from the Moniz in September 2014, Mr. San Angelo met with the Animal Control Officer and police chief. Mr. San Angelo requested that the Animal Control Officer to go out to inspect the dogs and view the electronic fence.

Mr. San Angelo read into the record a report from the Animal Control Officer dated September 30, 2014.

*To Ron San Angelo
Hanson Town Administrator*

As you requested Friday, September 26. 10:00 A.M.

I visited the residence 371 Elm Street. Mr. & Mrs. Wicker, Mary & Deric. Deric invited me in. The two dogs greeted me and allowed me to pat them, again I found both to have a calm temperament.

The purposed of my visit was to remind them both dogs had to be licensed by 9/30/14. They both concurred.

Mr. Wicker brought up the restraining order court issue. I was shown that the electric fence was working and they do have a supply of backup batteries. Deric is picking up a collar for the brown dog. In the meantime he has been going outside with the dogs.

I was told when Mrs. Moniz moved in 6 years ago she actually played with the dogs.

*Respectfully submitted
Bernard Delory*

Mr. San Angelo noted that the preceding letter was the only communication he received on the matter and it was a result of Mr. San Angelo's request to the Animal Control Officer to go out to the site.

Mr. McGahan asked if the Animal Control Officer is required to complete a report on all calls. Mr. San Angelo noted that this has been an issue with the Animal Control Officer. Mr. San Angelo had recommended that the Animal Control Officer start a book to log all his calls noting the caller, where he went and when. The Animal Control Officer did not follow the procedure. When Mr. San Angelo requested to see the book on a specific date, the Animal Control Officer decided to retire.

Chairman Young noted that he reviewed the materials which the Animal Control Officer had left with Mr. San Angelo when he retired and the preceding letter was the only report he found. He did not find any other complaint from the Moniz family.

Mr. San Angelo had been requesting the log books for sometime. When he asked again a few weeks ago that the logged book be delivered by a date specific, the Animal Control Officer turned in the keys to the van and retirement notice.

Mr. McGahan noted that he is looking at the history provided by the Moniz family dating back to 2012, but there is only one report from the Animal Control Officer. Mr. San Angelo indicated that was correct.

Mr. San Angelo explained that upon receipt of the Animal Control Officer's retirement notice and in light of the pending hearing, Mr. San Angelo he asked the Animal Control Officer for his opinion of the situation. Mr. San Angelo noted that since the September 2014 to present there had been several discussions with the Animal Control Officer regarding the matter.

Mr. San Angelo read into the record his report to the Board dated March 2, 2015

On March 2, 2015 the Animal Control Officer came in to my office and announced that he was going to retire effective today.

With the knowledge that we would be holding a Dog Hearing on March 17, 2015, I asked him to give me his position with regard to the Dog Hearing involving Derik Wicker. He first told me that he would not attend, but that he felt the dogs were harmless and that he did not believe that any action needed to be taken. He stated that he had been in contact with the various parties and that in his view the owner of the dogs has taken reasonable steps to insure that the dogs would not leave the property. He stated that he had been on site on a number of occasions and the dogs were very friendly to him and that the owner of the property had an electric fence on the property that was in good working condition.

*Ron San Angelo
Hanson Town Administrator.*

Mr. San Angelo indicated that based on conversations with the Animal Control Officer, the Animal Control Officer felt the dogs were not harmful. Mr. San Angelo conveyed the Animal Control Officer's opinion of the dogs to both parties.

Mr. San Angelo explained that the Animal Control Officer had been called to the location on several occasions. The Animal Control Officer noted that the Moniz had provided photos of the dogs on their property. The Animal Control Officer indicated he could not determine whether or not the dogs were on the Moniz property or where the property line actual sits. However, upon his arrival the dogs were on their own property. The Animal Control Officer indicated to Mr. San Angelo that he never observed the dogs being on the Moniz property. Had the Animal Control Officer observed them on the Moniz property he would have been able to take action.

Mr. San Angelo spoke personally with Mr. Wicker who assured him that he would do his best to stay outside with the dogs and would have complete control of the dogs.

Chairman Young asked if the dog owners had any questions relative to the information presented.

Deric Wicker 371 Elm Street, Hanson, feels this is a form of harassment and his dogs are not vicious in any way. He provided letters from neighbors, Lynn McKay of 355 Elm Street, Hanson dated March 16, 2015 and an undated letter from James and Kerry Feeney of 417 Elm Street, Hanson, supporting the dogs. He showed photos from his phone of his granddaughter with the dogs. He indicated that the dogs were always friendly with the Animal Control Officer.

Mr. Wicker indicated that this is ongoing harassment. The harassment is non-stop. The dogs are not the problem. He feels the Moniz are provoking the dogs. Mr. Wicker was told by another neighbor that she observed someone at the Moniz property

crouching behind a vehicle and calling the dogs onto the Moniz property..

Mr. Wicker stated the dogs are not aggressive nor have they ever bitten anyone. He noted that other dogs have been loose in the neighborhood and the Moniz are the only people with a problem with it. Feels the Moniz are out of control. Mr. Wicker indicated when Mr. Moniz was reportedly attacked, it was Mr. Wicker who called the police, not Mr. Moniz. When Mr. Wicker heard the dogs barking, he went to see what was happening and saw Mr. Moniz about 200 feet away with a long stake and a sledge hammer. He feels they are trying to provoke the dogs.

Mr. Wicker noted that the dogs are mixed breeds, one is a shepherd/pitbull and the other is a lab/mastiff mix.

Michael Schlieff 60 Paradise Lane, Halifax spoke on behalf of the Wickers indicating that he has been to Wicker's house a hundred times and have never seen the dogs aggressive but more likely they are more lethargic. He has never seen the dogs act the way they are being described.

Mr. Howard asked about the lease law in the Town with respect to dogs on their own property. Chairman Young read a section of the by-law noting that dog must be restrained whenever it is outside its own property. Dogs not wearing an active license must be impounded until such times that the fees are paid.

Mr. Howard asked if the dogs are chained when they are outside. Mr. Wicker indicated dogs were not chained by are within the electric fence keep them within their property. The fence was down a few times due to batteries and the dogs went to the Moniz. He now has more batteries. Mr. Wicker noted that in the past, the Moniz liked the dogs and invited them over. Their son used to come to his house everyday and the dogs when back and forth between the properties. Prior to the Moniz living next door, the previous owners of the property had the dogs over their house. The dogs were used to going on the property. No other neighbors have had problems with the dogs. Mr. Wicker indicated that there have been no issues recently.

Mr. Moniz reported that the Wickers testified in court under oath on November 7, 2014 that Ceasar was licensed and Deliah was not. Mr. Moniz indicated that neither dog was licensed until October 6, 2014 and they paid a late fee.

Mr. Moniz can only attest to how the dogs react to his family. Feels the dogs could be weapons and are dangerous. He is installing a dog repellant because he cannot trust the electric fence. It doesn't hurt dogs.

Mr. McGahan referenced the Animal Control By-laws Section 5 Complaint of Nuisance noting that upon a written complaint to the Animal Control Officer that a dog is a nuisance by vicious disposition, excessive barking or other disturbance, the Animal Control Officer shall investigate. The Animal Control Officer, after his initial investigation, may issue an interim order restraining or muzzling, or causing to be restrained or muzzled, any dog, for a period not to exceed fourteen days to enable the Board of Selectmen to issue their order.

Mr. McGahan noted while the By-law also requires that the Animal Control Officer shall submit a written report of his findings and the Board only has the one report. Mr. San Angelo noted that the report was generated as a result of Mr. San Angelo sending the Animal Control Officer out to investigate.

Mr. McGahan apologized to both parties for not having the proper reports from the Animal Control Officer. Mr. McGahan said the he is not happy that the Animal Control Officer had not been keeping his records and feels none of the other Board members should be happy about it either. Mr. McGahan indicated that if the Board had the proper records and reports the Board would be in a better position.

Mr. San Angelo note that Mr. Moniz is correct that both dogs were licensed late on October 6th and a late fee was assessed. Licensed as due on September 30th. From September 30th to October 6th the dogs were in violation.

Mr. Wicker indicated that they did not realized the dogs were not licensed and when the Animal Control Officer came to his house and informed him, they went the following week and licensed the dogs.

Mr. Wicker said there is nothing that substantiates that the dogs are aggressive. No one else complains that the dogs are dangerous.

Chairman Young asked if the dogs had been licensed prior to October 6th. Mr. Wicker indicated that they had been properly licensed the year before. Mr. San Angelo pointed out that the dogs were licenses late last year as well. They didn't get licensed until February 4, 2014. Mr. Wicker indicated it is not the same date every year, but based on when they get their shots.

Mr. Schlieff noted that he is Mary Wicker is his sister and he is at the house frequently. The dogs have never been a problem. He has witnessed the dogs with other people at various events. He is familiar with dog hearings and wants the Board to keep in mind that in most cases the issue is more than just dog issues but people problems. The Board should consider how the owners care for and raise their dogs. He revealed that he is a Selectman in Halifax and has participated in dog hearings and it isn't easy.

Mr. McGahan noted that the fact there are no reports from the Animal Control Officer does not sit well with him.

Mr. Scott asked when the last incident was with the dogs. Mr. Moniz indicated that it was January 2015. Mr. Scott is not a fan of electric fences as they fail. He would prefer a real fence as a more secure means to restraining the dogs. He appreciates that dogs react differently to different people, but the dog owner has to keep the dogs in control. He noted that the Board cannot change the Animal Control Officer's lack of proper action but could move to an amicable resolution for the parties.

Mr. Wicker indicated that they stay out with the dogs and watch them when they are outside. The dogs have not done anything to require any additional restraints than what he has currently. His dogs have not gone on the Moniz. He feels that any restraint is unfair. Mr. Wicker noted that in the Animal Control Officer's report, he stated the dogs showed no aggression.

Mr. Moniz pointed out that there have not been any recent because of the unprecedented snow fall and the dogs have not been able to come to the Moniz property.

Mr. McGahan relayed his own personal experience with his dogs noting he not only installed a fence but had to put them on a run. That was the only way he was sure they would stay on the property. He noted that the Moniz have every right to be unhappy if the dogs continue to go on their property.

Mr. McGahan asked if Wicker would consider putting up a run. Mr. Wicker indicated there is no finding from the Animal Control Officer that the dogs are dangerous. Mr. McGahan pointed out that the issue is the dogs go onto the Moniz property. Mr. Wicker feels that the fence is sufficient, he has batteries so the fence will not go down and the Moniz has installed a repellent. He doesn't have any trees in his yard to install a run. He would have to install a run and doesn't feel it is necessary.

Chairman Young reviewed the options for the Board which included that the dogs are in violation of the leash law, that the dogs are a nuisance because of vicious disposition, excessive barking or other disturbances. The Board can vote to order the dogs restrained or disposed of or take no action.

Mr. Howard would like to see a large pen or a run to keep them restrained.

MOTION by Howard, second Scott that the dogs be restrained on the property either by a fenced area or a run so the dogs cannot leave the property.

Chairman Young noted the motion is in the form of an order and asked for discussion.

Mr. Scott noted that there is a dispute between the neighbors. The Board would like to prevent any further issues. Mr. Wicker feels he has done that with the electric fence and Mr. Moniz would like some more being done. The licensing issues have been addressed. The restraining aspect needs to be addressed.

Mr. Wicker indicated that he spent over \$1,000 on a fence and the Board is telling him that is not enough. He reiterated that the dogs have not done anything wrong since the Animal Control Officer has been out.

Voted 5 – 0

Chairman Young noted the dogs are in violation of the Hanson By-laws and are causing a disturbance under Article 3 – 4, section 3:

Sec. 3. Leashing Law.

Any person owning or harboring a dog shall not allow it to run at Large in any of the streets or public places in the Town of Hanson or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission.

MOTION by Young, second by Howard that the Board finds the dogs are in violation of Article 3 -4 Canine Control, section 3 Leashing Law no dog shall be allowed to run a large in any of the streets of the town or upon the premises of anyone other than the owner or keeper, unless the owner or occupancy of such premises grants permission and order restrain of the dogs either by an actual fence or a run for the dogs. **Voted 5 -0**

Mr. McGahan asked if a time frame should be set for the restraints. Brief discussion on the ability to install a fence or a run due to the current snow and frozen ground conditions.

MOTION by McGahan, second by Howard to require the restraints be installed by May 1, 2015 **Voted 5 – 0**

MOTION by Howard, second Mitchell to close the hearing. **Voted 5 – 0**

Chairman Young informed Mr. Wicker that he will have ten days after the issuance of the order by the Board of Selectmen to petition the Plymouth District Court for review by the court or a magistrate and that the decision of the court shall be final.

Chairman Young also informed Mr. Wicker and Mr. Moniz that upon the petition, either party may request a de novo hearing – a new hearing on the merits.

Mr. Schlieff indicated the he is a Selectman in Halifax and thanked the Board for its support on the Monponsett Pond clean up.

Mr. San Angelo informed that Board that upon receipt of Mr. Delory's resignation he contacted the Halifax Town Administrator. Mr. San Angelo has secured the services of Lisa McKay who is the Bridgewater Animal Control Officer and is covering Halifax to provide Animal Control Services for the Town of Hanson until a permanent Animal Control Officer is hired.

Mr. San Angelo informed the Board the he will be meeting with Whitman and Abington Town Administrators to discuss regionalizing the services of the Animal Control Officer. Whitman is the only town that he has dog pound. Mr. San Angelo reported that Hanson's Animal Control Officer had been using the Whitman dog pound.

He will working on an arrangement with the two Town Administrators.

Mr. McGahan would like to get reports from Lisa McKay who is serving on a temporary basis. He requested a few years worth of records.

Chairman Young would like her to get a copy of the Town's by-laws regarding animal control.

Mr. San Angelo indicated that a job description would have to drafted and approved by the towns.

8:50 p.m. Brief Recess

8:56 p.m. Back in session

Review Warrant Articles and Close Town Meeting Warrants

Mrs. Marini indicated that the articles are in the order in which they were received. The articles will be rearranged after the warrant is closed.

Review of the May 2015 Special Town Meeting Warrant titled Proposed 3/13/15

Article 1 – Selectmen - Unpaid Bills – \$104.00

MOTION by Howard, second by McGahan to place Article 1 on the warrant. **Voted 5 – 0**

MOTION by Howard, second by McGahan to Recommend Article 1. **Voted 5 – 0**

Article 2 – Selectmen - Supplement Budget

MOTION by Howard, second by McGahan to place Article 2 on the warrant. **Voted 5 – 0**

Article 3 – Selectmen - Reimburse School for repairs - \$15,498

MOTION by Howard, second by McGahan to place Article 3 on the warrant. **Voted 5 – 0**

MOTION by Howard, second by McGahan to Recommend Article 3. *Voted 5 – 0*

Article 4 – Selectmen - Accept Lite Control Property

MOTION by Howard, second by McGahan to place Article 4 on the warrant. *Voted 5 – 0*

Article 5– Finance - Add to Stabilization – \$25,000

MOTION by Howard, second by McGahan to place Article 5 on the warrant. *Voted 5 – 0*

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

Article 6 – Selectmen – Add to School Stabilization fund - \$10,000

MOTION by Howard, second by McGahan to place Article 6 on the warrant. *Voted 5 – 0*

Article 7 – Selectmen – Clean up Monponsett Pond - \$6,200

MOTION by Howard, second by McGahan to place Article 7 on the warrant. *Voted 5 – 0*

MOTION by Howard, second by McGahan to Recommend Article 7. *Voted 5 – 0*

Article 8 – Selectmen – Study Wampatuck Pond - \$10,000

MOTION by Howard, second by McGahan to place Article 8 on the warrant. *Voted 5 – 0*

Article 9 – Fire – Interior of Fire Station - \$17,000

MOTION by Howard, second by McGahan to place Article 9 on the warrant. *Voted 5 – 0*

MOTION by Howard, second by McGahan to Recommend Article 9. *Voted 5 – 0*

Article 10 – Fire – Rebuild Fire Station Chimney - \$9,000

MOTION by Howard, second by McGahan to place Article 9 on the warrant. *Voted 5 – 0*

MOTION by Howard, second by McGahan to Recommend Article 9. *Voted 5 – 0*

Article 11 – Highway – Grade private ways

MOTION by Howard, second by McGahan to place Article 11 on the warrant. *Voted 5 – 0*

MOTION by Howard, second by McGahan to Recommend Article 11. *Voted 5 – 0*

Article 12 – Treasurer/Collector – Drop box - \$3,000

MOTION by Howard, second by McGahan to place Article 12 on the warrant and recommend. *Voted 5 – 0*

Article 13 – Town Administrator and Capital Improvement – By-law amendment to \$35,000

MOTION by Howard, second by McGahan to place Article 13 on the warrant and recommend. *Voted 5 – 0*

Article 14 – Town Administrator and Capital Improvement – By-law amendment

MOTION by Howard, second by McGahan to place Article 14 on the warrant and recommend. *Voted 5 – 0*

Article 15 – Personnel Director – Wage & Personnel by-law amendment – Clothing allowing for Health agent

Board of Health Member Richard Edgehille indicated that the article is illegal. The Board of Health is an arm of the legislature and not part of the Town. The Town cannot vote a by-law obligating them. They have the authority to set the compensation and stipends for the Health Agent.

MOTION by Howard, second by McGahan to removed Article 15. *Voted 5 – 0*

Article 16 – Personnel Director – Wage & Personnel by-law amendment – secure contractual services.

MOTION by Howard, second by McGahan to place Article 16 on the warrant and recommend. *Voted 5 – 0*

Article 17 – Personnel Director – Wage & Personnel Compensation Plan

MOTION by Howard, second by McGahan to place Article 17 on the warrant and recommend. *Voted 5 – 0*

Article 18 – Personnel Director – Wage & Personnel Amendment – part-time vacation

MOTION by Howard, second by McGahan to place Article 18 on the warrant and recommend. *Voted 5 – 0*

Article 19 – Personnel Director – Wage & Personnel Amendment – vacation carry over
MOTION by Howard, second by McGahan to place Article 19 on the warrant and recommend. *Voted 5 – 0*

Article 20– Personnel Director – Wage & Personnel Amendment – bereavement
MOTION by Howard, second by McGahan to place Article 19 on the warrant and recommend. *Voted 5 – 0*

Mrs. Marini noted that an additional article should be added to the Special for fire fighter retirements.

Article 21 – Selectmen – Add funding to retirement buyback - \$30,000
MOTION by Howard, second by McGahan to place Article 21 on the warrant and recommend. *Voted 5 – 0*

May 2015 Annual Town Meeting Warrant titled Proposed 3/13/15

Article 1 – Selectmen – Annual Town Report
MOTION by Howard, second by McGahan to place Article 1 on the warrant and recommend. *Voted 5 – 0*

Article 2 – Treasurer– Compensating Balances
MOTION by Howard, second by McGahan to place Article 2 on the warrant and recommend . *Voted 5 – 0*

Article 3 – Treasurer– Tax Title - \$20,000
MOTION by Howard, second by McGahan to place Article 3 on the warrant and recommend. *Voted 5 – 0*

Article 4– Selectmen – Set Salaries for elected officials
MOTION by Howard, second by McGahan to place Article 4 on the warrant and recommend. *Voted 5 – 0*

Article 5 – Selectmen – Budget
MOTION by Howard, second by McGahan to place Article 5 on the warrant. *Voted 5 – 0*

Article 6 – Police – Second year of 3 year cruiser lease - \$25,100
MOTION by Howard, second by McGahan to place Article 6 on the warrant and recommend. *Voted 5 – 0*

Article 7 – Police – Third year of 3 year cruiser lease - \$22,850
MOTION by Howard, second by McGahan to place Article 7 on the warrant and recommend. *Voted 5 – 0*

Article 8 – Police – Purchase 2 cruisers - \$70,000
MOTION by Howard, second by McGahan to place Article 8 on the warrant and recommend. *Voted 5 – 0*

Chief explained that the auditors require lease purchases be voted every year. The Town Accountant recommended out right purchasing two of the cruisers in Article 8. Purchasing will save \$3,000 in leasing cost. However, if there is a shortfall in funds, Article 9 would cover a lease. The Chief wanted to point out he wasn't buying 6 new cruisers.

Article 9 – Police – First year of 3 year cruiser lease - \$27,000
MOTION by Howard, second by McGahan to place Article 9 on the warrant and recommend.
Voted 5 – 0

Article 10 – Selectmen – Chapter 90
MOTION by Howard, second by McGahan to place Article 10 on the warrant and recommend. *Voted 5 – 0*

Article 11 – Recreation – Enterprise Fund
MOTION by Howard, second by McGahan to place Article 11 on the warrant. *Voted 5 – 0*

Article 12 – Board of Health – Enterprise Fund
MOTION by Howard, second by McGahan to place Article 12 on the warrant. *Voted 5 – 0*

Article 13– Community Preservation – Annual Budget

MOTION by Howard, second by McGahan to place Article 13 on the warrant and recommend. *Voted 5 – 0*

Article 14 – Community Preservation – Bonney House

MOTION by Howard, second by McGahan to place Article 14 on the warrant and recommend. *Voted 5 – 0*

Mr. San Angelo indicated that the Historical Commission is seeking a letter of support from the Selectmen which will be discussed later in the agenda.

Article 15 – Community Preservation – Camp Kiwanee

MOTION by Howard, second by McGahan to place Article 15 on the warrant and recommend. *Voted 5 – 0*

Article 16 – Capital Improvement – Matrix

MOTION by Howard, second by McGahan to place Article 14 on the warrant. *Voted 5 – 0*

Mr. San Angelo indicated that the Capital Improvement Committee is finalizing the matrix and hopes to have it shortly.

Article 17 – Community Preservation – Funding of Projects

MOTION by Howard, second by McGahan to place Article 14 on the warrant. *Voted 5 – 0*

Article 18 – School – Replace Indian Head Hot water heater

MOTION by Howard, second by McGahan to place Article 18 on the warrant and recommend. *Voted 5 – 0*

Mr. San Angelo indicated that he is investigating the possibility of bundling some capital projects such as the school computer replacement and the library/senior roof for a debt exclusion.

Article 19 – School – Computer Replacement - \$633,500

MOTION by Howard, second by McGahan to place Article 18 on the warrant. *Voted 5 – 0*

Article 20 – School – Fire alarm replacement

MOTION by Howard, second by McGahan to place Article 20 on the warrant. *Voted 5 – 0*

Article 21 – School – Window Repair Indian Head & Maquan

MOTION by Howard, second by McGahan to place Article 21 on the warrant and recommend. *Voted 5 – 0*

Mr. McGahan noted that he was happy to see the window repairs on the warrant.

Article 22 – School – Maquan Roof

MOTION by Howard, second by McGahan to place Article 22 on the warrant. *Voted 5 – 0*

Article 23 – Water Dept. – Rescind remainder of borrowing for Woodbine Avenue

MOTION by Howard, second by McGahan to place Article 18 on the warrant and recommend. *Voted 5 – 0*

Water Superintendent Chip Muncey reported that the project came in under budget and there is \$60,000 remaining in the line.

Article 24 – Water Dept. – Additional funding for Water Tower and funding for water mains. \$2.2 Million

Superintendent Muncey reported that the bids came in considerably higher than budgeted. The Water Commissioners will vote to separate into two articles. The first to address the shortfall in for water tower in the amount of \$900,000. The second would be for fund of \$1.3 million for water main work.

MOTION by Howard, second by McGahan to place Article 24 on the warrant. *Voted 5 – 0*

MOTION by Howard, second by McGahan to place an additional article, Article 34, on the warrant for water mains. *Voted 5 – 0*

Article 25 – Water Dept. – Asphalt box - \$52,000

MOTION by Howard, second by McGahan to place Article 25 on the warrant and recommend. *Voted 5 – 0*

Mr. Muncey and Mr. Howard explained the purpose and features of a box for asphalt which can be used by Water and Highway. The unit is heated and holds two tons of asphalt. Currently the town is using patch which costs the same amount of as asphalt but does not last. The asphalt, the job is a permanent fix.

Article 26– Water Dept. – Water Meters - \$75,000

MOTION by Howard, second by McGahan to place Article 26 on the warrant and recommend. *Voted 5 – 0*

Article 27– Water Dept. – Water Exploration - \$50,000

MOTION by Howard, second by McGahan to place Article 27 on the warrant and recommend. *Voted 5 – 0*

Article 28– Selectmen – Revolving Accounts

MOTION by Howard, second by McGahan to place Article 28 on the warrant and recommend. *Voted 5 – 0*

Article 29– Agricultural Commission. – Right to Farm - By-law

MOTION by Howard, second by McGahan to place Article 29 on the warrant. *Voted 5 – 0*

Article 30– Petition– Change Board of Health from 3 to five member

MOTION by Howard, second by McGahan to place Article 30 on the warrant. *Voted 5 – 0*

Article 31– Petition– Withdraw from Whitman Hanson

MOTION by Howard, second by McGahan to place Article 31 on the warrant. *Voted 5 – 0*

Article 32– Petition– Common Core

MOTION by Howard, second by McGahan to place Article 32 on the warrant. *Voted 5 – 0*

Petitioner Michael McLeod indicated this article is a non-binding referendum. The group is not seeking a ballot question.

Article 30– Town Clerk– Election

MOTION by Howard, second by McGahan to place Article 30 on the warrant recommend. *Voted 5 – 0*

Mrs. Marini noted that if the Board decides to fund projects through a debt exclusion, a question will have to be placed on the warrant and the ballot. The question in its final form must be forwarded to the Town Clerk by April 9th.

Mr. San Angelo explained that the items as part of the debt exclusion will be decided depending on the snow and ice costs.

MOTION by Howard, second by McGahan to close the Annual and Special Town Meeting warrants. *Voted 5 – 0*

Mr. San Angelo requested that the Board take the agenda out of order.

Update and vote the Energy Initiative Project for Town Buildings- Mr. San Angelo explained that he has been working with National Grid on a program for energy savings for the Town Hall, Police Station and Library Senior Center. The program includes the replacement of interior and exterior lighting fixtures with LEDs. The annual additional costs for the Town Hall \$11,289; Library \$10,671 and Police Station \$248.

Chris Collins of Energy Conservation Inc indicated that National Grid provides incentives to communities to conservation energy. A portion of every utility bill to set aside for these incentives. All the lighting in all the buildings will be changed to LED fixtures. The pay back is 4.2 years. There is no upfront cost for the project. The billing for the work will appear on the electricity bill.

The Board reviewed cost chart.

Chairman Young suggested tabling a decision until the next meeting.

Mr. McLeod noted that the exterior lighting at the Library is very bad. Mr. San Angelo indicated they will be addressing the issue.

Mr. Collins indicated that they have the fixtures on hand and can start the install today.

Discussion on Town By-laws, and Town Policies for Complaints and Misconduct Covering Depts., Dept, Heads & Employees

Chairman noted that the by-laws are available at the Town Clerk's office. He advised all town officials, department heads and committee members to review the by-laws and aware of the responsibilities of your committee. Committees need to comply with the by-laws.

Chairman Young specifically noted that the Animal Control by-law had not been followed as noted during the earlier dog hearing.

Chairman Young asked the Board members to review the policies Complaint and Misconduct Policies for discussion at the next meeting. He suggested the members discuss them with the Town Administrator.

Discussion regarding Employee Evaluation Process – Mr. Mitchell asked what the process of the evaluation of employees and how the Board conducts evaluations of employees. Mr. San Angelo noted that the Town Administrator Act requires evaluations of department heads on an annual basis. He indicated that the evaluations have not been done in the past and he is the first Town Administrator to actually do evaluations. Mr. San Angelo pointed out that last year the Finance Committee was reluctant to approve higher increases without evaluations. The Finance Committee wanted to see a merit based increase. Mr. San Angelo noted that unions get a flat increase. Mr. San Angelo noted the while flat increases would be easier for him, he asked for the Board's direction relative to merit increase or percentage increase.

Mr. San Angelo indicated that he has completed the evaluations, using the previously approved evaluation tool, for Treasurer/Collector, Assessor, Town Clerk, Library Director, Planner/Conservation Agent, Health Agent, Police Chief, Fire Chief, Building Inspector and Executive Assistant.

Mr. San Angelo reviewed the evaluation tool and explained how he reviewed the evaluations with the department heads. Mr. San Angelo informed that department heads that he did not know what the Selectmen will decide relative merit increases. He explained the scoring process and scaling. There are 5 categories. Each category is scored outstanding, satisfactory and unsatisfactory. Five outstanding is 4%; Four outstanding, 1 satisfactory is 3.5%; Three outstanding, 2 satisfactory is 3%; Two outstanding, 3 satisfactory is 2.5%; One outstanding, 4 satisfactory 2.25%; Five satisfactory is 2%. At least 3satisfactory is 1%.

Mr. Mitchell asked if he can review the evaluation of the department heads. Mr. San Angelo indicated that if the Board reviews an evaluation and discusses an evaluation, it has to be in an open meeting. If one member of the Board works with the Town Administrator on the evaluations, the evaluation is not public.

Chairman Young read from the Town Administrator Act, Section 3 Part J.

(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.

Chairman Young said the Town Administrator should have gotten input from the relevant bodies before doing the evaluation. Then the relevant body should select someone to review the evaluation with the Town Administrator.

Chairman Young indicated the Town Administrator did not follow the proper process according to the Town Administrator Act Section 3, Part J which states that the Town Administrator seeks input from the relevant body. Mr. San Angelo pointed out that the process could still be done. He could get the input from each of the relevant bodies and then review the evaluation with them. Mr. San Angelo asked if the Relevant Body will need to create a new evaluation tool for their specific department.

Chairman Young noted that if it is part of the Town Administrator's Act and Town Administrator's contract then why hasn't it been done. Mr. San Angelo again indicated that process can be done, but will take additional work.

Mr. San Angelo asked how the Board wishes to give raises based on merit or flat increase.

MOTION by Scott that Mr. San Angelo start following the town administrator act and do his job. Mr. Scott feels merit raises don't work. No second.

Board of Health member Mr. Edgehill 111 Section 27, the Board of Health is responsible for the Health Agent salary and compensation. They are the arm of the legislature and not part of the Town.

Mr. McGahan noted that regulations are not followed, the town needs to abide by what the Town Administrator Act is not followed properly. Mr. McGahan feels that merit increases are appropriate. He also feels the input from the relevant body is important because the Town Administrator may have missed something.

MOTION by McGahan, second Scott that the Town Administrator follow the Town Administrator Act Section 3 – J relative to evaluations. **Voted 5 – 0.**

Mr. Howard asked who will be subject to the evaluation process. Chairman Young pointed out that all the department heads listed in the Town Administrator Act, Section 3, **subsection h - p.**

Mr. Scott feels merit raises open up an opportunity for abuse and are more subjective rather than objective. Mr. San Angelo said he would be happy with a flat rate. He has currently budgeted for 2% for all department heads and wage and personnel employees. Lengthy discussion of the process for increases. Mr. McGahan pointed out that without merit raises there is no incentive for employees to do their best.

Mr. Mitchell suggested tabling the matter for further discussion at another meeting.

Mr. Scott feels the employees are the most important resources of the town, but merits raises will start creating competition and will disrupt the way a town will operate.

Mr. San Angelo asked if the Board is satisfied with the current evaluation tool. He also noted that the merit raises will be difficult to implement this year.

Mr. San Angelo indicated that Labor Counsel noted that the Relevant Board member would see the evaluation. However, the if the relevant body discusses the merits of the evaluation, the discussion must be conducted in open session.

Mr. Scott noted the 2010 the legislature determined that any evaluations by Board members are public record and the Attorney General also ruled they are public record.

Chairman Young read Section 3, subsection G of the Town Administrator Act.

(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.

Chairman Young wants to make a policy that the Board members be permitted to review the evaluation. He feels it is outrageous that the Board cannot review the evaluations of the employees in which they are responsible. Mr. San Angelo noted that the Board could review the evaluations, but any deliberation of the evaluations must be in open session.

Status of Capital Improvement Plan to be reviewed & approved by Selectmen – Mr. San Angelo indicated that the Capital Improvement committee is working on the plan.

Reappointments:

Veterans' Agent – Robert Arsenault – Term to expire 3/31/16
Veterans' Service Director – Robert Arsenault – Term to expire 3/31/16
Veterans' Burial Agent – Robert Arsenault – Term to expire 3/31/16
Registrar of Voters – Bill Strait - – Term to expire 3/31/18
Selectmen Representative to Open Space Committee

MOTION by Howard, second by Scott to reappoint Robert Arsenault as the Veterans Agent, Veterans Service Director, Veterans Burial Agent. Term to expire March 31, 2016 **Voted 5 - 0**

MOTION by Howard, second by Mitchell to reappoint Bill Strait to the Board of Registrars, Term to Expires March 31, 2018.

Voted 5 – 0

MOTION by Scott, second by Mitchell to appoint Bruce Young as the Selectmen's representative to the Open Space Committee.

Voted 5 – 0

III TOWN ADMINISTRATOR'S REPORT

Mr. San Angelo provided the Board with the Monthly Financial Update. He noted that the Town of Hanover hosting an Open Meeting Law Seminar Wed. April 1st at Hanover Town Hall. Mr. San Angelo also noted that he has been speaking with Town Counsel who will be setting up an open meeting law and conflict of interest seminar for Hanson employees and officials. He will conduct an afternoon and evening session.

Mr. San Angelo reviewed the Town Administrator's report noting various meetings with the Old Colony Planning Counsel relative to the Plymouth County Hospital; Representative from Advantages regarding random drug testing; Department head meeting which Selectmen Scott attended. Current issues including discussion with the Town Accountant and the IT Staff relative to financing of the new computers for the regional school; the Regional School Agreement with respect to the 2/3 vote. Mr. San Angelo noted that a letter the Department of Elementary and Secondary Education was received today and in is the members packets for their review and discussion at a future meeting; Hanson Day scheduled for June 7th, Energy program as discussed earlier in the evening, Animal Control officer coverage by Lisa McKay. Mr. San Angelo will be meeting on Wednesday, March 18th with the Town Administrators from Whitman and Abington to discuss regional animal control services; Town Budget still waiting for figures from schools, health insurance and state figures. Monthly financial report were provided and will be reviewed with the Finance Committee next week. Mr. San Angelo reported that the 2014 audit almost complete. He will be meeting with the Auditor and Financial team on Friday, March 20th. Mr. San Angelo informed the Board that the current snow deficit \$692,266.00. He provided the Board with a Snow & Ice comparative spreadsheet created by Halifax Town Administrator which indicates to date Hanson has spent \$869,316 in snow removal costs.

Read letters supporting the Community Preservation Committee projects and provided copies of the applications for each project.

March 18, 2015

Community Preservation Committee

Re: Camp Kiwanee North End Campground Renovation

Dear Ms. Fitzgerald-Kemmett:

Please be advised that the Hanson Board of Selectmen voted at its meeting on Tuesday, March 17, 2015 to support the efforts of the Recreations Commission for the renovations to the North End campground area of Camp Kiwanee using Community Preservation Funds.

As noted in the Project Funding Application, this project meets historical and open space criteria and requirements for the use of Community Preservations funds. Camp Kiwanee is listed on the National Register for Historic Places and is part of the Bay Circuit Trail system which links trails throughout the eastern part of the state.

Rehabilitation to the cabins in the north end of the campground will greatly enhance the entire facility providing camping enjoyment for years to come.

Should you have any questions, please do not hesitate to contact me.

*Yours truly, Ron San Angelo
Town Administrator*

MOTION by McGahan, second by Howard to authorized the Town Administrator to sign the letter of support for Camp Kiwanee.

Voted 5 – 0

March 18, 2015

Community Preservation Committee

Re: Bonney House Renovations

Dear Ms. Fitzgerald-Kemmett:

Please be advised that the Hanson Board of Selectmen voted at its meeting on Tuesday, March 17, 2015 to support the efforts of the Historical Commission in its quest for Community Preservation funding for the continued rehabilitation of the Bonney House located at 255 High Street. The Historical Commission has made great strides in rehabilitating and preserving this historic building. However, the costs for such an undertaking are prohibitive without the assistance of Community Preservation funds.

As historical preservation is one of the criteria for the use of Community Preservation funds, the Board of Selectmen endorses and supports the project.

Should you have any questions, please do not hesitate to contact me.

*Yours truly, Ron San Angelo,
Town Administrator*

MOTION by Howard, second by McGahan to send the letter of support for the project at Bonny House. **Voted 5 – 0**

Mr. San Angelo pointed out that along with letter from the Department of Elementary and Secondary Education received earlier today, he included copies of the statute and the letter he and Chairman Young sent on February 11, 2015 which was drafted with the assistance of Town Counsel. The issue will be discussed at another meeting.

IV OLD BUSINESS

Discuss Plymouth County Hospital Reuse presentation – **Table to 3/31**

Discussion regarding hauling regulations – Mr. McGahan indicated that the Mr. Mitchell was informed by Thompson Waste that they have was 418 customers in Hanson. Mr. San Angelo indicated that the Board of Health is reviewing and confirming the information. Mr. McGahan hopes that the Board of Health will enforce the regulations. The figures may reflect that a second full time person may not be necessary at the Transfer Station in light of the reduction of trash. Mr. San Angelo noted the safety issues of having one person at the facility is a problem. Coverage for sick and vacation is a problem. Mr. McGahan and Mr. Howard feel it is up to the voters to determine the coverage.

V ONE DAY LIQUOR LICENSES - Camp Kiwanee

Jen Waterman, Hanson Sat., April 11th 7:00 p.m. to 11:00 p.m. – Birthday

Breida Collins, Hanson, Sat., April 25th 6:00 p.m. to 10:00 p.m. – Class Reunion

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

VI COMMITTEE REPORT

Monponsett Pond Committee – Mr. Howard reported no meeting due to snow.

Indian Head & Maquan Priority Repair Comm. Mr. Young indicated a meeting will be held Wednesday, March 18th. The committee will be reviewing the window repairs.

WHRDS Capital Repairs & Facilities Committee – Mr. McGahan reported he missed the last meeting. The committee put together the articles for the warrant.

Lite Control Acquisition Review Comm. – Mr. Scott indicated that the time element for tear down process of Lite Control has been delayed due to the snow. Consequently, the Town will have time to bring the matter to Town Meeting. The Committee is looking for a viable use of the property in the event the Highway Department cannot use it. Mr. Scott met with a construction foreman to evaluate potential the use of the building as a Highway facility. The committee voted at their meeting to request the Selectmen put a placeholder on the Town Meeting warrant.

VII EXECUTIVE SESSION

Chairman Young announced that the Board would be going into Executive Session, and anticipates the only action when the Board comes out of executive session will be to adjourn, 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 – Update on Constantine/Edgehille v. Town of Hanson, Strautman v. Town of Hanson and Litigation regarding 62 Ocean Avenue. The Board will come out of executive session only to adjourn

So moved by Howard, second by McGahan, to go into executive session. ***RC Howard aye, McGahan aye, Young aye, Scott aye and Mitchell aye Voted 5 – 0***

11:18 p.m. Brief recess

11:22 p.m. Returned to Open Session

VIII ADJOURNMENT

MOTION by Howard, second by McGahan to adjourn.

11:22 p.m. Meeting Adjourned.

Respectfully submitted,

Meredith Marini,
Executive Assistant
Approved and Voted 5 - 0
April 28, 2015