***Town of Hanson - Board of Selectmen***

***Meeting Minutes – Hanson Town Hall***

***April 7, 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. He read the announcements and upcoming meeting schedule.

Mr. McGahan reported on the Hanson Has Taste event was a success raising over $10,000. He thanked everyone who came out and thanked all the volunteers. The money will go to the purchase of Chromebooks for the Middle School.

Chairman Young requested a Moment of Silence Evelyn Meinhold former Director of Elder Affairs and Kathleen O’Brien former Health Agent both of whom passed away recently.

**II TOWN ADMINISTRATOR’S REPORT**

Mr. San Angelo reported that there has been considerable work on the Town Hall with the replacement of the front stairs, painting of the interior and exterior. He indicated the remainder of the funds will be used to replace the front and lower level doors. Robert and Marylou Sutter have offered to donate $4,000 toward the purchase an electronic door opener for the lower level entry. Town Hall Custodian Brian Clemons explained that there is a great need of replacing both sets of entry doors. Mr. Clemons is investigating the wiring costs for the doors, which will come from the Town Building expense line.

***MOTION*** by Howard, second by McGahan to accept a monetary gift of up to $4,000 from Bob and MaryLou Sutter for the purchase of electronic door openers for the lower level. ***Voted 5 – 0*** .

Mr. San Angelo reported as part of the Energy Conservation program the installation of the new lighting has commenced at the Senior Center. Once complete at the Senior Center, work will begin at Town Hall and the Police Station.

Mr. San Angelo reminded the Board that he hosts a monthly Cable Access show called Hanson Highlights. Residents have asked for more information. Mr. San Angelo passed out a newsletter, which covers various events and news about the community.

Mr. San Angelo noted that the new fire truck arrived last week. It has been lettered. This new vehicles will roll when the ambulance goes to calls and will negate the necessity of much largee fire engine going to emergency calls.

Mr. San Angelo expects that the Cable Contract will be tabled for another week. Comcast is still reviewing for contract.

Mr. Young asked when the costs for the lighting will appear in the utility line. Mr. San Angelo indicated they will start at the beginning of the new fiscal year, July 1st. The 0% loan will spread over the next two years.

**III NEW BUSINESS**

**Requests:**

***Hanson Little League*** – Requested permission to hold the Annual Opening Day Parade on Saturday, April 25th, weather permitting. Parade will assemble at Town Hall Green at Noon.

***MOTION*** by Howard, second by McGahan to grant permission to conduct the Annual Opening Day Parade on Saturday, April 25th from Town Hall to Botieri Field. ***Voted 5 – 0***

**Appointments:**

Linda Philbrook 436 Whitman Street - Council of Elder Affairs – Term to Expire 6/30/15

***MOTION*** by Howard, second by McGahan to appoint Linda Philbrook to the Council of Elder Affairs. Term to expire June 30, 2015. ***Voted 5 – 0***

Charles Barends 67 Greengrove Lane – Parks & Fields Commission Term to Expire 6/30/15

***MOTION*** by Howard, second by McGahan to appoint Charles Barends to the Parks and Fields Commission term to expire June 30, 2015. ***Voted 5 – 0***

**Terms of Current Town Administrator Contract – Possible Concerns** –

Chairman Young reviewed several options contained in the Town Administrator contract which the Board could take by June 30th, which included nonrenewal, automatic one year renewal or negotiation of a new contract by the end of current June 30, 2016 expiration of the contract.

The contract also includes a detailed job description of the Town Administrator. He also noted that the responsibility to enter into a contract with the Town Administrator, negotiate a new contract and evaluate the job performance of the Town Administrator and decisions to renew or not to renew the contract rests solely with the Board of Selectmen, which the Board does not take lightly. It is laid out in the laws of the commonwealth, TA act which was drafted by the government study committee and approved by the voters of Hanson and the State legislature. The Town of Hanson votes at a Town Meeting and if and when a new contract is put forward, the voters have the final say as to whether to fund a new contract with a new Town Administrator or to approve the first year of funding for any existing Town Administrator. Noting same, Chairman Young wanted to be point out some sections of the Town Administrator contract which the Board may have some concerns if the renegotiations is an option. Such sections will effect the Board and future Boards as they relate to the liability and possible future protection of the town.

1. Indemnifications – The current contract contains no limits on the indemnification of which the Town indemnifies the employee and defends and holds harmless against any liability claim or demand or other legal action, occurring during the his duties as Town Administrator. Under the current contract is states that the Town will compromise and settle any such claim or suit and pay the amount of any settlement of judgment rendered thereon. Missing from the contract is the indemnification of $1 Million dollars found in the former Town Administrator contract. Also missing is language which states the Town Administrator will not be indemnified for violation of any civil rights if he acted in grossly negligent, willful or malicious manner. This important language which is conspicuously missing is designed to protect the Town financially and limit its liability from such act the by the Town Administrator. Chairman Young noted that the Town is currently named as a defendant in two active law suits involving the civil rights cases under previous Town Administrators.
2. Termination and Severance Pay – Chairman Young indicated that this is a portion which deals with termination and reasons for termination prior to the end of the contract as well as possible severance payout and other severance benefits and the rights of the employee to respond to complaints. In the prior Town Administrator contract, if the Town Administrator was dismissed for any reasons other than misconduct, he would be entitled to receive a severance payment equal to six months salary along with accrued vacation and upon dismissal all rights and benefits ended with the exception of severance pay and unused vacation. The current Town Administrator’s contract, the words “other than misconduct” are eliminated. Chairman Young assumed they were negotiated out by the last Board. Even if the Town Administrator was engaged in any dismissal type of cause, which was clear misconduct of any kind, he still would be entitled to 6 months of salary as well as any accrued vacation added benefit which is not included in the last contract which is an additional 60 days of medical, dental, life insurance and retirement benefits beyond the last day of accrued vacation coverage. Also in the current contract there can be no immediate termination for any reason. Should the Board of Selectmen vote to terminate no matter how serious the reasons. Said termination cannot take effect for 30 days while the employee uses that time period to respond to the reasons for termination. This clause was not in the previous contract.
3. The previous contract provided a personal computer, cell phone and printer for Town use and personal use by the Town Administrator but the personal use was subject to scrutiny by the Board of Selectmen to be sure the personal use was reasonable and not interfering with the Town Administrator performing his duties to the Town. The provision of the Board’s scrutiny was removed from the current Town Administrator contract. So the use of the computer cell phone and printer are not subject to limitations or oversight for personal as well as Town use.

Chairman Young noted there are other minor items in the contract which were designed to enhance it in the Town Administrators benefit as well. He wanted to be upfront and provide the residents with the important facts that need to be addressed when it comes time for renewal of the contract as it stands. He wanted to public to be aware of what is in the contract as future Board conduct future negotiations with other Town Administrators. A date of May 19th has been set for the renewal, non-renewal or decision to renegotiation the Town Administrator’s contract

**Review and Discuss possible amendments to Town Vehicle Use Policy** - Chairman Young noted that the policy prohibits the use of Town Vehicles for personal use other than commuting. The policy lists six other items but Mr. Scott brought to his attention the requirement for the proof of a valid driver’s license. Chairman Young feels it is an obvious item to add to the policy so that anyone who is going to drive a municipal vehicle, that the town has proof of a license with a copy of the license on file as well as update of any renewals of licenses. Mr. San Angelo suggested that a 60 day requirement for individuals who are coming from out of State. Mr. Scott said that law requires residents to change license and registration within 30 day of moving in State.

Discussion regarding the process for checking driver’s licenses.

***MOTION*** by McGahan, second by Mitchell to add a new Section 7 - Town employees assigned to drive a Town vehicle for municipal use must have a valid driver’s license and provide a copy of the Town Administrator’s office. Employees hired from out of State must obtain a Massachusetts license within 45 days of employment. ***Voted 5 – 0***

***Review and Discuss Use of Internet and Social Media Policy*** – Chairman Young would like to Board to review the Internet Policy as the current policy is out of date as it was approved prior to the advent of Facebook and other social media sources.

Chairman Young will distribute copies of sample policies from other communities and former Town Counsel. Request the Mr. San Angelo get samples from area towns for the next meeting.

***Remove Right To Farm Article from Warrant*** – Chairman Young read the letter from Steve Croghan requesting that the article be removed from the warrant.

*Dear Board Members,*

*As discussed and voted at our meeting on Thursday, April 2, 2015, we would like to request to have the Right to Farm Articles removed for the May Town Meeting Warrant. Some of the content from this article needs to be modified and we do not feel it can be accomplish in time for the upcoming meeting in May. We therefore respectfully request that it be held off the warrant.*

*Thank you for your consideration.*

*Stephen J. Croghan*

*Agricultural Committee Chairman.*

***MOTION*** by Howard, second by McGahan to open warrant ***Voted 5 – 0***

***MOTION*** by Howard, second by McGahan to remove Right to Farm article . **Voted 5 – 0**

***MOTION*** by Howard, second by McGahan to close the warrant. ***Voted 5 – 0***

**IV OLD BUSINESS**

Status Cable contract – ***Tabled***

Vote Special Act Ballot Question Language – Chairman Young read the new language for the ballot question:

Shall the Town authorize the Board of Selectmen to file with the Great and General Court of the Commonwealth of Massachusetts a petition to adopt special legislation in a form suitable to achieve the purpose of authorizing certain borrowing for capital costs for regional schools located in the Town of Hanson, in a form substantially as shown below:

YES: \_\_\_\_\_ NO: \_\_\_\_\_\_

***AN ACT REGARDING BORROWING FOR CAPITAL COSTS FOR REGIONAL SCHOOLS IN THE TOWN OF HANSON***

*Be it enacted by the Senate and the House of Representatives in the General Court assembled, and by the authority of the same, as follows:*

*SECTION 1.*

*WHEREAS, the Town of Hanson is a member of the Whitman-Hanson Regional School District; and*

*WHEREAS, the Town of Hanson is bound by both the terms of a certain Regional School Agreement by and between the member Towns, and the procedures regarding borrowing to pay for capital costs, including, without limitation, the procedures of Section 16(d) of Chapter 71 of the General Laws; and*

*WHEREAS, the Town of Hanson seeks to ensure that borrowing for capital costs for Regional Schools located wholly in the Town of Hanson is approved by the Hanson Town Meeting in a manner that is similar to borrowing for other capital projects within the Town of Hanson.*

*SECTION 2*

*NOW THEREFORE, Notwithstanding any provision of applicable law, and without waiver of any of the requirements of Chapter 71 of the General Laws, as the same may apply to the incurring of debt for Regional Schools, no debt shall be incurred for capital costs attributable to regional school buildings located in the Town of Hanson unless and until the amount of the proposed debt has been specifically approved by a two-thirds (2/3) majority vote at an Annual or Special Town Meeting of the Town of Hanson.*

*SECTION 3*

*This act shall take effect upon its passage.*

***MOTION*** by Howard, second by McGahan to approve the language for the ballot question to be placed on the ballot. ***Voted 5 – 0***

**Discuss Contract for Highway Surveyor –** Mr. San Angelo noted that information from Town Counsel and Department of Revenue opinion regarding contracting for the Highway Surveyor were in the members packets. The Department of Revenue noted that a contract could only be for one year and could not include fringe benefits not afforded to the other employees. Chairman Young noted that the Town could amend the Highway Surveyor Act to provide for a three year contract. Mr. San Angelo questioned whether the Legislature would approve a special act providing for specific contracts. Chairman Young reviewed the various Special Acts created for specifically for Hanson, Treasurer/Collector, Recall and Town Administrator Acts. Lengthy discussion regarding the process and the length of contract. Mr. Scott feels it is a lawyer’s opinion and not case law. And questioned what is enforceable or not enforceable. He feels there is no specific law prohibiting it. In his opinion it is just an effort to keep Mr. Brown from getting a contract.

Mr. San Angelo note the Counsel is saying that he does not believe it is legal to give a three year contract to anyone who is not stated in State law and DOR says that it is not binding and therefore Counsel’s opinion is that the Town should not move forward. Chairman Young noted that DOR says a Special Act. Mrs. Marini noted as an alternative to going back to the Legislature, the Board could provide the provisions under the Wage & Personnel by-law. Mr. McGahan suggested getting a second of opinion for other counsel.

Richard Hickey of Morton Street noted that Town Counsel’s opinion is based on DOR opinion which is correct. Mr. Hickey recommends amending the Special Act.

Mr. McGahan reviewed the statute which indicates the positions which are eligible for contracts, Town Manager, Town Administrator, Executive Secretary, Executive Assistant and Town Accountants.

Mr. Mitchell feels that Mr. Brown deserves the security of a contract. Mr. McGahan doesn’t want to rush into it. Chairman Young indicated that the amendment to the Highway Surveyor Act would not require a ballot question but would be a warrant for the Town Meeting. Mrs. Marini indicated that the warrant must be signed next week. Mr. McGahan does not feel that the Highway Surveyor is not in a rush for a contract. Discussion relative to the length of time to implement the amendment to the act, the legislative process and creation of a contract.

***MOTION*** by Scott, second by Howard, to have Town Counsel amend the current Highway Surveyor Act to allow the Selectmen to enter into a three year contact with the Highway Surveyor. ***Voted 5 – 0***

**Discuss reporting procedures of Veteran Agent’s services and activities –** Chairman Young noted that the Board received information from the Town Administrator relative to how the Veterans Agent reported his time and requested the Board provide guidance. Mr. McGahan requested that the matter be tabled the matter. Mr. Arsenault would like to go into executive session. He feels that his character and integrity is in question. Mr. San Angelo noted that the matter does not meet the criteria for Executive Session. Mr. Arsenault wants the Board to know what was discussed between he and the Town Administrator.

Chairman Young reviewed the options for Executive Session noting that an employee must be notified 48 hours in advance of Executive Session. Chairman Young indicated the matter could be address in Executive Session next week in time for posting.

Mr. & Mrs. Dalhberg were upset by the discussion regarding Mr. Arsenault at the last meeting.

Chairman Young read a letter from Mr. Dalhberg dated April 7, 2015.

*To the Hanson Board of Selectmen*

*I am a Vietnam veteran who has had many conversations with Hanson’s Veterans Agent Robert Arsenault over the years I have lived in Hanson. His assistance and response has been very timely and extremely helpful. Unlike the Veterans Administration that is failed the veterans in too many ways. Mr. Arsenault is a 24/7 advocate for the veterans living in Hanson. Confidentiality is critical for veterans as the may feel intimidated by public exposure in their time of need. The report he writes and the information he can make available to the public in order to protect the veteran’s privacy. I am positive that the Hanson’s veterans agent does a wonderful job. I think he is even asking how many hours he is spending on veterans’ affairs is insulting to his dedication to the job.. As I said, he is a 24/7 Veterans Agent. He even returned one of my calls on Sunday afternoon when he had been away on family business. The report of all the work that the Veterans Agent does isn’t available due to these privacy issues. You should maybe be asking him if there is anything you can do to assist him such as making sure he has the privacy in his office while he is helping a veteran. That would make much more sense to me being that he can’t write a report with all the personal information about veterans he helps. Supporting the great job he does as Hanson’s veterans agent would be supporting the veterans that live in the town of Hanson. I feel the Town Administrator should know enough about the position of veterans agent to know that he can’t make a report containing all the information of what all he does to help Hanson veterans. I also feel that the Town Administrator should know about all the hard work and responsibilities of the position instead of worrying about the size of the report of the veterans agent. That he would know why that report has to be made in such a way to protect the veteran. It would be nice to see the Board of Selectmen and Town Administrator praise our veterans agent for all he does for about half the annual salary of the former dog officer a mere $42,250. I rest my case. Please support Hanson veterans and our veterans agent who I feel is as dedicated as any to be found. Thank you for hearing me this evening.*

*Thomas J. Dahlberg, Vietnam Veteran 1966 to 1967*

Mr. San Angelo noted that the Board had made it clear that they expected reports from specific departments. Mr. San Angelo had asked the Board if they felt the report was a reasonable report. Mr. San Angelo never asked for personal information regarding veterans but for general information as to what he has been doing. Mr. San Angelo was looking for direction on process for reporting by departments.

**Approve Contract with Virtual Town Hall for website upgrade –** Mr. San Angelo indicated that he brought this matter up to the Board a few weeks ago. He would like to upgrade platform of the website which would make it easier for employee to upload minutes and agendas. The cost for the upgrade would be paid from the Technology Line in the current fiscal year and the next fiscal year. Mr. San Angelo explained that features will be taken from other communities. Mrs. Marini explained there will be unlimited users. So committee can upload their own information. Committees will only have access to their own web page. Mr. Mitchell asked how long before the new site is live. Mr. San Angelo indicated three to four months after it has been designed noting that all the current content has to be moved.

Mr. McLeod asked if there will be a video archive. Mr. San Angelo said there is a potential but it would be a component which we could add.

***MOTION*** by McGahan, second Howard to authorize the Town Administrator to approve the contract with Virtual Towns and Schools for a redesign and conversion Service dated March 13, 2015 with the Town of Hanson. ***Voted 5 - 0***

**V ONE DAY LIQUOR LICENSES - Camp Kiwanee – None today**

**VI APPROVE & VOTE MINUTES**

March 11, 2015

***MOTION*** by Mitchell, second by McGahan to approve the minutes of March 11, 2015.

***Voted 4 – 0 – 1 (Howard)***

**VII COMMITTEE REPORTS**

***Monponsett Pond Committee*** – Mr. Howard reported the next meeting will be April 9th in Halifax at 10:00 a.m.

***Indian Head & Maquan Priority Repair Comm***. – Meeting on Wednesday, April 8th.

***WHRDS Capital Repairs & Facilities Committee*** – Mr. McGahan noted that that meeting of April 8th has been cancelled. He noted that the group has looked into the estimates for the Maquan gym roof from Gibson. They are looking for an estimate from Gale and a third contractor Ryan Roof. The school has been making repairs at $400 to $500 per repair each time it leaks. There is a lot of controversy with the roof. The group is putting out an option for a five to eight year fix which is the lowest cost option. They don’t want to put a lot of money into a roof of a building which may be coming down.

***Lite Control Acquisition Review Comm.*** – Mr. Scott reported the committee is waiting for feedback from a construction consultation and John Delano on the environmental impact. Mr. Scott indicated that in his opinion the recent fish kill at Burrage Pond was not a result of anything from Lite Control. Mr. Scott as a Cranberry Bog owner indicated that the same issues of dead fish occurs in bogs as well.

**VIII ADJOURNMENT**

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

8:38 p.m. Meeting adjourned

Respectfully submitted

Meredith Marini,

*Administrative Assistant*