

Town of Hanson
542 Liberty Street, Hanson, MA 02341

Selectmen Minutes 3-18-14

Town of Hanson - Board of Selectmen
Meeting Minutes – Hanson Town Hall
March 18, 2014

Members Present: Stephen Amico, James Egan, Richard Flynn, Donald Howard and David Soper

Members Absent:

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

I~ 7:31 p.m. Chairman Egan called the meeting to order, led the Pledge Allegiance. He requested a moment of silence for Thomas Mosher, former member of the finance committee and by-law committee. Mr. Egan read the announcements, and upcoming meeting schedule.

Recognize the Hanson Girls Youth South Shore League Basketball Champions 6 & 7 grade division and Grade 4 Old Colony girls Champions.

Mr. Amico – introduced three champion basketball teams. Two of the teams were from the South Shore League and the third team was from the Old Colony league. Mr. Amico read the names of all the coaches and players.

7th Grade Coaches: Ellen Leahy and Ellen Burrow and team members Sammi Smith, Hannah Burrows, Camrey Durant, Morgan Thomas, Anna O’Neil, Emily Stearns, Marissa Pellirin, Erin Leahy, Shaelin Mason, Kathryn Dunn and Nicole Scott.

6th Grade Coaches Kerry Martin, Susan Lassiter and Bob Hayes. Team members Sydni Mountcastle, Jordan Lassiter, Isabella Campitelli, Kendall Lassiter, Emma Perkins, Morgan Lassiter, Erin Wood, Hannah Damon, Riley Bina, Brittany Gacicia and Liv Martin.

4th Grade Coaches Kerry Martin and Amy Stone. Team members Erin Burke, Lauren Dunn, Mia Campitelli Julia Majenski, Joli Flamos, Anna Stone, Nina Gorman, Megan Stone, Emily Leitch, Ava Melia, Olivia Mucci and Abigail Martin.

Mr. Amico also noted that Whitman Hanson Cheerleader became Champions.

Chairman Egan congratulated Hanson resident, Kristen Merlin on her appearance and wished her continued success on the television program “The Voice”.

II TOWN ADMINISTRATOR’S REPORT

Report on Small Business Summit – Mr. San Angelo reported that the Small Business Summit was a success and thanked all the Department Heads who attended. He thanked Rep. Josh Cutler and State Senator Tom Kennedy for co-sponsoring the event. He noted that two representatives from the state were on hand to make presentations to the Town businesses.

Announce Committee Vacancies – Mr. San Angelo reviewed a list of vacancies from various committees which included By-law Committee, Conservation, Community Preservation, Historical, Memorial Day/Patriotic Committees, Recreation Commission and Veteran’s Graves officer. He encouraged residents interested in serving on any of the committees to submit an application to the Selectmen’s Office.

Request from Blink Films to use the Plymouth County Hospital for PBS Documentary

MOTION by Amico, second by Flynn to allow Blink Films to use the Plymouth County Hospital for a film for discussion.

Mr. Amico is concerned about the safety. Mr. San Angelo indicated that he would have the police and fire provide detail coverage.

Mr. Flynn was concerned about the air quality of the building and questioned whether the Town should require Blink to perform an air quality test prior to using the hospital. Mr. San Angelo indicated that the Film Company would have insurance coverage. Mr. Flynn suggested that Blink sign a waiver of liability. Mr. San Angelo could require them to pay the legal fees to draft up the waiver.

Mr. Amico amended the motion allow to use of the building, require an air quality test, if they enter the building; require a detail officer from police and fire departments, sign a waiver and provide proper insurance coverage, second by Flynn. **Voted 5 – 0.**

Budget – Mr. San Angelo informed the Board that a draft balance budget is in their packets. He thanked Interim Town Accountant Todd Hassett for putting it together prior to the transition to a new Town Accountant. Mr. San Angelo noted that the snow deficit is noq \$550,000. The offset of the deficit will come from Free Cash. Mr. San Angelo wants to evaluate the snow removal costs compared to like communities. He will have a committee look into it. Mr. San Angelo would like to review the process in which the bills are paid for snow and ice. He suggested that future deficit funds be approved in specific amounts verses unlimited funds.

The Board requested an update on the Snow and Ice numbers at the next meeting.

III OLD BUSINESS

Update on Elementary School building project - Mr. San Angelo indicated that the Committee has not met, but reported that the School Committee will be voting on Wednesday, March 19th for a new authorization for the building project. The School Committee received a letter from MSBA approving the extension for the debt until June.

IV NEW BUSINESS

Attorney Talerman –

Discussion relating to Client Fee agreement

Discussion relating to potential new school

Mr. San Angelo wished to inform the residents and dispel the notion that new Town Counsel was chosen based on their opinion on the school building project. The firm was selected based on its experience and number of attorneys on staff. He noted that town counsels throughout the State have been watching the Town of Hanson due to the school issue.

Mr. San Angelo introduced Attorney Jay Talerman. Mr. San Angelo provided the Board with a packet which included Attorney Talerman's opinion on the school matter, the State statute regarding regional schools and the regional school agreement.

Attorney Talerman indicated that there are options for the Town. He acknowledged that there is confusion over the matter. The statutes do not meet up which causes confusion. All the statutes are valid sources of law. The four sources include

Chapter 71, Sec. 16D which governs regional schools

Chapter 59, Sec. 21C which is Prop 2 ½ 21c Subsection K & M

Mass. School Building Assistance Statutes – MSBA Practices and Procedures bear on them.

Regional School Agreement – Only one way to interpret some provisions but not all.

Chapter 71, Section 16D – This statute vests the power in the school district to appropriate the money. The school district is the appropriating authority. The school district voted on October, but didn't vote prior to the January meeting. Once the school district votes the appropriate, the matter goes to the Towns. After 60 days, the appropriation by the School District is locked (deemed approved), unless the Board of Selectmen sets up a veto process, which could be a Town Meeting to disapprove the appropriation. However, Town Meeting is not required. Town action, in the form of a ballot question, is required only if funding is through Prop 2 ½ debt exclusion.

Attorney Talerman noted that most towns call for a Town Meeting, because they thought they had to. They also do it, because a significant amount of money is involved and feel the Town Meeting should make the decision. He also noted that if the Selectmen had done nothing in October and waited 60 days, the project would have been approved.

Once the School District approves the appropriation, and if the Selectmen want a ballot question, it will require 2/3 or 4 of the 5 Board of Selectmen members.

Prop 2 ½ - All the borrowing authority that the district is authorizing is subject to the Town's approval at the ballot box. The safe guard is when the district makes the appropriation subject to Prop 2 ½ approval by the voters.

Attorney Talerman acknowledged that while the Regional Agreement could be better, it follows the proper provisions. Attorney Talerman pointed out that Section 4, subsection 2 relative to construction of new schools. This section only refers to the "voters" but does not state Town Meeting, it refers to the ballot. Attorney Talerman feels this type of vote can happen the same time as the debt exclusion. He feels that the vote has already taken place.

MSBA – He reviewed that statute which states to follow the rules. The statute is confusing. If the school committee takes a vote in the form that MSBA requires. If the Board decides to put an article on the warrant, then the Town must use the MSBA language.

Mr. Flynn asked whether the Town needs to go back to Town Meeting.

Attorney Talerman does not feel that the Town needs to go back to Town Meeting. The only purpose would be to vote the disapproval of the funding which is a majority vote. The votes of October and January are dead. If the Town meeting disapproves the article, then the matter is dead.

Mr. Amico inquired about an injunction to stop the ballot questions. Attorney Talerman does not think it would be successful. After all his research, he doesn't feel Town Meeting is necessary. The threat of an injunction would be a valid reason to send it back to Town Meeting.

The Town never needed a two thirds vote for passage of the article. A majority vote was needed. It with magnitude of the money involved, following the two step process is not a bad idea, but only a majority vote is required.

Moderator Kealy asked if Attorney General or the Department of Revenue would give an opinion. Mr. San Angelo indicated that he contacted both agencies. The Attorney General's office indicated they don't give out opinions and recommended contacting local counsel. Department of Revenue has already issued an opinion for another community.

Mr. Young asked about the term "article" in the regional agreement for Elementary Schools. Why did Attorney Talerman determine it wasn't referring to Town Meeting. Attorney Talerman pointed out the reference to "Town Meeting" was not mentioned in that section. However when the a town meeting was required, it was specifically referenced in other sections of the agreement.

Only the Selectmen have the authority to put an article on the warrant. The roll of the building committee is a serious one, but they do not have the authority put something on the warrant.

Michael Murray asked about the MSBA plans and whether the Town needs to break out the question or can it be treated at one project. He asked about the ball fields and whether they should be a separate question if the fields are being used by the other schools. Mr. Amico indicated that the project is submitted in its entirety not as separate project.

Rodney Hall 422 State Street asked how can you change a vote twice after the meeting has been closed. Attorney Talerman feels the previous votes are dead. The School District can start over and ask for a new set of votes.

Mr. Hickey asked about the requirement for a quorum of the Board of Selectmen for the question. The Department of Revenue has ruled that it is a majority of the members present. Attorney Talerman is not completely comfortable with the rule. The vote to put a question on the ballot does not have to be happen immediately. Mr. Hickey feels that 4 members have to vote in favor to put the question on the ballot.

Charles Montgomery feels we should have a two step process.

9:50 p.m. – Brief Recess

10:05 p.m. Back in Session

Client Fee Agreement – Mr. San Angelo briefly reviewed the Fee Agreement with Blatman, Bobrowski & Mead indicating that the

rate proposal was \$185.00 per hour. Attorney Talerman has agreed to reduced the fee to \$175.00 for most all work performed by the law firm. Item 4 of the agreement the firm will offer two training sessions during the year free of charge.

Mr. San Angelo feels the agreement meets the terms in which the Board had requested. Mr. San Angelo noted that the agreement does not preclude the town from entering into a flat fee structure at a later date.

MOTION by Soper, second by Amico to authorize the Town Administrator to sign the fee agreement with Blatman, Bobrowski & Mead. **Vote 5 - 0**

Mr. Montgomery asked who has the authority to call Town Counsel. Mr. Egan indicated that all department heads must get Town Administrator authorization to contact counsel.

Licenses:

Livery License Renewal – Concert Limo Service – 775 West Washington St.

MOTION by Howard, second by Amico to renew the Livery License to Concert Limo Service 775 West Washington Street. **Voted 5 – 0**

New Class II Used Car license – McMeads Auto Sales – Timothy McQuarrie & John Mead 437 East Washington Street

MOTION to Amico, second by Howard to open the hearing **Motion 5 – 0**

Mr. Amico read the hearing notice.

*The Hanson Board of Selectmen will hold a hearing on the request of Timothy McQuarrie and John Mead of 437 East Washington Street Hanson, MA for McMeads Auto Sales for a Class II Used Car License at 437 East Washington Street, Hanson. Said hearing will be held on Tuesday, March 18, 2014 at 8:00 p.m. in the Selectmen's Meeting Room, Hanson Town Hall.
Hanson Board of Selectmen
February 27, 2014*

Mr. Timothy McQuarrie was present and indicated that he has been doing auto repair from that location for several years. He would like to offer his customers a new vehicle. He plans to conduct internet sales and private sales. He is requesting a five vehicle license.

Mr. Amico noted that the Building Commissioner Robert Curran recommended that the license be subject to his re-inspection. Mr. Curran requested that all junk, auto parts and tires be removed, any items in the process of repair be stored in an area not visible from the roadway and to repair and maintain the driveway and parking area to be accessible to customers.

Mr. McQuarrie indicated that some of the vehicles have been removed. He has the tires removed every two weeks.

Mr. McQuarrie indicated that he does all the repairs on the premises. He will sell vehicles in a price range from \$2,500 to \$10,000.

MOTION by Flynn, second by Amico to close the hearing **Voted 5 – 0**

MOTION by Flynn, second by Amico to approve a class II license at 427 East Washington Street up to five vehicles, subject to conditions as outlined by the Building Commissioner. **Voted 5 – 0**

Vote Authorize Town Administrator to sign Recreation Facility License Agreements – Mrs. Marini explained that the Board had authorized the previous Town Administrator to sign the agreements, which alleviated the need for each event license to come before the Board.

MOTION by Amico, second by Howard to authorize the Town Administrator to sign the Recreation Facility License Agreements. **Voted 5 – 0**

Review proposed Annual and Special Town Meeting Warrant Articles -

Mrs. Marini noted for reference purposes that the articles presented were proposed articles and the Board would be working from

the document titled Proposed Articles 3/18/14. Due to the late hour of the meeting, the Board only reviewed the articles in which the proponents were present to discuss.

Special Town Meeting Warrant

Article 4 – Transfer the remaining funds from the Police Station Building Committee.

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

MOTION by Amico, second by Howard to recommend. **Voted 5 -0**

Article 5 – Highway –Stormwater Management – Mandated

MOTION by Amico, second by Howard to place on warrant **Voted 5 – 0**

MOTION by Amico, second by Howard subject to funding **Voted 5 – 0**

Article 7 – Planning Board – Don Ellis update the sidewalk plan \$7,500

Mr. Ellis would like to update the sidewalk plan. In order to apply for grants, the plans need to be updated. The cost to updated the plans is \$7,500, which does not include permitting

MOTION by Amico, second by Howard to place on the Warrant **Voted 5 – 0**

MOTION by Amico, second by Howard to recommend subject to funding **Voted 5 – 0**

Article 8 – Water Dept. – Water Superintendent Richard Muncey indicated that the union contract has been settled. The funds requested are retro pay back to July 1, 2013.

MOTION by Amico, second by Howard to place on warrant. **Voted 5 - 0**

MOTION by Amico, second by Howard to recommend. **Voted 5- 0**

Article 17 – Town Forest – Changing care and custody of Town Forest to Conservation Commission – Alan Clemons was present and recommended the article.

MOTION by Amico, second by Howard to place Article 17 on warrant **Voted 5 – 0**

MOTION by Amico, second by Howard to recommend **Voted 3 – 2 (Flynn & Soper)**

Mr. Clemons wants to be sure that the property stays protected by Conservation. The Conservation Commission can restrict use of the property. Mr. Flynn is concerned that Conservation Commission could potentially stop and restrict use without a vote of Town Meeting. Mr. Clemons feels it will be well served by the Conservation Commission.

Article 18 – Town Forest – Dissolve the Town Forest Committee – Mr. Clemons explains that the former members would work with the Conservation Comm.

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

MOTION by Egan, second by Howard to recommend **Voted 2 – 3 Soper, Amico, Flynn**

ANNUAL TOWN Meeting warrant

Article 6 – Police Cruisers – Chief Miksch reported that he is looking to purchase two new cruisers. He anticipates taking two vehicles off the road, an Explorer and a Dodge Charger. The oldest is 2007. The Chief will evaluate which vehicle will be the best to take off the road. Mr. Amico asked if the vehicles able to be traded. Chief said there is little value in a trade but they can be sold as scrapped. The Chief said neither of the vehicle would meet the need for Inspectional services.

Mr. Soper asked about taking ownership of leased vehicles. Chief indicated it is a lease to purchase

MOTION by Amico, second by Howard to place on the warrant **Voted 5 – 0**

MOTION by Amico, second Howard to recommend. **Voted 5 – 0**

Article 14 – Fire Dept. – Purchase Ambulance with Ambulance fees for cash – Mrs. Marini explained that the article will be included in Article 8 of the Capital Improvement matrix

Article 15 – Water – The Water Superintendent indicated that Water Commission is requesting \$1.1 Million for painting inside and outside of the water tank. The tank will be off line for two months. There will be a costs associated with the shutdown of the tank which includes the purchase of water from Brockton. Mr. Muncy also informed the Board that the Water Commissioners voted to increase water rates by 6% per year over the next three years.

MOTION by Amico, second by Egan to place on warrant **Voted 4 - 0 – 1 Howard**
MOTION by Amico, second by Flynn to recommend **Voted 4 – 0 – 1 Howard.**

Article 16 – Water – New Truck –Mr. Muncy reported that the new vehicle would replace a Ford F350 which has reached it useful life.

MOTION by Amico, second by Flynn to place on the warrant. **Voted 4 – 0 – 1 Howard.**
MOTION by Amico, second by Flynn to recommend. **Voted 4 – 0 - 1 Howard.**

Mr. Amico asked if the vehicle taken out of service could be repurposed. Mr. Muncy said it could be used by another department.

Article 17 – Water – Radio for wellfields – Mr. Muncy explained the need to upgrade the radio system noting their engineering firm recommended the radio system for proper functioning of the wellfields.

MOTION by Amico, second by Flynn to place on the warrant **Voted 4 – 0 – 1 Howard**
Motion by Amico, second by Flynn to recommend **Voted 4 – 0 – 1 Howard**

Article 23 – Planning – Security – Accept MGL for security funds – Don Ellis indicated the acceptance of the statute allows the Planning Board to take the money which was held as a bond, in the event the developer doesn't finish a development.

MOTION by Amico, second Flynn to place on the warrant. **Voted 5 - 0**
MOTION by Amico, second by Howard to recommended **Voted 5 – 0**

Article 24 – Planning - Revolving Account – Mr. San Angelo recommended holding the article as the Town Accountant has some concerns. Mr. Ellis explained that the funds will be from monies received from developers who have elected not to put sidewalks on both sides of a subdivision. Mr. Amico inquired why both sides are required when they sidewalks are not maintained.

Mr. Amico asked about requirements for lighting. Mr. Ellis indicated that lights are required at the end of the road and at a T-intersection.

Discussion regarding payment of lighting. Mr. Ellis said some residents want the lights installed and they will be responsible to pay.

Article 25 – Planning – Adult Entertainment Zoning – Mr. Ellis explained the article relocates the district as the current location is not viable. The Town must provide an area conducive to development. The new location is in the Industrial Park.

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

Article 26 - Planning – Adult Entertainment Set Backs – Mr. Ellis indicated that the by-laws amends the set backs for the new Adult Entertainment zone.

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

Article 27 – Planning – Marijuana – Mr. Ellis informed the Board that the by-law establishes two zones for medical marijuana facilities at Hawks Avenue and in the Industrial Park off Franklin Street.

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

Article 28 – Sign by-law – Mr. Egan indicated this is a new sign bylaw which has been worked on for several years.
MOTION by Amico, second by Howard place on the warrant. **Voted 5 – 0**

MOTION by Amico, second by Howard to recommend for discussion.

Mr. Soper asked about political signs and feels there should be a provision that signs are required to be picked up or the candidate will be fined. Mr. Ellis indicated that the committee discussed it. Mr. Soper feels it should apply to contractors as well. Mr. Egan indicated that the new by-law enables the Building Inspector to remove the signs

Mr. San Angelo pointed out that the size of political signs cannot be limited. He also noted that if a sign is painted on a vehicle there is nothing the town can do.

So voted 5 – 0

Vote to Close Town Meeting Warrant –TABLED.

Appointments/Resignations:

Resignation of Bill Strait from Recreation Commission, Community Preservation Comm., Local Emergency Planning Committee and Veteran's Graves Officer effective 3/7/14.

MOTION by Amico, second by Howard to accept with regret Mr. Strait's resignation.

Voted 5 – 0

V ACCEPT MINUTES

February 18, 2014

March 4, 2014

March 5, 2014

MOTION by Amico, second Howard to approve the minutes of February 18th as printed.

Voted 5 – 0

MOTION by Amico, second by Howard to approve the minutes of March 4th at printed.

Voted – 4 – 0 – 1 Flynn

MOTION by Amico, second Howard to approve the minutes of March 5th as printed

Voted 5 – 0

VI COMMITTEE REPORTS

Monponsett Pond – Mr. Howard reported the meeting are ongoing.

VII ADJOURNMENT

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

11:35 p.m. Meeting Adjourned.

Respectfully submitted,

Meredith Marini,

Executive Assistant

Approved and Voted 3 – 0

May 13, 2014