

***Hanson Board of Selectmen  
Selectmen's Meeting Room, Hanson Town Hall  
Tuesday, November 27, 2018  
Regular Meeting 7:00 P.M.***

***Members Present:*** Wesley Blauss, Matthew Dyer, James Hickey, Laura FitzGerald-Kemmett,  
And Kenny Mitchell

***Members Absent:***

***Others Present:*** Town Administrator Michael McCue  
Executive Assistant Meredith Marini  
Town Counsel Attorney Kate Feodoroff

**7:00 p.m.** Chairman Mitchell called the meeting to order and requested a Moment of Silence for former Police Lt. Philmore Willey. Clerk Dyer read the announcements and upcoming meetings.

## **II NEW BUSINESS**

Discussion regarding Lake Street – Town Counsel Kate Feodoroff was present and explained that Town Counsel was asked to look into the ownership of Lake Street. Town Counsel had a title search conducted which revealed that the Town does not have an ownership interest in Lake Street. The Town cannot intercede nor require the property owner to move the fence. The area residents should deal with the issue privately among themselves.

Ocean Avenue resident Kevin Smith explained that Lake Street has been there since 1904. The current owner has moved a fence onto Lake Street. He noted that the former resident, Linda Hauge, was required by the Town to move her fence. He indicated that residents have used Lake Street to access Monponsett Pond. The new owners have moved the fence and have started parking on the property. Mr. Smith doesn't feel that it should be taken over by the property owner.

Attorney Feodoroff explained that as a paper street, the abutters own to the center of the street. She indicated the other property owners could have a claim to pass and repass.

Brenna Audette of 39 Ocean Avenue noted that she is the abutter on the other side of Lake Street and she has no intention to move her fence closer to the center. She feels that everyone still has access the pond. She is sorry there is discord among the residents.

Attorney Feodoroff suggested a neighborhood meeting in order to come to a resolution.

Bob Fortier 45 Ocean Avenue reported that he had spoken to the Town Administrator about discontinuing Lake Street. Mr. McCue indicated he would look into it. However, based on the information of Town Counsel, it is not issue. Mr. Fortier said there is access to the pond but noted there is no place for people to park a vehicle after launching the boat.

Chairman Mitchell suggested taking Town Counsel's advice and hold a neighborhood meeting.

Ms. Audette wanted to clarified that she and Mr. Fortier own to the center of Lake Street. Attorney Feodoroff pointed out that the Town has no authority or jurisdiction on Lake Street. She recommended them hiring their own attorney.

Mr. Blauss asked if the Town plows Lake Street. Ms. Audette indicated that the Town puts snow on Lake Street.

Mr. Smith indicated Lake Street was access to the pond for the Ice House which had been there.

***Discussion of 100 Hawks Ave (Lite Control) Property Transfer*** – Attorney Feodoroff noted that there is ongoing monitoring of the portion of the parcel which will be conveyed to Mass. Fisheries and Wildlife. The monitoring is delaying the transfer of the parcel the Town wishes to acquire. Attorney Feodoroff proposed changes to the Purchase and Sale for the Town's protection.

Ms. FitzGerald-Kemmett inquired as to who the Town can go after if contamination migrated over to the Town parcel. Attorney Feodoroff indicated that Lite Control will be liable. Attorney Feodoroff recommended authorizing the Chairman to sign the documents. If anything changes prior to the closing, she would come back to the Board for consideration.

Ms. FitzGerald-Kemmett asked the Town's options if the Highway facility is not approved.

Mrs. FitzGerald-Kemmett asked if the Town did a full hazmat assessment. Chairman Mitchell indicated the Town did not do it's own assessment. Attorney Feodoroff indicated the DEP gave a full sign off as to the parcel the Town is seeking.

***MOTION*** by FitzGerald-Kemmett, second by Hickey that pursuant to Article 17 at the May 4, 2015 Special Town Meeting, to accept as a gift a parcel of land, which is described as follows: a certain parcel of land with the buildings and Cell Tower Site thereon, located on Hawks Avenue in Hanson, Plymouth County, Massachusetts and shown as Lot 1, containing approximately 9.52 + acres, on a certain plan entitled "Plan of Land Hawks Avenue in Hanson, MA" dated August 24, 2018 and owned by Litecontrol Corporation and further that the Chair shall be authorized to execute any documents required to effectuate said gift as per the documentation presented tonight. ***Voted 5 – 0***

Attorney Feodoroff anticipated the closing will occur before the end of the year.

Attorney Feodoroff gave an update on JJ's Pub clean up – Attorney Feodoroff filed a complaint and motion for preliminary injunction for the court because the owner did not erect the fence. The judge will hear the complaint on Monday, December 3<sup>rd</sup>. The Court will issue an order. Mrs. FitzGerald-Kemmett asked is the about the clean up. The deadline for cleanup is December 15<sup>th</sup>. Attorney Feodoroff explained that prior to the issuance of a demolition permit, a pest inspection, which has come back negative, and an environmental inspection are required. The owner doesn't want to pay for the environmental inspection.

Mr. McCue has submitted a reserve fund transfer to fund a fence. He indicated that he is seeking fence vendors. One vendor indicated that they are scheduling 3 weeks out.

### ***Appointments/Resignation:***

Appointment of Part-time Police Officers Nicholas Pike and Mario Thompson – Chief Miksch was present and requested the Board appoint Mr. Pike and Mr. Thompson as part-time officers. He explained the hiring process for Part-Time officers who will have field training and ultimately work in a cruise. They will eventually become full time police officers. The additional advantage gives the Chief an opportunity to evaluate individuals before hiring them as full-time. He explained that there are at least two officers who can retire at anytime. The Department has two Sergeants as field training supervisors.

Mrs. FitzGerald-Kemmett asked if the positions were posted and how the applicants are selected. The Chief indicated over 40 applications were received. The selection is based on experience, the applicants need at least part time academy training, education and current experience are a plus. Both applicants are Hanson residents and currently working in Norwell and Duxbury. They will supplement the current force.

Chief Miksch indicated that Mario Thompson is a Whitman Hanson graduate, went to reserve academy, has a BA in criminal justice. He works full time as a Harbor Master in Duxbury, is a Part-Time Police Officer in Duxbury and Auxiliary Police Officer in Whitman. He is also a personal care attendant for a disabled person. He is a football coach in Hanson and an outstanding candidate and invested in the community. Duxbury Police Chief spoke highly of Mr. Thompson.

Chief Miksch reported that Nicholas Pike, also a Whitman Hanson graduate and Bridgewater State majoring in criminal justice and communication. Went to the reserve academy and is a Special Officer in Norwell and a part time Harbormaster in Duxbury. Background checks were conducted on both candidates, which a clear.

***MOTION*** by FitzGerald-Kemmett second by Dyer to appoint Mario Thompson effective December 3, 2018 and Nicholas Pike effective December 4, 2018 as Part Time police officers  
***Voted 5 -0***

### ***Vote to declare surplus equipment***

COA - 2008 Eldoro AeroVan VIN 1FD4E45S08DB38223

Recreation – 10” Delta Unisaw – Serial #:99G67728

***MOTION*** by FitzGerald-Kemmett, second by Dyer to approve the surplus equipment as presented. ***Voted 5 – 0***

### ***Requests:***

***One Day Liquor*** – Kerri Donnelly 1375 Main Street – December 6<sup>th</sup> 6:00 – 9:00 p.m. fundraiser for the Hanson Cheer

***MOTION*** by FitzGerald-Kemmett, second by Dyer to approve the one day liquor as presented.  
***Voted 5 - 0***

#### **IV     TOWN ADMINISTRATOR'S REPORT**

Mr. McCue reported that next month the Town will receive solar credits from Blue Wave.

He received the approval of the School Committee for the installation of a cell tower on Middle School property. A proposed Cell Tower lease has been sent to the counsel for review.

He forwarded the Board members a copy of a proposed letter of support for the 40B project on Depot Street. Conservation will be meeting regarding final approval of the project. Mrs. FitzGerald-Kemmett pointed out the Board is not dismissing concerns of the area residents. She noted that the project has been approved and moving forward.

Mr. McCue suggested a discussion relative to Regional Dispatch on December 18<sup>th</sup> to resolve the matter. Mrs. FitzGerald-Kemmett recommended that everyone visit the Duxbury facility and Chairman Mitchell suggested they also visit to the Hanson Communication Center.

Mr. McCue reported that the closing on 270 High Street property has been set for next week.

Mrs. FitzGerald-Kemmett inquired about a Town Employee Appreciation Day. Mr. McCue would like something around the holiday. Mrs. FitzGerald-Kemmett thought it would be nice for the Board to thank the staff and show some token of appreciation to all the employees.

Mr. McCue noted that departmental budgets were due today. He will update the Board as he moves the budget process along. He will be meeting with the School finance team next Tuesday.

#### **V     MINUTES**

November 13, 2018

**MOTION** by Dyer, second by Hickey to approve the minutes of November 13, 2018 as presented. ***Voted 5 - 0***

#### **VI     COMMITTEE REPORTS**

***200<sup>th</sup> Anniversary Committee*** – Mrs. FitzGerald-Kemmett noted the committee will be meeting Thursday.

***Energy Committee*** – Mr. Dyer noted he will meet with the Town Administrator regarding next steps for green communities designation.

***Final Plymouth County Hospital Reuse Comm.*** – Mr. Dyer indicated that committee has not met, but had a nature walk, which went very well with new residents.

***Highway Building Committee*** – Chairman Mitchell reported no meetings. The committee will meet as soon as the property is conveyed

***Maquan School Reuse Committee*** – Mrs. FitzGerald-Kemmett noted the committee will meet next week.

### **III      OLD BUSINESS**

***Discussion and possible votes on General and Labor Town Counsel Services –***  
Chairman Mitchell recommended starting with General Counsel – Chairman Mitchell feels that Attorney Talerman and Attorney Feodoroff are very knowledgeable especially with respect to the marijuana issue. He would recommend retaining Mead, Talerman & Costa.

Mrs. FitzGerald-Kemmett noted she is a fan of Attorney Feodoroff. She noted that she likes the Brooks and DeRensis group and was impressed with their breath of experience. She noted that Attorney Talerman was the person the Town signed up with as lead counsel and it appears that Attorney Feodoroff, whom she really likes, has stepped into the role. Mrs. FitzGerald-Kemmett prefers to have two separate counsels for General and Labor legal services.

Mr. Blauss indicated his decision is between Attorney Feodoroff and Brooks & DeRensis

Mr. Hickey likes the current general counsel, Mead, Talerman & Costa. He indicated that he didn't even notice that lead role had transition from Attorney Talerman to Attorney Feodoroff. He pointed out that Attorney Feodoroff can simplify a situation so that all can understand.

Mr. Dyer indicated he supports Mead Talerman & Costa.

Mrs. FitzGerald-Kemmett inquired as to the Board's objective and whether the Board is voting tonight or narrowing down the field of candidates. Mr. McCue noted that he tailored the agenda to accommodate the Board and its decision to bring back some of the candidates as well as the Board making a decision tonight.

Mr. Blauss doesn't want to string anyone along. He would like a unanimous vote of the Board.

***MOTION*** by FitzGerald-Kemmett, second Dyer to appoint Mead Talerman and Costa as general counsel. ***Voted 5 – 0***

***Labor Counsel*** – Chairman Mitchell explained the process of an RFP was to see if the Town was getting the best bang for the Town's buck.

After the RFP were issued, only three firms submitted for Labor Counsel. He thought it would be a harder decision. Chairman Mitchell supports Attorney Peloquin who has 14 years of experience with the Town with over 300 employee cases. Of all those cases only four cases went to litigation. Attorney Peloquin won all four cases. Attorney Peloquin brings 33 years of experience. The system wasn't broken but the Board wanted to see what is out there. Chairman Mitchell based his decision on a track record and Attorney Peloquin has delivered. The Board has to make the best decision for the Town and put aside personal differences and opinions. He would retain Attorney Peloquin as labor counsel.

Chairman Mitchell asked Mr. McCue for his opinion as he deals with counsel more than the board members. Mr. McCue is comfortable with both of the current firms and would stay with both firms.

Mrs. FitzGerald Kemmett agrees with Chairman. She pointed that the other firms noted that they have a database of comparisons. She would like to see Attorney Peloquin bring that to the table

and have more preparation for negotiations with the information well in advance of the discussions. It appeared that Melissa Murray may be doing more. Attorney Peloquin has been asked to do a job, which might not make him the most popular person.

Mr. Hickey pointed out that Clifford and Kenny split up the negotiating duties and they keep one another apprised of the status. Mr. Hickey noted that the first time he heard about negotiations was the Friday before a meeting. Attorney Clifford says the negotiations start with the Board. The Labor Counsel goes out and negotiates a contract.

Mrs. FitzGerald-Kemmett noted she likes the teamwork approach. She would consider them in the mix.

Mr. Dyer acknowledged the history of Attorney Peloquin. He has reservations of the firm taking on more clients and is not sure of Attorney Peloquin's strategy for business. Mr. Dyer feels he is out of the loop on many things and would like a briefing on things that happened two years ago. He agreed with Mr. Hickey as to the negotiation process. He liked Clifford and Kenny and their database of comps. Attorney Clifford had been a Town administrator. He was impressed with the sharing of duties.

Mr. Blauss likes Clifford and Kenny noting that Attorney Clifford had been a town administrator for two communities. He has been on the opposite side of the desk. Attorney Clifford has experience beyond the legal field. He liked the diversity of the work the members had outside legal field. He noted Attorney Feodoroff and Attorney Winner participated outside the legal field. He puts Clifford and Kenny at the top of the list.

Chairman Mitchell feels using two separate attorneys during negotiations would be a nightmare. Mrs. FitzGerald-Kemmett pointed out that one would have more expertise in a field. Chairman Mitchell questioned how the firm is going to know what was offered to other unions. Mr. McCue's preference would be working with one attorney as the lead negotiator.

**MOTION** by Hickey, second by Dyer to appoint Clifford and Kenny as new labor counsel for discussion

Mrs. FitzGerald-Kemmett asked about the cases Attorney Peloquin is working on. Mr. McCue suggested having a transition period. Mr. Mitchell would like a probationary period. Mr. McCue noted that a contract could include the probationary period. Mr. McCue indicated Town Counsel is usually appointed annually. But a contract could be drafted to include the transition and probationary period. Mr. McCue noted it appears that the Board would like be more active in the negotiation process.

Mr. Hickey inquired as to the last RFP. Mrs. Marini indicated one was done 14 years ago. A second RFP was issued and both Kopelman & Page and Attorney Peloquin were retained. The in 2014 an RFP was issued for General Counsel when Mead, Talerman & Costa were retained.

Mr. McCue report that he had done reference checks on all the firms which were all positive.

Mr. Dyer asked if we will get a debriefing from Attorney Peloquin. Mrs. FitzGerald-Kemmett noted that Attorney Peloquin has work in progress. She does not feel any of the Camp Kiwanee issues should go to Clifford and Kenny.

Mr. Hickey asked if a transition period by December 31, 2018 could be added to the motion. Mrs. FitzGerald-Kemmett feels at least a six month transition period. Mr. Blauss suggested just cutting services with Attorney Peloquin now. Mrs. FitzGerald-Kemmett requested Mr. McCue work with the firms on a transition period to be determined by the law firms. Mrs. Marini suggested that Attorney Peloquin complete the work he is doing and the new labor counsel could pick up any new matters. The firms will work out the transition period. The new counsel's appointment could be effective January 1, 2019 and will start any new matters, subject to contingencies with current labor counsel.

Move to the vote - with the appointment of Clifford and Kenny effective January 1, 2019.  
***Voted 5 - 0.***

## **VII    ADJOURNMENT**

***MOTION*** by Hickey, second by Dyer to adjourn. ***Voted 5 – 0***

**8:46 p.m. Meeting adjourned.**

Respectfully submitted,

Meredith Marini,  
*Executive Assistant*  
***Approve & Voted 5 – 0***  
***January 22, 2019***