

Town of Hanson
542 Liberty Street, Hanson, MA 02341

October Special Town Meeting

Special Town Meeting
October 1, 2007

Moderator Charles W. Mann called the meeting to order at 7:38 p.m. in the auditorium of the Middle School with Barbara Murphy, Robert Hayes and William Clay appointed and sworn in to serve 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 retired Police Chief Kenneth Mackenzie and retired Assistant Town Accountant Pauline Darsch.

A quorum was declared present with 107 voters in attendance.

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 2006 and 2007 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This articles funds unpaid bills for previous fiscal years. Requires 9/10 vote.

Finance Committee recommends.

VOTED Aye unanimous to transfer \$23.41 from Free Cash to pay unpaid bills from fiscal year 2007.

ARTICLE 2: To see if the Town will vote to transfer from Free Cash the sum of \$7,000 to hire an actuarial firm to value the Town's post-employment benefit obligation for all Town employees, including retirees, in accordance with GASB 45 or take any other action in relation thereto.

Proposed by the Treasurer/Collector and Town Accountant

Explanation: The Governmental Accounting Standards Board issued Statement No. 45, which requires that state and local government employers account for and report the annual cost and obligations related to post-employment healthcare and other non-pension benefits. The report to be issued will offer improved information about the cost of providing post-employment benefits and how to more adequately fund these obligations.

Finance Committee recommends.

VOTED Aye, voice to transfer from Free Cash the sum of \$7,000 to hire an actuarial firm to value the Town's post-employment benefit obligation for all Town employees, including retirees, in accordance with GASB 45.

ARTICLE 3: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2007 Annual Town Meeting and/or Free Cash to fund retirement buy-outs or take any other action in relation thereto.

Proposed by Treasurer/Collector

Explanation: This will fund the Buy-Outs for employees as they retire (i.e. sick time, vacation, etc.)

Finance Committee recommends.

VOTED Aye, voice to transfer \$25,000.00 from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2007 Annual Town Meeting to fund retirement buy-outs.

ARTICLE 4: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2007 Annual Town Meeting and/or Free Cash to the amount appropriated to Article 5, Line 40, Treas/Collector Wages or take any other action in relation thereto.

Proposed by the Town Administrator

Explanation: Current salary \$58,849 to the Town Administrator's recommended amount of \$61,800.00.

Finance Committee does not recommend.

VOTED Nay, voice to transfer \$2,950.00 from Free Cash to the amount appropriated to the May 2007 Annual Town Meeting, Article 5, Line 40, Treasurer/Collector Wages.

ARTICLE 5: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2007 Annual Town Meeting and/or Free Cash to the amount appropriated to Article 5, Line 76, Health Board Other Wages or take any other action in relation thereto.

Proposed by the Town Administrator

Explanation: Current salary \$52,018 to Town Administrator recommended amount of \$55,108.00.

Finance Committee does not recommend.

VOTED Nay, voice to transfer \$3,090.00 Free Cash to the amount appropriated to the May 2007 Annual Town Meeting Article 5, Line 76, Health Board Other Wages.

ARTICLE 6: To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2007 Annual Town Meeting and/or Free Cash to the amount appropriated to Article 5, Line 20, Town Building Expense or take any other action in relation thereto.

Proposed by the Town Administrator

Explanation: These funds are needed to slice seed the lawn and repair the irrigation system at the Town Hall.

Finance Committee does not recommend.

VOTED Nay, voice to transfer \$2,000.00 from Free Cash to the amount appropriated to the May 2007 Annual Town Meeting, Article 5, Line 20, Town Building Expense.

ARTICLE 7: To see if the Town will vote to transfer a sum of money from Free Cash to be added to the amount appropriated to the May 2007 Annual Town Meeting, Article 5, Line 22, Fire Department Building maintenance or take any other action in relation thereto.

Proposed by the Fire Chief

Explanation: These funds are needed to replace seven (7) windows at Fire Headquarters, Repair/replace 2 heat/AC units and have the parking lot crack seal and seal coated.

Finance Committee recommends.

VOTED Aye, voice to transfer from Free Cash the sum of \$9,816.00 to be added to the amount appropriated in the May 2007 Annual Town Meeting Article 5, line 22, Fire Department Building Maintenance.

ARTICLE 8: To see if the Town will vote to raise and appropriate by taxation, transfer from free cash and/or transfer from the stabilization Fund a sum of money to be added to the Capital Improvement Fund or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: This article sets up the funding for the Capital Improvement Articles.

VOTED Aye, voice to transfer from Free Cash \$146,800.00 to be added to the Capital Improvement Fund.

ARTICLE 9: To see if the Town will vote to transfer a sum of money from the Capital Improvement fund to fund the purchase of portable radios for the Police Department under the direction of the Police Chief or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: There is a federal mandate to have all emergency response teams on the same frequency by early 2008. The Police Department's existing equipment cannot operate on the designated frequency and cannot be retrofitted to do so.

Finance Committee recommends.

VOTED Aye, voice to transfer \$31,800.00 from the Capital Improvement Fund to purchase portable radios for the Police Department.

ARTICLE 10: To see if the Town will vote to transfer a sum of money from the Capital Improvement fund to remodel the kitchen at Camp Kiwanee under the direction of the Recreation Commission or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: The kitchen is in bad repair and is an obstacle to securing rentals requiring better kitchen facilities.

Finance Committee recommends.

VOTED Aye, voice to transfer \$20,000.00 from the Capital Improvement Fund to remodel the kitchen at Camp Kiwanee.

ARTICLE 11 To see if the Town will vote to transfer a sum of money from the Capital Improvement fund to fund the purchase of a jet rodder for the Highway Department under the direction of the Highway Surveyor or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: The Highway Department does not currently have a useful piece of equipment for unplugging drainpipes that run beneath the roads. The equipment is expensive to rent, and the Town might even be able to offset some of the initial cost by renting it out to nearby communities.

Finance Committee recommends to Pass Over

VOTED Aye, voice to Pass Over.

ARTICLE 12: To see if the Town will vote to transfer a sum of money from the Capital Improvement fund for drainage improvements around the Town under the direction of the Board of Selectmen and the Highway Surveyor or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: A sum of money is usually appropriated annually for dealing with existing drainage problems

throughout the Town.

Finance Committee recommends.

VOTED Aye, voice to transfer \$25,000.00 from the Capital Improvement Fund for drainage improvements around the town.

ARTICLE 13: To see if the Town will vote to transfer a sum of money from the Capital Improvement fund to fund the first year of a three year lease/purchase of a new one ton dump truck for the Highway Department under the direction of the Highway Surveyor or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: This is to replace a 11+ year old vehicle which as become too expensive to maintain.

Finance Committee recommends.

VOTED Aye voice to transfer \$45,000.00 from Capital Improvement Fund to purchase a new one ton dump truck for the Highway Department.

ARTICLE 14: To see if the Town will vote to transfer a sum of money from the Capital Improvement fund to fund the construction of a new softball field under the direction of the Parks & Fields Commission or take any other action in relation thereto.

Proposed by the Capital Improvement Committee

Explanation: The girls' softball league has only two fields they can currently use for their games and practices. The league has grown in size and needs an additional field.

VOTED Aye, voice to construct a new softball field contingent on receiving a State Grant.

ARTICLE 15: To see if the Town will vote to transfer a sum of money from available Free Cash and/or transfer from the amount appropriated at the May 2007 Annual Town Meeting, Article 5, Line 110, Other Tuition and Transportation, to remove several dead trees on our public ways or take any other action in relation thereto:

Proposed by the Tree Warden

Explanation: Due to the fact that the last three to four years we have experienced a heavy infestation of various species of caterpillars that have defoliated many hardwood trees, specifically oak trees, causing the trees to die. This sum of money will not fund removal of all the dead trees, however with the cooperation and assistance from National Grid, we should be able to prioritize and remove the most dangerous trees.

Finance Committee recommends.

VOTED Aye, voice to transfer the sum of \$35,000.00 from the May 2007 Annual Town Meeting, Article 5, line 110, Other Tuition and Transportation to remove several dead trees on our public ways.

ARTICLE 16: To see if the town will vote to transfer the sum of \$5,100 from free cash and/or stabilization for the highway department to do repair work necessary to the Camp Kiwanee 1991 Ford F-350 truck, or take any other action hereinto.

Proposed by the Recreation Commission

Explanation: the truck is not in working order and is in need of these repairs to allow us to properly maintain the property at Camp Kiwanee.

Finance Committee does not recommend.

VOTED Aye, voice to Pass Over.

ARTICLE 17: To see if the Town will vote to transfer from Free Cash the sum of \$18,145.00 to be added to the amount

appropriated at the May 2007 Annual Town Meeting Article 5, line 10, Town Vehicles, or take any other action in relation thereto.

Proposed by the Police Chief

Explanation: This amount will fund the first payment of a three-year lease for the replacement of two police cruisers. This item was submitted within the annual Town Vehicle operating budget in May 2007 but was level funded.

Finance Committee recommends.

VOTED Aye, voice to transfer from Free Cash the sum of \$18,145.00 to be added to the amount appropriated at the May 2007 Annual Town Meeting Article 5, line 10, Town Vehicles.

ARTICLE 18: To see if the town will vote to transfer \$1,250.00 from Article 18 of the May 3, 1999 Special town meeting, to the amount appropriated to Article 5, line 85, Veterans Expenses of the May 2007 Annual Town Meeting, or take any other action thereto.

Proposed by the Veteran's Agent

Explanation: Money from this article will be used to fund the Article above and maintain other veteran's memorial squares in Hanson

Finance Committee recommends.

VOTED Aye, voice to accept Article 18 as printed in the warrant.

ARTICLE 19: To see if the town will vote to name the Intersection of County Road & Independence Ave. in honor of Sgt. William J. Callahan, USMC, who died last may under hostile conditions in Iraq, or take any other action there to.

Proposed by the Veteran's Agent

Explanation: Article is self explanatory

Finance Committee recommends.

VOTED Aye, voice to accept Article 19 as printed in the warrant.

ARTICLE 20: To see if the Town will vote to hear the report of the Plymouth County Hospital Re-Utilization Committee or take any other action in relation thereto.

Proposed by the Plymouth County Hospital Re-Utilization Committee

Explanation: Presentation by the PCH Re-utilization Comm.

Finance Committee refers to Town Meeting.

VOTED Aye, voice to hear the report of the Plymouth County Hospital Re-Utilization Committee.

ARTICLE 21: To see if the Town will vote to transfer a sum of money from Free Cash and/or transfer from the amounts appropriated at the May 2007 Annual Town Meeting, Article 5, Line 110, Other Tuition and Transportation to update the needs assessment study for the Plymouth County Hospital Building and parcel or take any other action in relation thereto.

Proposed by the Plymouth County Hospital Re-Utilization Committee

Explanation: A needs assessment for an assisted living facility had been conducted several years ago. These funds are needed to update that study.

VOTED Aye, voice to transfer \$2,500.00 from Free Cash to update the needs assessment study for the Plymouth County Hospital Building and parcel.

ARTICLE 22: To see if the town will vote to authorize the Board of Selectmen, subject to the updated needs assessment, to lease the 5.42 acre portion of the Plymouth County Hospital property Parcel 49-1 to the Hanson Housing Authority for the term of 99 years at \$1.00 per annum to develop an Aging in Place Facility or take any other action in relation thereto.

Proposed by the Plymouth County Hospital Re-Utilization Committee

Explanation: The Committee recommends leasing the hospital portion of the property to for development by the Housing Authority.

Finance Committee refers to Town Meeting.

VOTED Aye, unanimous to authorize the Board of Selectmen, subject to the updated needs assessment, to lease the 5.42 acre portion of the Plymouth County Hospital property Parcel 49-1 to the Hanson Housing Authority for the term of 99 years at \$1.00 per annum to develop an Aging in Place Facility

ARTICLE 23: To see if the Town will vote to transfer a sum of money from available Free Cash and/or transfer from the amounts appropriated at the May 2007 Annual Town Meeting, Article 5, Line 110, Other Tuition and Transportation to Stabilization or take any other action in relation thereto.

Proposed by the Town Administrator

Explanation: These funds will be used to replenish the amounts taken from the Stabilization Fund at previous Town Meetings.

Finance Committee recommends.

VOTED Aye, unanimous to transfer \$60,000.00 from Free Cash to be added to the Stabilization Fund.

ARTICLE 24: To see if the Town will vote to amend the General Bylaws Article 2-1, **General Provisions Governing All Departments, Boards, Committees, Commissions and Elected Officers**, Section 2 by deleting the last sentence and in its place inserting three new sentences as follows: "Within forty-five days of the Town Administrator's request, such estimates and explanations shall be submitted to the Town Administrator. The Town Administrator shall prepare, assemble and present annually to the Board of Selectmen for its review and approval a budget for the ensuing fiscal year. Seven (7) copies of the recommended estimated budget shall be forwarded to the Finance Committee on or before January 31st. Additionally, one copy of the budget shall be forwarded to the Town Accountant." or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These changes are necessary to correct any conflicts between the Town's General By-laws and the Town Administrator Special Act.

VOTED Aye, voice to amend the General Bylaws Article 2-1, General Provisions Governing All Departments, Boards, Committees, Commissions and Elected Officers, Section 2 as printed in the warrant.

ARTICLE 25: To see if the Town will vote to amend the General Bylaws Article 2-1; **General Provisions Governing All Departments, Boards, Committees, Commissions and Elected Officers**; Section 11 by adding the words "Town Administrator and" to the 4th and 6th sentences before the words "Town Accountant" or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These changes are necessary to correct any conflicts between the Town's General By-laws and the Town Administrator Special Act.

VOTED Aye, voice to amend the General Bylaws Article 2-1; General Provisions Governing All Departments, Boards,

Committees, Commissions and Elected Officers; Section 11 as printed in the warrant.

ARTICLE 26: To see if the Town will vote to amend the General Bylaws Article 2-11, **Capital Improvement**, section 1 by deleting the words “Executive Secretary” and in their place insert the words “Town Administrator” or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These changes are necessary to correct any conflicts between the Town’s General By-laws and the Town Administrator Special Act.

VOTED Aye, voice to amend the General Bylaws Article 2-11, Capital Improvement, section 1 as printed in the warrant.

ARTICLE 27: To see if the Town will vote to amend the General Bylaws Article 2-12, **Classification and Compensation** by adding at the end of Section 1C, subsection c. the words “and the Chief of the Fire Department”; by deleting in subsection e. the words “Executive Secretary” and in their place inserting the words “Town Administrator”; by adding a new subsection i. as follows “Covered by a negotiated contract between the Board of Selectmen and the Conservation Agent”.

And

by deleting section 2B in its entirety and replacing it with a new section 2B as follows: “2B. The Board of Selectmen shall serve as the Personnel Board. The Town Administrator shall serve as the Personnel Director of the Town responsible for the administration of all personnel matters, including personnel by-laws and all personnel policies and regulations that the Board of Selectmen may adopt. This shall include the enforcement of personnel policies, rules and regulations and managing personnel costs, including salaries, benefits, overtime, and use of town-owned vehicles for employees under the jurisdiction of the Board of Selectmen. ”

And

By deleting sections 2C and 2D in their entirety,

And

By deleting section 3B in its entirety and replacing it with a new Section 3B as follows: 3B The Board shall, immediately following the annual election, meet and organize by electing a chairman and clerk whose appointment will run concurrent as that of the Board of Selectmen.

And

By deleting section 3G in its entirety and replacing it with a new section 3G as follows: “3G. The Board shall make a general report for inclusion in the Annual Town Report.”

And

By deleting in section 3H the word “Officer” and in its place inserting the word “Director”.

And

By deleting section 7A in its entirety and replacing it with a new section 7A as follows: “7A. Every employee in a position covered by this by-law must be considered for an increase in compensation within their classification annually. Annual increases are not automatic but based on the evaluation by the Town Administrator of the employees ability and work performance.”

And

By deleting section 8A in its entirety and replacing it with a new section 8A as follows: “8A. HIRING. The Town Administrator will recommend appointments and hires to the relevant appointing authority.”

And

By deleting in section 8C the words “Department Head” and in their place inserting the words “Town Administrator”.

And

By deleting in section 8D the words “Personnel Board” and in their place inserting the words “Town Administrator”, deleting the last sentence and in its place inserting a new sentence as follows: “The Town Administrator shall recommend the appointment or removal to the appointing authority.”

And

By deleting section 8G TERMINATION, in its entirety and replacing it with a new section 8G as follows: “ 8G. TERMINATION An employee may be terminated from employment by the Town Administrator for just cause after the employee has been given a written warning by the Department Head; fails to show adequate improvement in work performance during the warning period; and the relevant appointing body votes affirmatively for termination.”

And

By deleting in section 9A the words “Executive Secretary” and in their place inserting the words “Town Administrator”

And

By adding to Section 11C: PART TIME POSITIONS, the following:

	<u>7/1/06</u>	<u>7/1/07</u>
Transfer Station Attendant	xxxx	\$15.28 -\$17.92
Senior Center Support Staff	xxxx	\$ 8.00 - \$10.00

And

By adding to SECTION 12 D VACATION LEAVE, Section a, a new subsection 5 as follows:

“5. An employee who has completed twenty (20) continuous years of service shall be granted twenty-seven (27) days of vacation leave.” and adding a new subsection 6. as follows: “ An employee who has completed twenty-five (25) continuous years of service shall be granted thirty (30) days of vacation leave with regular pay.”

And

By deleting Section 12E SICK LEAVE in its entirety and replacing it with a new section 12E SICK LEAVE as follows:

“SECTION 12E. SICK LEAVE

- Unlimited sick leave shall be granted for sickness or injury to the employee.
- Sick leave shall be considered to be absence from duty without loss of pay for the following reasons:

Employee's illness or injury except where directly traceable to an employer other than the Town or to a work-related injury or illness covered by Massachusetts General Laws or an intentionally self-inflicted injury.

Medical, optical or dental treatment required for an employee when such treatment cannot be accomplished on off-duty hours.

When serious illness of any employee's immediate family requires his/her personal attendance

- No sick leave shall be refused for an obvious personal injury or a situation requiring non-elective surgery. If a dispute arises concerning a return date for employment, procedures set forth under C2, item b of this Article shall be followed.
 - Abuse or falsification of any of the sick leave provisions shall be cause for disciplinary action.
 - Notification of absence shall be given to the Selectmen's Office as early as possible on the first day of absence.
 - Payments under the provisions of this Article shall be limited, in the case of an employee who is receiving Workmen's Compensation payments, to the difference between the amount paid in Workmen's Compensation and the employee's regular rate. This co-payment shall not go or be extended beyond a period of six (6) months duration.
- Sick leave shall be granted in accordance with the following provisions:
 - Sick days granted numbering one (1) through ten (10) in a given absence shall be under the direct supervision of the Town Administrator and all such leave shall be subject to his approval, and such approval shall not unreasonable be withheld.
 - On or before the completion of the tenth consecutive sick day, the Town Administrator shall convene the Board of Review, said Board of Review to consist of a member of the Board of Selectmen, the Town Administrator and the Department Head. The Board of Review shall conduct a hearing and by majority vote, take action on any of the following recommendations:
 - Extend the sick leave for a specified amount of time, with full pay or proportion thereof, and conduct another hearing upon expiration of the time specified.
 - Require the individual to produce a medical certificate and/or their own examination of the individual by a recognized medical authority.
 - Terminate the sick leave. If the individual remains absent from employment, it will be without pay, and the Review Board may recommend disciplinary action to follow.
 - Make a recommendation that steps be taken to terminate the individual's employment.
 - Any employee who retires prior to June 30, 2009 shall be entitled to buy back their accumulated sick time at a rate of one day's pay for each three(3) days of the unused portion of the employee's accumulated sick leave. Said employees will continue to accumulate their sick leave at a rate of one and one quarter (1 ¼) days per month until retirement. In the event of death of an employee, the employee's estate, shall be given one days pay for each three days of the unused portion of the employee's accumulated sick leave. However, in no event shall the total accumulated sick leave exceed 165 days.
 - The Department Head is required to accurately record each employees attendance; noting tardiness, vacation, holiday pay, illness and other absences. This shall be submitted to the Town Administrator on forms designated by him/her.
 - The Town Administrator and/or Department Head may require a physicians examination and statement of an employees fitness to return to work following an employee's absence due to injury or sickness. Such examination and statement to be at the expense of the Town.

- Injury, illness, or disability self-imposed, or resulting from the use of drugs shall not be considered a proper claim for leave under this section.
- Payments made under the provisions of this section shall be limited in the case of an employee who is receiving Workman's Compensation payments to the difference between the amount paid in Workman's Compensation and the employees regular rate. But in no case shall such sick leave increments extend beyond a period of six (6) months.
- Sick leave payment shall be granted at the employee's regular

rate of pay unless otherwise specified as in Section 12E.c. Sick leave may be granted by the Department Head for a single day absence due to illness, injury, or regular medical, optical or dental treatment.

- Nothing in this section shall be construed to conflict with Section 100 of

Chapter 41 of the General Laws.”

And

By deleting in Section 12K. PHYSICAL EXAMINATION subsection c. in its entirety and replacing it with a new subsection c. as follows: “c. The Town Administrator shall ensure that applicants have successfully passed a physical examination prior to job acceptance.”

Or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These changes are necessary to correct any conflicts between the Town’s General By-laws and the Town Administrator Special Act and change benefits to be on par with union contracts.

VOTED Aye, voice to amend the General Bylaws Article 2-12, Classification and Compensation as printed in the warrant.

ARTICLE 28: To see if the Town will vote to amend the General By-Laws Article 2-1, General Provisions Governing All Departments, Section 5 by inserting a new Section 5A as follows:

Sec. 5A. All Department Heads serving under a Board, Committee or Commission shall have their weekly payroll approved by the Board, Committee or Commission, a designee of such Board, Committee or Commission or the Town Administrator before submission to the Town Accountant for processing. All other non-elected Department heads shall have their weekly payroll approved by the Town Administrator before submission to the Town Accountant for processing.

The payrolls for all other Town employees shall be signed by the applicable Department head, Board, Committee or Commission or designee of such Board, Committee or Commission responsible for overseeing such Department.

No payroll shall be submitted without the signature(s) of the aforementioned authorized individuals, the only exceptions shall be made for absence due to illness or vacation. In the case of such absence, the authorized party may designate an individual within the Department to assume payroll signing authority provided that such designation is also approved by the Town Administrator.

or take any other action in relation thereto.

Proposed by the Town Accountant

Explanation: This By-law change allows for flexibility when signing payroll when the authorized signatory is not available due to illness or vacation.

Finance Committee recommends.

VOTED Aye, voice to amend the General By-Laws Article 2-1, General Provisions Governing All Departments, Section 5 by inserting a new Section 5A as printed in the warrant.

ARTICLE 29: To see if the Town will vote to amend the General By-Laws Article 2-1, General Provisions Governing All Departments, Section 5 by inserting a new Section 5B as follows:

Sec. 5B All bills submitted for payment to the Town Accountant must be approved by the applicable Board, Committee or Commission, a designee of such Board, Committee, or Commission, or Department Head.

No bills shall be submitted without the signature(s) of the aforementioned authorized individuals, the only exceptions shall be made for absence due to illness or vacation. In the case of such absence, the authorized party may designate an individual within the Department to assume invoice signing authority provided that such designation is also approved by the Town Administrator.

Authorized individuals also may allow a designated employee of the Department to sign individual invoices, but in such a case, the authorized individual(s) must sign the voucher listing all bills to be paid on the warrant.

or take any other action in relation thereto.

Proposed by the Town Accountant

Explanation: This By-law change allows for flexibility when signing invoices when the authorized signatory is not available due to illness or vacation.

Finance Committee recommends.

VOTED Aye, voice to amend the General By-Laws Article 2-1, General Provisions Governing All Departments, Section 5 by inserting a new Section 5B as printed in the warrant.

ARTICLE 30: To see if the Town will vote to amend the Hanson Zoning Bylaw by adding Section XII, Determination of Adequate Access to read as follows:

DETERMINATION OF ADEQUATE ACCESS

- Purpose

The purpose of this bylaw is to set forth a procedure and standards by which the Planning Board may determine whether the access is adequate to one or more lots on a private way. In addition, the procedures set forth in this bylaw for improvements to a private way are designed to reduce the likelihood of drainage and erosion problems and ensure that improvements, when completed, result in a positive determination.

- A building permit may be issued by the Building Inspector when the lot has required frontage on an accepted street. Otherwise, the Building Inspector shall not issue a building permit until the Planning Board has made a Determination of Adequate Access.
- Application for Adequate Access Determination
 - Submittal Requirements – Applicants for an Adequate Access Determination shall submit the following items to the Planning Board:
 - A written request for an adequate access determination signed by the landowner seeking the determination.
 - The name of the private way on which a determination is being sought.
 - The assessor's parcel number for the lot(s) for which a determination is being sought.
 - d. A locus map which shows adjacent ways and is sufficient to locate the way and parcel.

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- Planning Board Procedure - Upon receipt of a completed request for an Adequate Access Determination, the

Planning Board will schedule the request for its next available meeting.

- Review Standards - The Planning Board will consider the following criteria in determining whether a private way is of sufficient width, suitable grades and adequate construction:

- The roadway surface must be a minimum of 15 feet of bituminous concrete.
- The adequacy of or need for drainage along the roadway.
- The number of existing and potential lots.
- The slope of the roadway.

e. Adequate water supply.

The Board's decision shall be based on the conditions that exist at the time the Adequate Access Determination is requested.

- Decision - The Planning board will vote to issue a positive or a negative Determination of Adequate Access 60 days after the public hearing is closed. The Board's decision will be issued in writing with reasons set forth and a copy shall be provided to the Building Inspector.

- Positive Determination: The issuance of a positive determination will be permitted when all improvements have been completed to the satisfaction of the Planning Board's review engineer.
- Negative Determination: The Building Department will not issue building permits when a negative determination is made by the Planning Board.

D. Improvements to Private Ways

The Planning Board recommends that the following review and approval procedure be undertaken by those applicants seeking to improve private ways.

1. Submittal requirements - Applicants seeking to improve private ways shall submit the following requirements to the Planning Board. When all these conditions have been met, the Building Department may issue a building permit if the plan complies with zoning requirements.

- a. Eight (8) sets of Road Construction Plans showing proposed improvements to the way at a scale of 1" = 40' or greater in plan and profile view signed by a registered professional engineer. Improvements must be made from the nearest "way" across the required frontage of the lot.
- b. An estimate of the number of potential lots that could be served by the way based on existing zoning if a positive determination were issued.
- c. An administrative fee and an escrow account to cover the costs of a review engineer in amounts to be determined by the Planning Board. An applicant may also be required to establish a bond depending upon the scope of the project.
- d. A certified list of all abutters to the way that is being developed. If two ways are being improved, all abutters to both ways must be notified.
- e. A statement whether or not the applicant intends to have the way accepted by the town.

Applicants may request a pre-application meeting with the Planning Board to discuss appropriate waivers and construction standards.

- Public Hearing Requirements

- The Planning Board shall conduct a public hearing on the proposed improvements with notice provided at least 14 days prior in a newspaper of local circulation. Applicants must pay the cost of advertising the public hearing.
- The Planning Board shall request comments from the Highway Department, Fire Department, Police Department, Conservation Commission, Water Department, Building Department and Board of Health.

- 3. Review Standards - Based on site conditions, road improvements shall generally be constructed to the following minimum standards:

- Pavement width shall be a minimum of 15 feet and should be constructed as follows: 3 inches of bituminous concrete on a 12 inch minimum gravel base (1 ½ inches of binder course, 1 ½ inches of wearing course) or existing asphalt penetration that has shown its ability to withstand the traffic flow.
- Drainage – Depending on topography and other site conditions, curbing, catch basins or other drainage structures may be required.~ In all cases, appropriate provision for water run-off shall be made so that it leads into a drainage system, no water will be directed onto any abutting property, and no erosion will result.
- Tapering – Where necessary, newly constructed segments of an unaccepted way shall be “tapered back” to provide a safe transition to the cross section of the existing ways.
- The Planning Board will consider comments received pursuant to Section 2(b) in reviewing proposed road improvements.
- One or more of these conditions may be waived by the Planning Board if the applicant can show by clear and convincing evidence that the requested waivers do not derogate from the intent of the Zoning Bylaw.

- Decision:

- Following the public hearing, the Planning Board will determine that either
 - The improvements are sufficient to allow the issuance of a Positive Determination with conditions.
 - The improvements with modifications are sufficient to allow the issuance of a Positive Determination with conditions.
 - The improvements are insufficient, in which case the plan shall be denied.
- The Board shall have 60 days after the public hearing is closed to issue a written decision.

- Completion of Improvements

- Prior to commencing construction, the applicant will be required to pay for the cost of construction oversight by the Planning Board’s designee. Any unexpended funds will be returned to the applicant following completion of work.
- After improvements are completed in accordance with approved plans and the Planning Board is so notified,

the Planning Board shall issue a positive Determination of Adequate Access and shall notify the Building Department and the applicant in writing of its decision.

or take any other action in relation thereto.

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Proposed by the Zoning Bylaw Committee

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Explanation:~ This article will clarify the process for a Determination of Adequate Access by the Hanson Planning Board. It is similar to a bylaw that is working well in a neighboring community.

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Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye, unanimous to amend the Hanson Zoning Bylaw by adding section XII, Determination of Adequate Access, in the fashion outlined in the handout distributed before this town meeting and on file in the office of the Town Clerk.

ARTICLE 31: To see if the Town will vote to amend the Hanson Zoning Bylaw VI.B.2, Residence A and Residence AA Districts by adding the following.

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- h. Any use determined to be of similar character to the permitted uses of this district and to the intent of the district, said determination to be made by the Board of Appeals following petition of the land owner or owners.

or take any other action in relation thereto.

~

Proposed by the Zoning Bylaw Committee

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Explanation: This provision was inadvertently deleted from the zoning bylaw in 2006.

Finance Committee refers to Town Meeting.

Planning Board recommends.

VOTED Aye, unanimous to approve Article 31 as written in the warrant.

ARTICLE 32: To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act (CPA), by approving a surcharge on real property for the purposes permitted by said Act, including for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation, and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as one and one half (1.5%) percent of the annual real estate tax levy against real property; and establish the following exemptions from such surcharge as permitted under Section 3(e) of said Act: (1) the first \$100,000 of taxable value of residential real estate and (2) property owned and occupied by a person who would qualify for low income housing or low or moderate income senior housing in the Community. Each fiscal year, upon recommendation of the Community Preservation Committee (CPC), Town Meeting shall spend or set aside for future spending the following share of Community Preservation Fund revenues: ten percent (10%) for open space, ten percent (10%) for historic resources and ten percent (10%) for community housing; the remaining seventy percent (70%) shall be spent on any of the aforementioned three (3) purposes (open space, including land for recreational use, historic resources and community housing), at the discretion of the community of Hanson or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The Community Preservation Act (CPA), Sections 3 to 7, inclusive of Chapter 44B of the General Laws, went into effect in December 2000. It allows cities and towns in Massachusetts to add a small surcharge to local property taxes to acquire and protect open space, to preserve historic buildings and landscapes, to create and support community housing, and to develop outdoor recreational facilities. It provides state matching funds allowing a community to raise considerable revenues for a small investment. The Commonwealth has distributed \$180 million dollars in state

matching funds so far to participating communities.

It provides state matching funds of between 5% and 100% of what a community raises each year with its CPA surcharge.

Finance Committee recommends.

VOTED Aye, voice to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation, and restoration of historic resources; the acquisition, creation and preservation of land for recreational use; the creation, preservation and support of community housing; and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be one and one half percent (1.5%) of the annual real estate tax levy against real property; and that the Town accept the following exemptions from such surcharge permitted under Section 3(e) of said Act: (1) \$100,000 of the value of each taxable parcel of residential real property, and (2) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town.

ARTICLE 33: To see if the Town will vote to transfer the care, custody and control of the parcel of land known as the Moylen property, located off Elm Street, shown as Assessors Map 27, Parcel 2, and described in the deed recorded with the Plymouth County Registry of Deeds in Book 6884, Page 253, containing 7.73 acres of land, more or less, from the Collector for tax purposes, to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey the fee simple interest in such land to the Commonwealth of Massachusetts Division of Fisheries & Wildlife, upon such terms and conditions, and for such consideration, as the Board of Selectmen shall determine to be appropriate, or take any other action relative thereto.

Proposed by the Board of Selectmen

Explanation: This parcel has been acquired through a tax taking. The parcel is landlocked between properties acquired by Mass. Department of Fisheries and Wildlife.

Finance Committee recommends.

VOTED Aye, voice to Pass Over.

ARTICLE 34: : To see if the Town will vote to authorize the Board of Selectmen to seek Legislative approval sufficient to allow the Board of Selectmen to grant a conservation restriction to the Commonwealth of Massachusetts Division of Fisheries & Wildlife on a parcel of land known as the Smith Nawazelski Conservation Area, located off Elm Street, shown as Assessors Map 20, Parcel 1-1, and described in the deed recorded with the Plymouth County Registry of Deeds in Book 9308, Page 74, containing 101 acres of land, more or less, upon such terms and conditions, and for such consideration, as the Board of Selectmen shall determine to be appropriate, or take any other action relative thereto..

Proposed by the Board of Selectmen

Explanation: The Conservation Restriction to the Mass. Dept. of Fisheries and Wildlife, in an amount to be negotiated, subject to appraisal and approval of Mass. Dept. of Fisheries and Wildlife, would grant development rights and conservation restrictions to the property. The Town of Hanson, would maintain ownership and control of the property.

Finance Committee recommends.

VOTED Aye, unanimous to authorize the Board of Selectmen to seek Legislative approval sufficient to allow the Board of Selectmen to grant a conservation restriction to the Commonwealth of Massachusetts Division of Fisheries & Wildlife on a parcel of land known as the Smith Nawazelski Conservation Area, as printed in the warrant.

ARTICLE 35: 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, voice to accept as a Town way, Tag Way as printed in the warrant.

VOTED Aye, voice to dissolve the meeting at 9:00 p.m.

A true copy of the vote, Attest:

Sandra E. Harris, CMC, CMMC
Town Clerk