

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October 2004 Special Town Meeting

Special Town Meeting
October 4, 2004

Moderator Charles W. Mann called the meeting to order at 7:30 p.m. in the auditorium of the Middle School with James Armstrong, Robert Hayes and Wilbur Danner appointed and sworn in to serve as tellers.

Town Counsel was Richard Bowen of the firm of Kopelman and Paige.

The Pledge of Allegiance was recited by the Town Meeting.

A quorum was declared present with 194 voters in attendance.

ARTICLE 1: To see if the Town will vote to transfer a sum of money from Free Cash and/or the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting, Other Tuition & Transportation, to pay unpaid bills from fiscal years 2003 & 2004 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, unanimous to transfer a sum of \$3,111.60 from Receipts Reserved for Municipal Aid to pay unpaid bills form fiscal years 2003 & 2004.

ARTICLE 2: To see if the Town will vote to transfer a sum of money from the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting Warrant, Other Tuition & Transportation and/or Free Cash to be added to the amount appropriated under Article 5, Line 7, of May 2004 Annual Town Meeting, Town Insurance, or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, unanimous to transfer the sum of \$17,000.00 from the amounts appropriated under Article 5, Line 110, Other Tuition & Transportation, of May 2004 Annual Town Meeting Warrant to be added to the amount appropriated under Article 5, Line 7, of May 2004 Annual Town Meeting, Town Insurance.

ARTICLE 3: To see if the Town will vote to fund the Highway Union Contract by voting to transfer a sum of money from Free Cash and/or the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting, Other Tuition & Transportation, to the following budget lines in Article 5 of the May 2004 Annual Town Meeting Warrant:

Article 5, Line 19 - Town Hall Custodian
Article 5, Line 72 - Disposal Operations & Other Wages
Article 5, Line 93 - Highway

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, unanimous to fund the Highway Union Contract by transferring \$11,600.00 from Receipts Reserved for Municipal Aid to be added to the amounts appropriated under the following budget lines in Article 5 of the May 2004 Annual Town Meeting Warrant:

Article 5, Line 19 - Town Hall Custodian - \$1,900.00

Article 5, Line 72 - Disposal Operations & Other Wages - \$1,200.00

Article 5, Line 93 - Highway - \$8,500.00

ARTICLE 4: To see if the Town will vote to amend the Hanson General By-Laws Article 2-1 **General Provisions Governing All Department, Boards, Committee Commission and Elected Offices, Sec. 10**, by deleting the text, and inserting in place thereof the following:

“All procurement of supplies and services shall be undertaken in accordance with the provisions of G.L. c.30B, G.L.c.149 Section. 44A through 44H, and G.L. c.30, Sec. 39M, and G.L. c.7, Section 38A1/2 through 38O, as they may be amended from time to time or any other applicable general or special law.”

or take any action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, voice to amend the Hanson General By-Laws Article 2-1 General Provisions Governing All Department, Boards, Committee Commission and Elected Offices, Sec. 10, by deleting the text, and inserting in place thereof the following:

“All procurement of supplies and services shall be undertaken in accordance with the provisions of G.L. c.30B, G.L.c.149 Section 44A through 44K, and G.L. c.30, Sec. 39M, and G.L. c.7, Section 38A1/2 through 38O, as they may be amended from time to time or any other applicable general or special law.”

ARTICLE 5: To see if the town will vote to transfer \$800.00 from free cash and/or the amounts appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting warrant, Other Tuition & Transportation, or stabilization funds, to the amounts appropriated under Article 5, Line 86A, of May 2004 Annual Town Meeting warrant, Patriotic Observance, or take any other action in relation thereto.

Proposed by Veterans' Agent

Finance Committee recommends.

VOTED Aye, unanimous to transfer \$800.00 from Receipts Reserved for Municipal Aid, to Article 5, Line 86A- Patriotic Observance, of the May 2004 Annual Town Meeting Warrant.

ARTICLE 6: To see if the Town will vote to appropriate or transfer from free cash and/or the stabilization fund a sum of money to Conservation Commission salaries & wages to fund the position of Full-time Conservation Agent, or take any other action in relation thereto.

Proposed by the Conservation Commission

Finance Committee does not recommend.

VOTED Aye 63, Nay 93 (motion defeated) to transfer \$11,500.00 from Receipts Reserved for Municipal Aid to Conservation Commission salaries & wages to fund the position of Full-time Conservation Agent

ARTICLE 7: To see if the Town will vote to transfer \$5,000.00 from free cash and/or the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting warrant, Other Tuition & Transportation, to be added to the amount appropriated under Article 5, Line 108, of May 2004 Annual Town Meeting warrant, Fire Department Expense; provided, however, that such appropriation shall only be expended if the Fire Act Grant is awarded to the Fire Department or take any other action in relation thereto.

Proposed by the Fire Chief

Finance Committee recommends.

VOTED Aye, voice to transfer \$5,000.00 from Receipts Reserved for Municipal Aid to be added to the amount appropriated under Article 5, Line 108, of May 2004 Annual Town Meeting warrant, Fire Department Expense; provided, however, that such appropriation shall only be expended if the Fire Act Grant is awarded to the Fire Department

ARTICLE 8: To see if the Town will vote to transfer from the Water Surplus an amount of monies to be added to the amounts appropriated under Article 19 of the October 2, 1995 Special Town Meeting, Water exploration, or take any other action in relation thereto.

Proposed by the Board of Water Commissioners

Finance Committee recommends.

VOTED Aye, voice to transfer \$75,000.00 from the Water Surplus Account to be added to the amounts appropriated under Article 19 of the October 2, 1995 Special Town Meeting, Water Exploration.

ARTICLE 9: To see if the Town will vote to transfer from free cash and/or the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting warrant, Other Tuition & Transportation, and/or stabilization a sum of money to replace the roof of the caretaker's house at Camp Kiwanee or take any other action in relation thereto.

Proposed by the Recreation Commission

Finance Committee recommends.

VOTED Aye, voice to transfer from Receipts Reserved for Municipal Aid the sum of \$3,000.00 to replace the roof of the caretaker's house at Camp Kiwanee.

ARTICLE 10: To see if the Town will vote to transfer from Free Cash and/or the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting warrant, Other Tuition & Transportation a sum of money for the purchase of an automatic diagnostic scan system for police and highway vehicles, associated software, modules and supporting computer work station or take any other action in relation thereto.

Proposed by the Police Chief & Highway Surveyor

Finance Committee recommends.

VOTED Aye, voice to transfer \$5,000.00 from the Receipts Reserved for Municipal Aid for the purchase of an automatic diagnostic scan system for police and highway vehicles, associated software, modules and supporting computer work station.

ARTICLE 11: To see if the Town will vote to transfer from free cash and/or transfer from the amount appropriated under Article 5, Line 110, of May 2004 Annual Town Meeting warrant, Other Tuition & Transportation, a sum of money to replace a malfunctioning 5-ton outdoor condensing unit for the Police Station's air conditioning system or take any other action in relation thereto.

Proposed by the Police Chief

Finance Committee recommends.

VOTED Aye, unanimous to transfer \$3,000.00 from the Receipts Reserved for Municipal Aid for the purchase and installation of a five-ton outdoor condensing unit for the Police Station's air conditioning system.

ARTICLE 12: To see if the Town will vote amend the Hanson Zoning Bylaw Section VII,F.,2., a, Site Plan Review, by making a ministerial, technical correction to the text by deleting the number “2” and inserting in place thereof the number “2” or take any other action in relation thereto.

Proposed by the Zoning By-law Committee

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye, unanimous Article 12 as printed in the warrant as follows: to amend the Hanson Zoning Bylaw Section VII,F.,2., a, Site Plan Review, by making a ministerial, technical correction to the text by deleting the number “3” and inserting in place thereof the number “2”.

ARTICLE 13: To see if the Town will vote to amend the Hanson Zoning Bylaw Section VII,B., Area, Frontage, Yard and Floor Area Requirements by making a ministerial, clerical amendment, deleting the word “*following*” after the word **Table** and inserting in place thereof the words “of Dimensional Requirements” or take any other action in relation thereto.

Proposed by the Zoning By-law Committee

Finance Committee refers to Town Meeting

Planning Board recommends.

VOTED Aye, unanimous Article 13 as printed in the warrant as follows: to amend the Hanson Zoning Bylaw Section VII,B., Area, Frontage, Yard and Floor Area Requirements by making a ministerial, clerical amendment, deleting the word “*following*” after the word **Table and inserting in place thereof the words “of Dimensional Requirements”**

ARTICLE 14: To see if the Town will vote to transfer from free cash, stabilization or available funds a sum of money to fund an update of the Hanson Planning Boards Rules and Regulations Governing the Subdivision of Land or take any other action in relation thereto.

Proposed by the Planning Board

Finance Committee recommends

VOTED Aye, voice to transfer \$8,000.00 from Receipts for Municipal Aid to fund an update of the Hanson Planning Boards Rules and Regulations Governing the Subdivision of Land.

ARTICLE 15: To see if the Town will vote to transfer from free cash, stabilization or available funds a sum of money to fund the upgrade of the position of Reference Librarian from the present 15 hours to 25 hours effective January 1, 2005 or take any other action in relation thereto.

Proposed by the Library Trustees

Finance Committee does not recommends.

VOTED Aye, voice to Pass Over.

ARTICLE 16: To see if the Town will appropriate by borrowing or by transfer from available funds the amount of \$219,000.00 or a greater or lesser sum of money for the purpose of repurchasing a certain parcel of land with the improvements thereon and easements appurtenant thereto located in Hanson, Massachusetts, which land is shown as “Lot 1 236285 SF 5.42

ACRES” (“Lot 1”) on a plan entitled “Approval Not Required Plan of Land in Hanson, MA Prepared for Baran Partners,” dated October 28, 2003, prepared by SITEC, which plan is recorded as Plan Number 246 of 2004 with the deed from the Town to Arbor House Associates Limited Partnership, dated January 13, 2004, recorded on April 9, 2004 with the Plymouth County Registry of Deeds in Book 27923, Page 179, pursuant to the Town’s option to repurchase said property set out in the Land Development Agreement (“Assisted Living Facility”) attached to said deed as Exhibit A and recorded therewith, and to authorize the Board of Selectmen to purchase said property either for monetary consideration or in consideration for the release by the Town of Arbor House Associates Limited Partnership’s obligations under its promissory note to the Town in the amount of \$219,000.00 and release of the mortgage securing said note, dated March 30, 2004, recorded with said Deeds in Book 27923, Page 211, and to authorize the Treasurer to discharge said note and the Board of Selectmen to release said mortgage upon such conveyance, or take any action relative thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye 150, Nay 5 (2/3’s achieved) to appropriate by transferring from Stabilization Account the amount of \$219,000.00 for the purpose of repurchasing a certain parcel of land with the improvements thereon and easements appurtenant thereto located in Hanson, Massachusetts, which land is shown as “Lot 1 236285 SF 5.42 ACRES” (“Lot 1”) on a plan entitled “Approval Not Required Plan of Land in Hanson, MA Prepared for Baran Partners,” dated October 28, 2003, prepared by SITEC, which plan is recorded as Plan Number 246 of 2004 with the deed from the Town to Arbor House Associates Limited Partnership, dated January 13, 2004, recorded on April 9, 2004 with the Plymouth County Registry of Deeds in Book 27923, Page 179, pursuant to the Town’s option to repurchase said property set out in the Land Development Agreement (“Assisted Living Facility”) attached to said deed as Exhibit A and recorded therewith, and to authorize the Board of Selectmen to purchase said property either for monetary consideration or in consideration for the release by the Town of Arbor House Associates Limited Partnership’s obligations under its promissory note to the Town in the amount of \$219,000.00 and release of the mortgage securing said note, dated March 30, 2004, recorded with said Deeds in Book 27923, Page 211, and to authorize the Treasurer to discharge said note and the Board of Selectmen to release said mortgage upon such conveyance, as printed and disseminated.

ARTICLE 17: To see if the Town will authorize the Board of Selectmen to repurchase a certain parcel of land with the improvements thereon and easements appurtenant thereto located in Hanson, Massachusetts, which land is shown as “Lot 2 720969 SF 16.55 ACRES” (“Lot 2”) on a plan entitled “Approval Not Required Plan of Land in Hanson, MA Prepared for Baran Partners,” dated October 28, 2003, prepared by SITEC, which plan is recorded with the Plymouth County Registry of Deeds as Plan Number 246 of 2004, which property is described in the deed from the Town to Hanson Gardens Limited Partnership, dated January 13, 2004, recorded on April 9, 2004 with said Deeds in Book 27923, Page 148, pursuant to the Town’s option to repurchase said property set out in the Land Development Agreement (“Independent Living Facility”) attached to said deed as Exhibit A and recorded therewith, the consideration for such purchase to be the release by the Town of Hanson Gardens Limited Partnership’s obligations under its promissory note to the Town in the amount of \$298,000.00 and release of the mortgage securing said note, dated March 30, 2004, recorded with said Deeds in Book 27923, Page 171, and to authorize the Treasurer to discharge said note and the Board of Selectmen to release said mortgage upon such conveyance, or take any action relative thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, unanimous authorize the Board of Selectmen to repurchase a certain parcel of land with the improvements thereon and easements appurtenant thereto located in Hanson, Massachusetts, which land is shown as “Lot 2 720969 SF 16.55 ACRES” (“Lot 2”) on a plan entitled “Approval Not Required Plan of Land in Hanson, MA Prepared for Baran Partners,” dated October 28, 2003, prepared by SITEC, which plan is recorded with the Plymouth County Registry of Deeds as Plan Number 246 of 2004, which property is described in the deed from the Town to Hanson Gardens Limited Partnership, dated January 13, 2004, recorded on April 9, 2004 with said Deeds in Book 27923, Page 148, pursuant to the Town’s option to repurchase said property set out in the Land Development Agreement (“Independent Living Facility”) attached to said deed as Exhibit A and recorded therewith, the consideration for such purchase to be the release by the Town of Hanson Gardens Limited Partnership’s obligations under its promissory note to the Town in the amount of \$298,000.00 and release of the mortgage securing said note, dated March 30, 2004, recorded with said Deeds in Book 27923, Page 171, and to authorize the Treasurer to discharge said note and the Board of Selectmen to release said mortgage upon such conveyance as printed and disseminated.

ARTICLE 18: To see if the Town will vote to order the Board of Selectmen to acquire, through whatever means necessary,

that land which has been turned over to Baran Partners, whether by Deed, easement, or any other method, and to take whatever legal action may be necessary and expend whatever monies may be necessary to do so, and, further, to provide the taxpayers and citizens of Hanson with a detailed financial accounting of all monies expended by the Town on the Plymouth County Hospital property since its purchase from Plymouth County or take any other action in relation thereto.

Proposed by Gordon B. Coyle
And 111 others

Finance Committee refers to Town Meeting.

VOTED Aye, voice to Pass Over.

ARTICLE 19: To see if the Town will vote to order the Board of Selectmen to use whatever means necessary to have Baran Partners remove, at their own expense, any and all construction material and equipment, including, but not limited to, trailers, fill, rubbish, trash, debris, waste, etc., which has been placed there by or caused to be placed there by Baran Partners or take any other action in relation thereto.

Proposed by Gordon B. Coyle
And 110 others

Finance Committee refers to Town Meeting.

VOTED Aye, voice to Pass Over.

ARTICLE 20: To see if the Town will vote to rescind the vote of Article 31 of the May 5, 2003 Special Town Meeting or take any other action in relation thereto.

Proposed by Paul J. Dias
And 133 others

Petitioners' Explanation: Article 31 of the May 5, 2003 Special Town Meeting authorized a tax increment financing plan between the Board of Selectmen and Baran Partners, a private developer, which would give a 20-year tax exemption of property taxes on the proposed Arbor House Assisted Living project at the Plymouth County Hospital property. We want this TIF vote rescinded. We feel if Baran Partners cannot do this project without a TIF, they shouldn't be doing this project in our town. Additionally, there was not TIF mentioned in the original request for proposal for this project. This TIF was proposed after Baran was chosen to do this project.

Finance Committee does not recommend.

VOTED Aye, voice to Pass Over.

VOTED Aye, voice to dissolve the meeting at 8:40 p.m.

A true copy , Attest:

Sandra E. Harris, CMC, CMMC
Town Clerk