

SPECIAL SPECIAL SPECIAL SPECIAL SPECIAL SPECIAL

TOWN MEETING

PLYMOUTH, SS.

**To either of the Constables of the Town of Hanson, in the County of Plymouth
GREETINGS,**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hanson, qualified to vote in Town affairs, and elections, to meet in the Hanson Middle School, Liberty Street in said Hanson on Monday the Fourth day of May 2009 at 7:30 o'clock in the afternoon, to act on the following articles, to wit:

ARTICLE 1: To see if the Town will vote to transfer a sum of money from free cash and or stabilization to pay unpaid bills from FY 2008 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are needed to pay for bills received after the close of fiscal year 2008. Requires a 9/10 vote.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to recommend*

ARTICLE 2: To see if the Town will vote to reduce the amounts appropriated Article 5 of the May 2008 Annual Town Meeting as listed below:

	FROM	TO	REDUCTION
Line 3 Debt & Interest	\$53,169	\$52,169	\$1,000
Line 11 Printing	\$5,400	\$4,400	\$1,000
Line 13 Postage	\$26,000	\$25,000	\$1,000
Line 16B Harvester	\$1,500	\$0	\$1,500
Line 32 Town Admin. Exp	\$900	\$400	\$500
Line 36 Town Accountant Exp.	\$1,580	\$1,422	\$158
Line 39 Assessors Expense	\$8,966	\$8,070	\$896
Line 45 Town Clerk Expenses	\$4,551	\$3,976	\$575
Line 48 Registrars Wages	\$7,700	\$6,930	\$770
Line 49 Registrars Expense	\$2,200	\$1,980	\$220
Line 50 Conservation Expense	\$4,140	\$3,940	\$200
Line 53 Planning Board Exp	\$2,994	\$2,359	\$635
Line 59 Building Expense	\$4,037	\$2,837	\$1,200

Line 66 Wiring Inspector Wages	\$22,432	\$20,432	\$2,000
Line 77 Board of Health Exp	\$6,000	\$5,800	\$200
Line 42 Treasurer Exp.	\$7680	\$6,412	\$1,268
Line 90 Library Expense	\$78,448	\$74,848	\$3,600
Line 102 Police Expense	\$98325	\$93525	\$4,800

Total Reduced: \$21,522.00

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These amounts have been reduced in order to meet the State aid cut for Fiscal Year 2009.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to recommend*

ARTICLE 3: To see if the Town will vote to transfer the following amounts to the General Fund Surplus Revenue fund as listed below:

Article 31 of the Octobter 1996 STM STAP Account	\$5,021.07
Article 17 of the May 2004 STM Police Lap Tops	\$971.00
Police Law Enforcement Equip. Grant	\$645.00
Article 3 of the October 2006 STM – Private Roads	\$2,000.00
Article 20 of the May 1998 STM - Highway Bldgs	\$2,000.00
Article 2 of the May 2003 STM – Stormwater	\$2,100.00
Article 21 of the May 2007 STM – Restore TC records	\$345.00
Article 25 of the October 1996 STM Innoculations	\$751.20
Main Street Insurance Special Revenue Fund	\$145.11
Elder Affairs CEED Special Revenue Fund	\$10,069.42

Total Transfer \$24,047.80.

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These amounts will be used to reduce the Fiscal Year 2009 deficit as a result of the cuts in State Aid.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to recommend*

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ARTICLE 4: To see if the Town will vote to transfer a sum of money from free cash, stabilization or the MTBE settlement funds as an other financing source in the General Fund for FY09 fund or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds will balance the budget for Fiscal Year 2009.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

ARTICLE 5: To see if the Town will vote to transfer \$100,000 from the Methyl Tertiary Butyl Ether (MTBE) Settlement Account and \$100,000 from the water surplus account to be used to fund the upgrade a water distribution system interconnection with the Brockton Water Department or take any other action in relation thereto

Proposed by the Water Department

Explanation: The Hanson Water Department currently maintains one interconnection with the City of Brockton which is located at the intersection of Monponsett and Indian Head Streets. This interconnection was installed prior to 1950 and is in need of upgrade. The interconnection system would be tied into the existing Hanson Water Department SCADA system thereby providing remote control and monitoring. The Hanson Water Department needs this additional source of water to supplement its four permitted wells, especially during periods of high demand.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 6 – 0 NOT to recommend

ARTICLE 6: To see if the Town will vote to transfer \$125,000 from the Methyl Tertiary Butyl Ether (MTBE) Settlement Account to fund further installation of water mains town wide or take any other action in relation thereto.

Proposed by the Water Department

Explanation: The Hanson Water Department will use its recently completed Water System Master Plan to prioritize water main replacements based on fire protection, age, and/or water quality considerations.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 3 – 2 NOT to recommend

ARTICLE 7: To see if the Town will vote to transfer \$125,000 from the Methyl Tertiary Butyl Ether (MTBE) Settlement Account to be used to fund an upgrade of the chemical feed system of the Crystal Spring Well Field or take any other action in relation thereto.

Proposed by the Water Department

Explanation: The existing chemical feed system is approximately 20 years old and partially inoperable. In addition, the Massachusetts Department of Environmental Protection (DEP) concluded in a December 2008 Sanitary Survey that Hanson's chemical treatment system will not meet upcoming DEP requirements as it relates to alarming, testing, treatment design, and operator/consumer safety. This proposed upgrade will bring the system into compliance with pending DEP guidelines.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

ARTICLE 8: To see if the Town will vote to transfer \$37,600 from the Water Surplus account to be used to administer Water Conservation Grant Program or take any other action in relation thereto.

Proposed by the Water Department

Explanation: The Hanson Water Department has qualified for a Massachusetts Department of Environmental Protection (DEP) Grant totaling \$37,600. Grant money will be used to perform a water audit, conduct leak detection and meter testing and to develop a Water Conservation Plan. The Hanson Water Department will be reimbursed the entire amount (\$37,600) upon completion of the grant program.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

ARTICLE 9: To see if the Town will vote to transfer a sum of money from the MTBE Settlement fund to the Stabilization fund or take any other action in relation thereto.

Proposed by the Board of Selectmen

***Recommendations: Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 6 – 0 to recommend***

ARTICLE 10: To see if the Town will vote to transfer a sum of money from free cash and/or stabilization to be added to the amount appropriated to Article 5, Line 103 Comm. Center Dispatchers of the May 2008 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town and the Dispatchers Union have negotiated a three year contract. These funds are needed to cover the salary increases through June 30, 2009.

***Recommendations: Board of Selectmen voted 5 – 0 to recommend
Finance Committee voted 5 – 0 to recommend***

ARTICLE 11: To see if the Town will vote to transfer a sum of money from free cash and/ or stabilization to be added to the amount appropriated to Article 5, Line 18, Utilities of the May 2008 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Due to the increase in utilities costs, the utility line will be depleted by June.

***Recommendations: The Board of Selectmen voted 4 – 0 to PASSOVER
The Finance Committee voted 4 – 1 NOT to recommend***

ARTICLE 12: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 7 Town Insurance to be added to the amount appropriated in Article 5, Line 110 Tuition and Other Transportation or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are for the tuition to Norfolk County Agricultural High School. The funds appropriated in May were for two students. Three students attended. The funds are necessary to meet the shortfall in the line.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

ARTICLE 13: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, line 93, Highway Wages of the May 2008 Annual Town Meeting and Article 10 of the May 2005 Annual Town Meeting - Building Maintenance and Repair to be added to the amount appropriated to Article 5, line 19, Town Bldgs. Custodial Wages of the May 2008 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds are needed to cover the salary increases for the Town Buildings Custodian as a result of the negotiation contract through June 30, 2009 and overtime costs.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

ARTICLE 14: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, line 74 Disposal Area Operations of the May 2008 Annual Town Meeting to be added to the amount appropriated to Article 5, line 72, Disposal Area Wages of the May 2008 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Town and the Highway Union have negotiated a three year contract. These funds are needed to cover the salary increases through June 30, 2009.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

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ARTICLE 15: To see if the Town will vote to transfer a sum of money from Free Cash and/or stabilization for the repairs to the steam coil at the Maquan School or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The steam coil must be replaced as there is no heat in the gymnasium

Recommendations: *Board of Selectmen voted 4 – 0 to recommend*
Finance Committee voted 5 – 0 to recommend

ARTICLE 16: To see if the Town will vote to transfer a sum of money from Free Cash to the Stabilization Fund or take another other action in relation thereto.

Proposed by the Board of Selectmen

Recommendations: *Board of Selectmen voted 4 – 0 to PASSOVER*
Finance Committee voted 6 – 0 to PASSOVER

ARTICLE 17: To see if the Town will vote to transfer from 2008 May 5, Annual Town Meeting, Article 5, Line 9, Reserve Fund the sum of \$6,000.00 and transfer from the 2008 May 5, Annual Town Meeting, Article 5, Line 94 Highway Expense the sum of \$380.00 to be added to the 2008 May 5, Annual Town Meeting Article 5, Line 99 Street Sweeping or take any other action in relation thereto.

Proposed by the Highway Surveyor

Explanation: These funds are needed to pay a contractor to sweep the streets of the sand that was applied for snow and ice control. The Town of Hanson does not own a sweeper however on week per month we have access to the Tri-Town Sweeper (Towns of Hanson, Hanover, and Pembroke).

Recommendations: *Board of Selectmen voted 5 – 0 to recommend*
Finance Committee voted 3 - 2 NOT to recommend

ARTICLE 18: To see if the Town will vote to raise through borrowing the sum of **\$232,261** in anticipation of reimbursement from the State under **Chapter 303**, of the Acts of **2008**, for continuing State Aid construction of public highways approved by the Board of Selectmen and the Massachusetts Highway Department or take any other action in relation thereto.

Proposed by the Highway Surveyor

Explanation: State aid chapter 90 monies to be received from the Commonwealth of Massachusetts for road paving and reconstruction that have now become available from the Massachusetts Highway Department and must be expended.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to recommend*

ARTICLE 19: To see if the Town will, pursuant to MGL Chapter 82A Section 2, vote to designate the Highway Surveyor as the Town's officer to issue permits for the purpose of creating a trench as that term is defined by MGL Chapter 82A section 4 and CMR 14.00 or take any other action in relation thereto;

Proposed by the Highway Surveyor

Explanation: Mass. General Law requires all communities designate an individual for oversight and permitting of trenches.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to Refer to Town Meeting*

ARTICLE 20: To see if the Town will vote to charge for each written demand issued by the collector a fee of \$25.00 to be added to and collected as part of the tax, as authorized by MGL Chapter 60, Section 15, effective as of May 5, 2009.

Proposed by the Board of Selectmen

Explanation: Mass. General Law allows a fee of up to \$30.00 to be charged for all demands for late taxes.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to Refer to Town Meeting*

ARTICLE 21: To see if the Town will vote to amend the Wage and personnel By-Laws, Article 2-12, Classification and Compensation by deleting Sections 11A through 11E in its entirety and inserting the new Sections 11A through 11E as printed below:

SECTION 11 A: PROFESSIONAL POSITIONS

	<u>7/1/08</u>	<u>7/1/09</u>
A. Director of Elder Affairs	35,000 to 55,000	35,000 to 55,000
B. Town Accountant	45,000 to 65,000	45,000 to 66,000
C. Treasurer/Collector	45,000 to 65,000	45,000 to 66,000
D. Inspectors of Building	40,000 to 60,000	20,000 to 60,000
E. Health Agent	40,000 to 60,000	40,000 to 60,000

SECTION 11 B: ADMINSTRATIVE AND/OR FULL TIME

	<u>7/1/08</u>	<u>7/1/09</u>
A. Executive Assistant	18.00 to 25.00	18.00 to 25.75
B. Assistant to Police Chief	17.00 to 23.00	17.00 to 23.69
C. Veterans Agent	7,904 to 13,573 yr	7,904 to 13,980 yr
D. Reference Librarian	16.97 to 24.04	16.97 to 24.04
E. Youth Service Librarian	16.97 to 24.04	16.97 to 24.04
F. Animal Control Officer	12.95 to 16.49	12.95 to 16.49
G. Van Drivers/Aide	8.49 to 14.75	8.49 to 15.91
H. Social Day Care Coordinator*	14.85 to 18.54	14.85 to 19.09
I. Camp Kiwanee Caretaker	597.02wk	597.02 wk

SECTION 11 C: PART TIME POSITIONS

	<u>7/1/08</u>	<u>7/1/09</u>
A. Assistant Inspector of Building	13.79 to 20.06	13.79 to 20.66
B. Gas Inspector	13.79 to 20.06	13.79 to 20.66
C. Plumbing Inspector	13.79 to 20.06	13.79 to 20.66
D. Wiring Inspector	13.79 to 20.06	13.79 to 20.66
E. Civil Defense Director	988 to 1,252 yr	988 to 1,252 yr
F. Police Matron	8.79 to 11.97	8.79 to 12.33
G. Outreach/Seniors*	11.67 to 19.48	11.67 to 20.06
H. Assistant Coordinator*	8.49 to 14.62	8.49 to 1506
I. Volunteer Services Intergenerational Coordinator*	10.08 to 16.46	10.08 to 16.95

J. Community Recreation Coordinator	10.36	10.67
K. Volunteer Driver*	25.00 per day	25.00 per day
L. Animal Inspector	1,088 to 1456	1,088 to 1456
M. Election Clerk	9.55 hr	9.84 hr
N. Election Officer	9.25 hr	9.53 hr
O. Election Warden	10.16 hr	10.46 hr
P. Registrar of Voters	8.52 to 11.66	8.52 to 12.01
Q. Assistant Caretaker**	8.49 to 16.52	8.49 to 17.02
R. Sealer of Weights & Measurers	2959.00 yr	3048.00 yr
S. Milk Inspector	148 to 196 yr	148 to 202 yr
T. Assistant Veterans Agent	10.20 to 14.05	10.20 to 14.47
U. Finance Comm. Secretary	9.14 to 12.26	9.14 to 12.63
V. Emergency Clerical Labor	9.14 to 12.26	9.14 to 12.63
W. Transfer Station Attendant	15.28 to 18.47	15.28 to 19.02
Y. Senior Center Support Staff	8.00 to 10.30	8.00 to 10.61

SECTION 11D: SEASONAL POSITIONS **

	<u>7/1/08</u>	<u>7/1/09</u>
A. Beach Director	13.79 hr	14.20 hr
B. Water Safety Instructor	11.30 hr	11.64 hr
C. Lifeguards	10.04 hr	10.34 hr
D. Boat Coordinator	9.12 hr	9.39hr
E. Boating Instructor	16.55 hr	17.05 hr
F. Concession Worker	Fed. Min	Fed. Min
G. Recreation Assistant	Fed Min	Fed Min
H. Security	14.60 hr	15.04 hr

*Positions are funded through the Multi-Service Senior Center's revolving account or grants

** Positions are funded through the Recreation Commission's revolving account.

SECTION 11E: CALL FIREFIGHTERS/OFFICERS

		<u>7/1/08</u>	<u>7/1/09</u>
First year Call Firefighters	Tours	15.48 hr	15.94 hr
	Drills	13.84 hr	14.26 hr
	Details	23.27 hr	23.97 hr
First year Call EMT	Tours	16.33 hr	16.82 hr
	Drills	14.65 hr	15.09 hr
	Details	23.25 hr	23.95 hr
Second year Call Firefighters	Tours	16.33 hr	16.82 hr

	Drills	14.65 hr	15.09 hr
	Details	23.25 hr	23.95 hr
Second year Call EMT	Tours	17.12 hr	17.63 hr
	Drills	15.58 hr	16.05 hr
	Details	25.80 hr	26.57 hr
Call Lieutenants	Tours	17.95 hr	18.49 hr
	Drills	16.33 hr	16.82hr
	Details	26.92 hr	27.73 hr
Call Lieutenants EMT	Tours	18.79 hr	19.35 hr
	Drills	17.12 hr	17.63 hr
	Details	28.15 hr	28.99 hr

\$500.00 stipend will be paid in June of each fiscal year to those call firefighters who successfully complete and maintain the certification of an EMT recognized by the State and approved by the Fire Chief. Paramedics will receive a \$1,000.00 stipend.

Or take any other action thereto

Proposed by the Personnel Director

Explanation: This article is voted yearly to set the ranges and ceiling of rate of pay for Wage & Personnel employees. The funding of these positions will be set in Article 5 of the Annual Town Meeting.

Recommendations: *Board of Selectmen voted 4 – 1 to recommend
Finance Committee voted 5 – 0 to Refer to Town Meeting*

ARTICLE 22: To see if the Town will vote to amend the General Bylaws Article 2 – 11 Capital Improvement Committee as follows:

Sec.2. By deleting in first sentence “\$10,000” and in its place inserting “\$25,000”

Sec. 2. By striking in the second sentence “Annual”

Sec. 3. By deleting in the last sentence “Annual Town Meeting” and in its place inserting “October Special Town Meeting”

Sec. 4. By deleting in the first sentence “annual or special Town Meeting” and in its place inserting “October Special Town Meeting”

By adding a new Section 6 as follows:

Sec. 6 The proposed annual budget shall include an appropriation of not less than 1% of the Town’s operating budget to fund the Capital Plan.

of take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: The first amendments will bring into line that amounts required under the procurement act. The additional amendments allow for capital improvement items to be addressed at the October Town Meeting.

Recommendations: *Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to Refer to Town Meeting*

ARTICLE 23 : To see if the Town will vote to amend the General Bylaws Article 3-6, Police Regulations, by adding a new section 4 as follows:

Section 4A. **Public Consumption of Marihuana or Tetrahydrocannabinol**
No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, section 21, or by noncriminal disposition pursuant to G.L. c. 40, section 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agent, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, section 32L.

Or take any other action thereto.

Proposed by the Chief of Police

***Recommendations: Board of Selectmen voted 4 – 0 to recommend.
The Finance Committee voted 5 – 0 to Refer to Town Meeting***

ARTICLE 24: To see if the Town will vote to amend the General Bylaws, Article 4 -1, Enforcement, by amending Section 3, Fine Schedule, by inserting after Article 3-6 Police Regulations Section 1-4 and under the following headings :

<u>General Bylaw or Section</u>	<u>Enforcement Officer</u>	<u>Penalty</u>
The following:		
Section 4A Public Consumption of Marihuana or Tetrahydrocannabinol	Board of Selectmen Town Administrator or their duly authorized agent Police Officer	\$300.00

Or take any other action thereto.

Proposed by the Chief of Police

***Recommendations: Board of Selectmen voted 4 – 0 to recommend
Finance Committee voted 5 – 0 to Refer to Town Meeting***

ARTICLE 25 : To see if the Town will vote to amend Hanson General By-laws by adding a new Article 3 – 19 Sex Offender Residency as follow:

SEX OFFENDER RESIDENCY BY-LAW

Registered sex offenders pose a clear threat to the children, the elderly, and the mentally retarded as vulnerable groups residing in or visiting the Town, because registered sex offenders are more likely than any other type of offender to re-offend for another sexual offense, the Town desires to impose safety precautions in furthering the public purpose of protecting the children, elderly and mentally retarded. The purpose of this bylaw is to mitigate the potential risk of harm to children, the elderly and the mentally retarded of the Hanson Community by deterring the ability for registered sex offenders to be in contact with unsuspecting children, the elderly, and mentally retarded in locations that are primary utilized by such children, the elderly or mentally retarded, that is the grounds of public and private schools for children, centers or facilities that provide day care or children's services, parks, other recreational facilities, elderly housing facilities or facilities for the mentally retarded. The Town desires to add location restrictions to such offenders where state law is silent.

SECTION 1. DEFINITIONS

1. “Park” means land owned or controlled by a unit of local government, and located within the Town of Hanson, that is designated by the unit of local government for use solely or primarily for children’s recreation; town recreational areas including but not limited to, a forest preserve, jogging trail, hiking trail, water park, swimming pool, soccer field or baseball field under the jurisdiction of a unit of local government.
2. “School” means any public or private educational facility that provides services to children in grades kindergarten – 12.
3. “Day Care Center” means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
4. “Elderly Housing Facility” means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
5. “Place of Worship” means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of any religious organization.
6. “Loiter” means remaining in or around town park property for more than fifteen (15) minutes.
7. “Sex Offender” means a person who resides, works or attends an institution of higher learning in the Commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said c. 123A, whichever last occurs, on or after August 1, 1981.
8. “Sex Offender Registry” means the collected information and data that is received by the Criminal History Systems Board pursuant to General Law Chapter 6, Sections 178C to 178P, inclusive, as such information and data is modified or amended by the Sex Offender Registry Board or a Court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
9. “Permanent Residence” means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
10. “Temporary Residence” means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person’s permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person’s permanent residence.
11. “Establishing a Residence” means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property

(including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

12. “Sex Offense Involving a Child” means an indecent assault and battery on a child under 14 under section 13B of Chapter 265; rape of a child under 16 with force under section 22A of said Chapter 265; rape and abuse of a child under section 23 of said Chapter 265; assault of a child with intent to commit rape under section 24B of said Chapter 265; kidnapping of a child under the age of 16 under section 26 of said Chapter 265; enticing a child under the age of 16 for purposes of committing a crime under section 26C of said Chapter 265; inducing a minor into prostitution under section 4A of Chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said Chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said Chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said Chapter 272; dissemination of visual material of a child in a statue of nudity or sexual conduct under section 29B of said Chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said Chapter 272; aggravated rape under section 39 of Chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of Chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

SECTION 2. SEXUAL OFFENDER RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS

- a. It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within Two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.
- b. It is the responsibility of the property owner not to allow a Sexual offender described in sec.1 Paragraph 12. of this bylaw to establish residences in violation of this bylaw and shall be subject to a fine of \$300. for the 1st offence and \$500. Per day of Subsequent offence(s)
- c. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center, park, elderly housing facility or place of worship.
- d. Notice to move. Any registered level 2 or level 3 sex offender who establishes a permanent residence within Two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender’s noncompliance with this chapter, move from said location to a new location, but said location may not be within Two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within one thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. Furthermore is shall be a separate violation each day that a sex offender shall move from one location in the Town of Hanson to another that is within Two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.

e. Penalties. Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, Town Administrator, or their duly authorized agents, or any police officer of the Town of Hanson including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:

1. First Offense: Notification to offender that he/she has thirty (30) days to move
2. Subsequent Offense: Non-criminal fine of \$300.00, enforceable by a police officer, and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance.
3. For purposes of this section, notice shall be deemed to be sufficient and proper if the person service by registered mail, return receipt requested, or receives in hand service or service by a Constable, Sheriff or other person authorized to serve civil process within the Commonwealth of Massachusetts or other service as a court of competent jurisdiction may allow.

f. **Exceptions.** A person residing within 2,000 feet of any school, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:

- i. The person established the permanent residence and reported and registered the residence prior to May 4th, 2009.
- ii. The person was a minor when he/she committed the offense and was not convicted as an adult.
- iii. The person is a minor.
- iv. The school, day care center, park, elderly housing facility or place of worship within 2,000 feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.

SECTION 3. PROHIBITION

a. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to knowingly be present in any Town park.

b. It shall be unlawful for a sex offender who has been convicted of a sex offense involving a child to loiter within 300 feet of a town park.

c. **Enforcement.** If a police officer reasonably believes that a sex offender who has been convicted of a sex offense involving a child is in a town park or loitering within 300 feet of a town park, in violation of this by-law, the officer shall require said sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender who has been convicted of a sex offense involving a child, then the officer shall notify said sex offender that he/she is in violation of this by-law.

d. Non-Criminal Fine. In addition to enforcement by criminal complaint, a violation of this section may also be enforced by a police officer by non-criminal complaint pursuant to the provisions of Mass. G.L. c. 40 section

21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of this section shall be \$300.00.

e. If any provision of this by-law is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect. If any provision of this by-law is in conflict with state law, state law will prevail.

or take any other action in relation thereto.

Proposed by Richard Flynn and 164 others

***Recommendations: Board of Selectmen voted 5 – 0 to recommend
Finance Committee voted 5 – 0 to Refer to Town Meeting***

ARTICLE 26: To see if the Town will vote to transfer the sum of \$29,243.76 from free cash, and /or stabilization fund to the Recreation Revolving Account, or take any other action in relation thereto.

Proposed by Susan Lonergan and 110 others

***Recommendations: Board of Selectmen voted 3 – 2 to recommend
Finance Committee voted 4 - 1 NOT to recommend***

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature through Special Legislation to allow Part Time elected officials, who receive a salary or a stipend and who elect to pay 100 per cent of the cost of the official participation in the town's health insurance plan, plus any administrative costs that may be assessed by the Board of Selectmen, not to exceed 2% of the plan cost, may be considered eligible to participate or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: If approved, the Board of Selectmen would submit to the Legislature a petition, which would allow Part Time Elected officials to join the town's health insurance plan only if they elect to pay 100% of the cost, plus an administrative cost not to exceed 2% of the plan.

Recommendations: Board of Selectmen voted 5 – 0 to recommend

Finance Committee voted 5 – 0 to Refer to Town Meeting

And you are directed to serve this Warrant by posting attested copies thereof, at the Town Hall, the Fire Station, the public stores, and Post Offices, fifteen days at least, before the said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place above-mentioned.

Given under our hands, this _____ day of April in the year of our Lord two thousand nine.

Selectmen of Hanson

A true attest copy

Town Clerk

Date

Constable

Date