

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October 2006 Special Town Meeting

Special Town Meeting
October 2, 2006

Moderator Charles W. Mann called the meeting to order at 7:30 p.m. in the auditorium of the Middle School with Robert Hayes, Michael Glennon and Paul Nichol appointed and sworn in as tellers.

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

The Pledge of Allegiance was recited by the Town Meeting and a moment of silence was observed in memory of deceased Moderator Michael Regan.

Moderator Charles W. Mann recognized State Representative Daniel K. Webster and introduced Congressman Stephen Lynch who spoke to the meeting.

A quorum was declared present.

ARTICLE 1: To see if the Town will vote to transfer a sum of money from Free Cash to pay unpaid bills from fiscal years 2005 and 2006 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee had no recommendation.

VOTED Aye, unanimous to transfer the sum of \$5,921.79 from Free Cash to unpaid bills from fiscal years 2005 and 2006.

ARTICLE 2: To see if the Town will vote to amend the Town of Hanson General Bylaws, Article 2 - 17, Streets and Highways, section 5, by deleting in the first sentence the words "the Annual" and inserting in it place the word "any" or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee refers to Town Meeting

VOTED Aye, unanimous to amend the Town of Hanson General Bylaws, Article 2 - 17, Streets and Highways, section 5, by deleting in the first sentence the words "the Annual" and inserting in it place the word "any".

ARTICLE 3: To see if the Town will transfer a sum of money from Free Cash and/or from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting to be use for the minor road improvements to private ways in accordance with Hanson General By-Laws Article 2-17, Sec. 5 Streets and Highways or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, unanimous transfer \$4,000.00 from the amounts appropriated in Article 5, Line 110 Other Tuition and

Transportation of the May 2006 Annual Town Meeting to be used for the minor road improvements to private ways in accordance with Hanson General By-Laws Article 2-17, Sec. 5 Streets and Highways.

ARTICLE 4: To see if the Town will vote to transfer from Free Cash and/or from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting the sum of \$7,000.00 to purchase one (1) two post 12,000 L.B. capacity vehicle lift or take any action in relation thereto.

Proposed by the Highway Surveyor

Finance Committee recommends.

VOTED Aye, unanimous to transfer from Free Cash the sum of \$7,000.00 to purchase one (1) two post 12,000 L.B. capacity vehicle lift.

ARTICLE 5: To see if the Town will vote to transfer from Free Cash and/or from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting the sum of \$9,990.00 to Article 5, Line 98, Street Signs and Lines to upgrade the Traffic Signals in the Town to L.E.D. energy efficient lights or take any action relation thereto.

Proposed by the Highway Surveyor

Finance Committee recommends.

VOTED Aye, unanimous to transfer from Article 5, Line 110 Other Tuition and Transportation the sum of \$9,990.00 to Article 5, Line 98, Street Signs and Lines to upgrade the Traffic Signals in the Town to L.E.D.

ARTICLE 6: To see if the Town will transfer a sum of money from Free Cash and/or Stabilization to Article 6 of the 1999 October Special Town Meeting for the demolition of the Plymouth County Hospital or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee has no recommendation.

VOTED Aye 162, Nay 59 to transfer \$35,000.00 from Free Cash to Article 6 of the 1999 October Special Town Meeting for the demolition of the burned portion of the Plymouth County Hospital.

ARTICLE 7: To see if the Town will vote to transfer a sum of money from Free Cash and/or Stabilization for the purchase of the property known as the Hanson Grange located at 782 Main Street as shown on Assessors Map 41, Lot 15 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee does not recommend.

VOTED Aye 38, Nay 158 to transfer \$150,000.00 from Free Cash for the purchase of the property known as the Hanson Grange located at 782 Main Street as shown on Assessors Map 41, Lot 15.

ARTICLE 8: To see if the Town will vote to transfer from Free Cash and/or from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting a sum of money to the amounts appropriated at the May 2006 Annual Town Meeting, Article 5, Line 9 Reserve Fund or take any action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

VOTED Aye, unanimous to transfer \$15,000.00 from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting to the amounts appropriated at the May 2006 Annual Town Meeting, Article 5, Line 9 Reserve Fund.

ARTICLE 9: To see if the town will vote to transfer a sum of money from Stabilization and/or free cash and/or from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting to replace the furnace at the Liberty Street Fire station or take any other action relative thereto.

Proposed by the Fire Chief

Finance Committee has no recommendation.

VOTED Aye, unanimous to transfer \$20,000.00 from Free Cash to replace the furnace at the Liberty Street Fire.

ARTICLE 10: To see if the Town will vote to transfer the sum of \$25,000.00 from free cash and/or from the amounts appropriated in Article 5, Line 110 Other Tuition and Transportation of the May 2006 Annual Town Meeting to seek a matching grant from Fields Pond Foundation or take any other action in relation thereto.

Proposed by the Hanson Recreation Commission

Finance Committee recommends.

VOTED Aye, voice to transfer the sum of \$25,000.00 from Free Cash to seek a matching grant from Fields Pond Foundation.

ARTICLE 11: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation creating a consolidated Department of Public Works, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, ~pass any vote or take any action relative thereto.

Proposed by the Board of Selectmen

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF HANSON

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

SECTION 1. *Notwithstanding the provisions of any general or special law to the contrary there is hereby established in the Town of Hanson, a department of public works, to be governed by a five-member board of public works. The board of public works shall have all the powers and duties now or from time to time vested by general law, special act, by-law or regulation in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in said town, to wit: -road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, park commissioners, cemetery commissioners, tree warden, moth superintendent and forestry department, and to the extent that such boards, departments and offices exist, they shall thereupon be abolished and the terms of the elected and appointed officials holding such offices shall be terminated. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished. Further, the board of public works shall have responsibility for recycling and transfer station maintenance and operations.*

The board of public works shall have such additional powers with respect to the furnishing of engineering services and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a board of public works, as the town, may, from time to time, by by-law provide, any other provisions of law to the contrary notwithstanding.

SECTION 2. *The board of public works, upon the recommendation of the Town Administrator, shall appoint and may remove a director of public works, who shall exercise and perform, under the supervision and direction of the board of public works, such powers, rights, and duties transferred to it from time to time. The director shall be responsible for the efficient exercise and performance of such powers, rights and duties. The town administrator*

shall negotiate an employment contract with the director for the salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of his duties or office, liability insurance, conditions of discipline, termination, dismissal, and reappointment, performance standards and leave, subject to the terms of the Town's personnel by-law, policies and regulations.

The director shall be specifically fitted by education, training and experience to perform the duties of said office. The director shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his or her duties, in such sum and upon the conditions as the board may require. Upon recommendation of the town administrator and approval of the board of public works, the director shall appoint and may remove such assistants, agents and employees as the exercise and performance of his or her powers, rights and duties may require.

The director shall keep full and complete records of the doings of the office and render to the board annually and as often as it may require a full report of all operations under his or her control during the period reported upon and make a synopsis of such reports for publication. The director shall keep the board fully advised as to the needs of the town within the scope of his or her duties, and shall furnish to the board each year upon its request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

The job performance of the director shall be evaluated, at least annually, by the town administrator after seeking input and recommendation from the board of public works. Evaluations shall be reviewed with the director, town administrator and a representative of the board of public works.

SECTION 3. *The board of selectmen shall appoint members of the board of public works for three year alternating terms. Any member of the board of public works may be removed by the Board of Selectmen for cause after the opportunity for a public hearing. Vacancies in the appointed membership shall be filled in the same manner as the original appointment. All five initial appointments shall take effect on a single date not later than six weeks following the effective date of this act and all persons appointed hereunder shall be sworn into office forthwith following their appointment.*

During the transitional period from the effective date of this act until the permanent appointments to the board of public works are made and take effect in accordance with the provisions of this section, the board of selectmen shall act as the board of public works and the town administrator shall assist the board of selectmen in carrying out the necessary duties thereof. As of the effective date of the appointment of at least a quorum of the board of public works, the board of selectman shall no longer act as the board of public works.

The town administrator, or board of public works appointed under the provisions of this paragraph, may, upon recommendation of the town administrator, appoint a temporary director of public works, subject to appropriation, to serve until such time as a permanent superintendent may be hired in accordance with section 2 of this act.

SECTION 4. *The director shall keep full and complete records of the doings of the office and render to the board as often as it may require a full report of all operations under the director's control during the period reporting upon.*

SECTION 5. *All persons employed by or under the supervision of the highway department, water department, cemetery department, and tree warden, and persons employed in recycling and transfer station operations and maintenance, recreation department, and buildings maintenance shall be transferred to the department immediately upon the effective date of this Act. All such transfers of employees shall be made without loss of pay, and without change of rating, seniority, retirement or pension rights, or any other privileges under any provision of law or by-law.*

SECTION 6. *All equipment owned by the town of Hanson and under the control of the various departments or for the purposes listed in section 5 of this act, upon the effective date of this act, shall be transferred to and be under the control and direction of the department .*

SECTION 7. *This act shall take effect upon passage.*

VOTED Nay, voice to authorize the Board of Selectmen to petition the General Court for special legislation creating a consolidated Department of Public Works, as set forth below as printed in the warrant.

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to sell the property formerly owned by Eddie Dixon, located on Woodbine Avenue, being the same property described in Final Decree in Tax Lien Case NO. 106849 recorded with the Plymouth County Registry of Deeds in Book 18603, Page 342 and described in Tax Collector's Deed recorded with said Deeds in Book 11518, Page 178, containing 13,000 square feet, more or less and being Map 3, Lot 32 and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary to sell such property, at such price as shall be determined by the Board of Selectmen or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee refers to Town Meeting.

VOTED Aye 165, Nay 1 (2/3's achieved) to authorize the Board of Selectmen to sell the property formerly owned by Eddie Dixon, located on Woodbine Avenue, as printed in the warrant.

ARTICLE 13: To see if the Town will vote to accept as a Town way, Tag Way and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson:

Tag Way as shown on a plan entitled: "Roadway As-Built Plan Tag Way in Hanson, Massachusetts (Plymouth County)
Prepared for Sheila Niksa, dated December 9, 2002, Revised July 21, 2005, Revised April 28, 2006."

or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to accept as a Town way, Tag Way as printed in the warrant.

ARTICLE 14: To see if the Town will vote to amend the Town of Hanson General Bylaws, Article 3-8, Town Property, section 5, by adding the following sentence: **whoever violates this section shall be punished by a fine of \$150.00.** or take any other action in relation thereto.

Proposed by the Highway Surveyor

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to amend the Town of Hanson General Bylaws, Article 3-8, Town Property, section 5, by adding the following sentence: "Whoever violates this section shall be punished by a fine of \$150.00."

ARTICLE 15: To see if the Town will vote to amend the Town of Hanson General Bylaws, Article 4-1, Enforcement, section 3, Fine Schedule, by amending the penalty for Article 3-8 Town Property, section 5 to read **\$150.00** or take any other action in relation thereto.

Proposed by the Highway Surveyor

Explanation: This is a follow-up to the previous Article by inserting the specific fine into the Fine Schedule of the General Bylaws.

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to amend the Town of Hanson General Bylaws, Article 4-1, Enforcement, section 3, Fine Schedule, by amending the penalty for Article 3-8 Town Property, section 5 to read "\$150.00".

ARTICLE 16: To see if the Town will vote to amend the Town of Hanson General Bylaws, Article 3 – 3 Residential Swimming Pools, Sec. 2A by deleting in the first sentence the word “five” and inserting in its place the word “four” or take any other action in relation thereto.

Proposed by the Building Inspector

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to Pass Over Article 16.

ARTICLE 17: To see if the Town will vote to amend the Town of Hanson General Bylaws, Article 3 – 3 Residential Swimming Pools, Sec. 2B by deleting the second sentence in its entirety and inserting in its place the following:

Doors of any dwelling which form a part of the enclosure need to be equipped with an alarm which produces an audible warning when the door opens.

or take any other action in relation thereto.

Proposed by the Building Inspector

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to Pass Over Article 17.

ARTICLE 18: To see if the Town will vote to accept for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of General Laws Chapter 39, Section 23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member’s absence from one session of such hearing, provided that certain conditions are met, or take any other action in relation thereto.

Proposed by the Planning Board

Finance Committee refers to Town Meeting.

VOTED Aye, voice to accept M.G.L. chapter 39, Section 23D for all town boards that conduct adjudicatory hearings.

ARTICLE 19: To see if the Town will vote to amend Section 2., of Article 2 – 14, Council for Elder Affairs, of the Hanson By-laws by adding after the word members, the words “and a minimum of 3 alternate members” or take any other action in relation thereto.

Proposed by the Council for Elder Affairs.

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to amend Section 2., of Article 2 – 14, Council for Elder Affairs, of the Hanson By-laws by adding after the word members, the words “and a minimum of 3 alternate members”.

ARTICLE 20: To see if the Town will vote to amend Section 2., of Article 2 – 14, Council for Elder Affairs, of the Hanson By-laws by adding after the word Chairman, the words “Vice-Chairman” or take any other action in relation thereto.

Proposed by the Council for Elder Affairs.

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to amend Section 3., of Article 2 – 14, Council for Elder Affairs, of the Hanson By-laws by adding after the word Chairman, the words “Vice-Chairman”.

ARTICLE 21: To see if the town will vote to amend Section VI.B.2 of the Hanson Zoning Bylaw by inserting a new subsection g. In-law Apartments and renumbering the rest of the section:

g. An in-law apartment is a housekeeping unit with a common means of egress and separate sleeping, cooking, and sanitary facilities that is contained within the structure of a single family dwelling. The intent of this provision is to provide dwelling units for persons who are related to the owner/occupant(s) of existing single family dwellings either by blood or marriage which may be allowed under the following conditions:

- The owner(s) must occupy either the principal residence or the in-law apartment.
 - There shall be not more than one in-law apartment within a single-family dwelling.
3. The in-law apartment shall be designed so that the appearance of the structure remains that of a one-family dwelling, subject further to the following conditions:
- The in-law apartment shall be a maximum of 900 square feet unless the unit is contained within the existing footprint or structure and shall conform with all applicable requirements of the zoning district.
 - Any additional entrance shall be located on the side or in the rear of the dwelling.
 - The principal residence and the in-law apartment shall be serviced and monitored by common gas, electric and water meters.
 - There shall be provided at least two (2) off-street parking spaces for the main dwelling and at least one (1) off-street parking space for the in-law apartment.
- A single family dwelling with an in-law apartment shall terminate upon any of the following events:
 - Sale of the premises.
 - Residence by any person other than a family member related by blood or marriage in either the main dwelling or in-law apartment.
 - Violation of any of the special permit restrictions imposed by the Board of Appeals
 - No in-law apartment shall be permitted prior to the issuance of a special permit by the Board of Appeals and a Building Permit by the Building Inspector. Upon receiving a special permit, the new owner(s) must file on subject property a Declaration of Covenants at the Plymouth County Registry of Deeds. The Declaration shall state that the right to rent a temporary in-law apartment ceases upon transfer of title. No building permit for an in-law apartment may be issued until a time-stamped copy of said recorded Declaration is provided to the Board of Appeals.
 - When a structure which has received a special permit for an in-law apartment is sold, the new owner(s), if they wish to continue to exercise the special permit, must, within ninety (90) days of the sale, apply to the Board of Appeals for a new special permit issued in their name stating that they will occupy one of the dwelling units in the structure as their permanent/primary residence, and shall conform to all of the criteria and conditions for in-law apartments and the approved special permit.

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Finance Committee refers to Town Meeting.
Planning Board recommends.

VOTED Aye, unanimous to approve Article 21 as written in the warrant.

ARTICLE 22: To see if the town will vote to amend Section II of the Hanson Zoning Bylaw by adding a new subsection In-Law Apartment: to read as follows and renumbering the rest of the section:

In-law Apartment:

An in-law apartment is a housekeeping unit, complete with a common means of egress and separate sleeping, cooking, and sanitary facilities that is contained within the structure of a single-family dwelling.

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye, unanimous to approve Article 22 as written in the warrant.

ARTICLE 23: To see if the town will vote to amend Section VII.E.1 of the Hanson Zoning Bylaw by deleting Item 1 and inserting in its place:

“1. Non-illuminated signs are permitted in all districts subject to the restrictions of Article 3-9 of the Town General Bylaws as follows:”

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye, unanimous to approve Article 23 as written in the warrant.

ARTICLE 24: To see if the town will vote to amend Section III.D of the Hanson Zoning Bylaw by inserting the word “required” before the word “frontage.”

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye, unanimous to approve Article 24 as written in the warrant.

ARTICLE 25: To see if the town will vote amend the Hanson Zoning Bylaw by inserting Section VII.EE: Temporary Signs as follows:

Temporary Signs:

1. Temporary signs may be authorized by the Zoning Enforcement Officer for agricultural, public, or charitable purposes.
2. Any temporary sign, including public and charitable signs, shall comply with Section VII.E. of this bylaw.
3. Temporary signs shall be constructed in a manner deemed safe by the Zoning Enforcement Officer and in no case shall such signs be attached to or supported by a portable contrivance, wheeled or not wheeled. No vehicle, trailer, balloon, kite, pennant, flag, banner, etc. shall be used as a temporary or permanent means of exhibiting a sign which may circumvent or derogate from the intent

of this bylaw.

4. Temporary signs shall be free-standing (i.e. not attached to a building, tree, post, pole, fence, rock, etc.) Construction shall be to the satisfaction of the Zoning Enforcement Officer as to material, colors and safety. The sign must be constructed to withstand strong winds. It must be placed at ground level only.
5. In a business or commercial-industrial district, the sign shall not exceed four feet in either width or height nor a total of 12 square feet. If a two-sided sign, the dimensions may apply to each side separately. In a residential area, the sign shall conform to all residential requirements and, in addition, in no case shall exceed six square feet.
6. No more than one temporary sign shall be permitted at one time on specific property. The sign shall be located within all property lines.
7. Temporary signs shall be allowed only for specific purposes not as semi-permanent displays. A "special sale" sign may be permitted (with a permit) for the actual duration of the sale or for two weeks, whichever is less, four times a year. Not more than four such sale signs shall be permitted in any one year for any one business. A new business may utilize a temporary sign (with a permit) for a period not to exceed two weeks prior to opening and three weeks after opening. These permits for temporary signs are not renewable, nor shall new permits be granted for essentially the same sign in a slightly different guise.
8. The purpose of a temporary sign, for the purposes of this bylaw, is for a special application or need and not as a means of circumventing the intent of the bylaw as to number of signs allowed on a property.
9. Signs on trash receptacles, benches, shelters and any other structures or similar units are not allowed.

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Explanation: This amendment would establish the conditions under which a temporary sign may be erected.
Requires 2/3's vote.

Finance Committee refers to Town Meeting.
Planning Board recommends.

VOTED Aye, unanimous to approve Article 25 as written in the warrant.

ARTICLE 26: To see of the town will vote to amend Section II of the Hanson Zoning Bylaw by adding a new subsection: Temporary Sign: to read as follows and renumbering the rest of the section:

Temporary Sign:

Any sign not intended to be displayed or maintained permanently.

or take any other action in relation thereto.

Proposed by the Zoning Bylaw Committee

Finance Committee refers to Town Meeting.
Planning Board recommends.

VOTED Aye unanimous to approve Article 26 as printed in the warrant.

VOTED Aye to dissolve the meeting at 9:35 p.m.

A true copy, Attest:

Sandra E. Harris, CMC, CMMC
Town Clerk