

***Hanson Board of Selectmen
Selectmen's Meeting Room, Hanson Town Hall
Tuesday, September 25, 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

7:00 p.m. Chairman Mitchell called the meeting to order. Clerk Dyer read the announcements and upcoming meetings.

II NEW BUSINESS

Retail Marijuana Forum – Chairman Mitchell noted that the purpose of the forum was to explain the two articles which will be on the October Special Town Meeting Warrant. Town Counsel Kate Feodoroff explained the process in order to amend the General By-law with a majority vote and Zoning By-law, which requires a two-thirds vote to prohibit the sale of retail marijuana. She noted that the two questions will appear on the Special Election ballot. A yes vote prohibits the sale of retail marijuana. A no vote will allow the retail sale of marijuana.

Bruce Young 594 Indian Head Street questioned what would happen if the general by-law passes and the zoning by-law article fails. Attorney Feodoroff explained that the legislation dictates what a Town can and cannot do through a by-law. It does not distinguish between General or Zoning By-law. Consequently, Town Counsel determined that a General By-law on its own could serve to prohibit retail sale of marijuana. To be cautious, they added the Zoning By-law based on case laws that if it appears to be a Zoning By-law it is a Zoning By-law. She noted that if the general by-laws passes and the zoning by-laws fails, it still goes to the ballot as two separate questions. If they both pass at the ballot Town could hold another Special Town Meeting and try to pass the zoning by-law or the Town can take the position that the General By-law carries and can prohibit the retail sale of marijuana. She noted there is a risk of litigation is that happens. It is not clear as none of the by-laws have been challenged in court.

Wayne Peterson of Donna Drive asked how this question is different than what the Town's people have already voted and approved. He feels that the turnout at the election will be much lower than the election in which the voters approved it. Attorney Feodoroff indicated it is laid out in the legislation to allow for a vote of the electorate.

Bob Hayes, Greengrove Lane noted the issue is similar to the prohibition of alcohol in which Towns can decide whether or not they wish to allow such sales.

John Norton Indian Path asked if the Selectmen have supported it. Mrs. FitzGerald-Kemmett indicated that the Board was not unanimous. He asked if the proponents of the prohibition feel it will decrease the use of marijuana in the community. Attorney Feodoroff explained while he doesn't know what the proponent think, personal use of marijuana is allowed in the State.

Patrick Powers 255 Holmes Street questioned whether this is just retail or marijuana manufacturing and growing. Attorney Feodoroff indicated that the article addresses only the retail sale of marijuana. Is there a cost associated with holding a separate ballot and will be a separate ballot. Attorney Feodoroff indicated that there will be two separate ballots and a separate sign-in.

Jim Hickey inquired of the type of training is required for Police or Fire. Fire Chief Thompson noted the Fire Department staff have taken classes on the requirements for inspection. Chief Miksch indicated that regardless of whether the sales are in Hanson or not, Police will have ARID training to identify people who are impaired. Chief Miksch indicated the cost could be \$8,000 for his entire staff. He could recoup some of the costs through a Host Agreement. The Chief is unsure whether he will need a detail officer at a retail establishment. The security is an issue because the retailer cannot use a Massachusetts bank.

Peg Kitchenham 75 Fairwood Drive inquired whether medical marijuana will be affected. Attorney Feodoroff indicated the retail sale of marijuana amendment will not affect medical marijuana.

Mr. Young asked if anyone has estimated the loss of revenue. Mr. Mitchell indicated that Town could not predict as it is new to the State. Mr. Peterson inquired whether the town could compare with a similar size town in Colorado. Mrs. FitzGerald-Kemmett indicated that she was told that a Colorado Mayor of the town of a similar in size to Hanson noted they have not had to request any overrides for schools, police or fire.

Attorney Feodoroff explained there are two sources of revenue for a host community with retail marijuana sales, the State sales tax and the impact fees both at 3%.

Mr. Powers asked what other revenue articles are on the warrant. Mrs. FitzGerald-Kemmett noted the designation of an economic development area and a TIF agreement which will be tabled until the Spring. Mr. McCue noted a 10 year lease of a communication tower at the Middle School which includes 3 five-year extensions with a potential revenue of \$800,000. The proposal also includes \$7,500 for each subleases on the tower. He expects at least 3 units leasing space.

Town Meeting Preview – Each proponent of the articles read and moved the articles in preparation for Town Meeting. The Selectmen voted recommendation on the outstanding articles.

Article 2 – Supplemental Budget

MOTION by Hickey, second by Dyer to recommend Article 2. ***Voted 5 – 0***

Article 11 – Secure and winterize Maquan School

MOTION by FitzGerald-Kemmett, second by Hickey to recommend Article 11. ***Voted 5 – 0***

Article 17 – Cell Tower at Middle School

MOTION by FitzGerald-Kemmett, second by Hickey to recommend Article 17. ***Voted 5 – 0***

Discussion regarding M.G.L. c. 268A Conflict of Interest law – Chairman Mitchell indicated that there had been questions on 268A, which have subsequently been answered.

Distribute Energy Reduction Plan for future consideration and vote - Mr. McCue indicated that the Energy Committee will be reviewing the Reduction Plan tomorrow. He requested that that Board review it for discussion and vote at the next meeting.

Requests:

Holiday Committee – Request to use Town Hall Green on Saturday, December 8th for the Annual Tree Lighting from 5:00 p.m. to 7:00 p.m.

MOTION by Dyer, second by Hickey to approve the request of the Holiday Committee to use the Town Hall Green on Saturday, December 8th for the Annual Tree Lighting. **Voted 5 – 0**

Hanson Little League – 8th Annual Damien's Freaky 5K road race on Saturday, October 27th starting at 10:00 a.m. at Damien's Pub 279 Spring Street.

MOTION by FitzGerald-Kemmett, second by Hickey to approve the – 8th Annual Damien's Freaky 5K road race on Saturday, October 27th starting at 10:00 a.m. at Damien's Pub **Voted 5 – 0**

III OLD BUSINESS -

IV TOWN ADMINISTRATOR'S REPORT

Mr. McCue informed the Board that Monday evening the East Bridgewater Board of Selectmen voted to approve the IT Director's contract and Intermunicipal Agreement. They will come to the Selectmen's next meeting. The IT Director will also be in attendance.

Mr. McCue requested a representative from Columbia Gas attend the next meeting to address the construction project in Hanson. Residents are concerned in light of the events in Lawrence, Andover and North Andover. Mrs. FitzGerald-Kemmett noted that the same contractor involved in the explosions is working in the Hanson project. Several residents have cited concerns. She would like to see the Hanson project "mothballed" until a representative comes in.

Mr. McCue noted that that TIF Committee met last week with a representative from the State and the developer. After meeting, all the parties agreed to table the issue until Spring. Mr. McCue noted that the TIF would not go into effect until the next fiscal year. Mrs. FitzGerald-Kemmett noted that the committee supports the TIF but wants to assure that all the processes are followed and achieved.

On Thursday Mr. McCue will be taping Cable TV shows with the Moderator and the Chairman of the Finance Committee. Both gentlemen will discuss the duties of their positions. The Moderator may review Town Meeting procedures. He is hoping the shows will help recruit some volunteers.

Mrs. FitzGerald asked if the videos could be archived and posted on the Town website. Mr. McCue is hopeful that the new IT Director may assist with that.

Chairman Mitchell inquired whether the Building Commissioner has received a response from the property owner of JJ's Pub. Mr. McCue indicated that matter will have to go to a hearing. If the owners do not remove the debris, the Town will remove it and place a lien on the property. Mrs. FitzGerald-Kemmett inquired whether the Town has the funds. Mr. McCue indicated he will submit a request a Reserve Fund Transfer to the Finance Committee.

Mr. Hickey asked if a date has been set for the tax possession auction. Mr. McCue indicated that the auction is set for October 26th.

V APPOINTMENTS/RESIGNATIONS

Resignation of Marisa Eacobacci from the Historical Commission

MOTION by FitzGerald-Kemmett, second by Hickey to accept with regret the resignation of Marisa Eacobacci. **Voted 5 – 0**

VI APPROVE MINUTES

September 18, 2018

Mrs. Marini indicated that Mr. Blauss had pointed out a few errors in the minute. She suggested the following amendments:

Pg. 2 – 6th paragraph down:

Discussion regarding the discretion of the Board. Ms. Pettey is concerned about the appearance of favoritism, if the Town has the authority to be lenient with some of the requirements.

Pg. 2 – Last line:

Matt Dyer reviewed the general by-laws Article 2 – 17, Section 5e relative to private ways, which states: "No betterment charges shall be assessed".

Pg. 3 – 6th paragraph:

Mr. Fitzgerald requested the Board make a decision on the intersection option this evening in order to keep the project moving to final design.

MOTION by FitzGerald-Kemmett, second by Dyer to approve the minutes with the preceding amendments. **Voted 5 – 0**

VII COMMITTEE REPORTS

200th Anniversary Committee – Mrs. FitzGerald-Kemmett reported the committee will be meeting Thursday. She will be meeting with Christine Maher who will assist with a poster contest.

Final Plymouth County Hospital Reuse Comm. Mr. Dyer reported the committee met the September 19th and reviewed housekeeping for Town Meeting. Discussed activity at the site.

Maquan School Reuse Committee – Mrs. FitzGerald-Kemmett would like to distribute the Maquan School survey at Town Meeting,

Highway Building Committee – Nothing to report

VIII EXECUTIVE SESSION – Chairman Mitchell announced the Board would be going into Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares. Police Lieutenant

SO MOVED by Hickey, second by FitzGerald-Kemmett to go into Executive Session. *Roll Call Blauss aye, FitzGerald aye, Mitchell aye, Hickey Aye and Dyer aye. Voted 5 – 0*

8:12 p.m. Brief recess

9:20 p.m. Returned to open session.

IX ADJOURNMENT

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

9:20 p.m. Meeting Adjourned

Respectfully submitted,

Meredith Marini,
Executive Assistant
Approved & Voted 5 – 0
October 16, 2018