

Meeting Minutes of the Hanover Select Board Regular Meeting held in a Hybrid Format with both in person attendees in the First Floor Hearing Room of Hanover Town Hall as well as remote attendees via Zoom videoconference, on Monday, October 2, 2023 @ 7:00pm.

Call meeting to order and Pledge of Allegiance

At 7:00pm the Chair called the meeting to order.

Present at Town Hall were Chair Vanessa O'Connor, Vice Chair Rhonda Nyman, Selectman David Delaney, Selectman John Tuzik and Selectman Steve Louko.

Also present at Town Hall were Town Manager Joe Colangelo (TM), and Director of Public Affairs, Licensing and Insurances Janet Tierney (DPA).

All rose and recited the Pledge of Allegiance.

Public Comments

In accordance with Select Board Policy 2-6, the Chair stated the Board will now be moving into the public comment section of this meeting. There is a time limit of 3 minutes per individual once you are recognized by the Chair. The Select Board highly encourages the public to uphold civil discourse and not engage in behavior that may impede the meeting. This applies to those appearing before the Board in person and those appearing virtually. We request that when you speak during the public comment period, you introduce yourself with your name and address. Public comments shall be directed to the Select Board. Generally, there will be no response from the Board.

The Chair requested any public comments, seeing none.

Meeting Minutes

The Chair requested any questions or comments on the Meeting Minutes of September 18, 2023, seeing none. The Board voted to approve the Meeting Minutes of September 18, 2023.

The Chair requested any questions or comments on the Executive Session Minutes of September 5, 2023 and September 18, 2023, seeing none.

The Board voted to approve the Executive Session Minutes of September 5, 2023 and September 18, 2023.

Consider the Appointment of Special Town Counsel to Represent the Town in matters regarding the General Election

The Chair announced that she would be taking Agenda Item 11 out of order at the request of the Town Clerk.

Town Clerk Catherine Harder Bernier appeared before the Board via Zoom, however she was experiencing technical difficulties with her sound. The Chair and Town Manager presented the Town Clerk's request to the Board. The Chair informed all that as the upcoming election will be a significant one, the Clerk had requested that the Town appoint a Special Counsel that would be on hand to handle any election issues that may come up in order to continue to run a good election.

TM confirmed that the Special Counsel would handle issues specifically related to the General Election. TM informed all that the Special Counsel, if approved, would have a very narrowly tailored purpose and purview, would only be used for issues regarding elections and the fees would

Approved
10/23/2023

be required to fit within the Town's legal budget and not increase the size of that budget.

The Clerk joined the meeting via Zoom.

She requested that the time specified for the appointment be expanded to cover the entire election cycle from January 1, 2024 to January 20, 2025, however the Clerk stated that she does not anticipate needing to use the Special Counsel.

The Chair requested any questions or comments. Vice Chair Nyman noted that most candidates hire their own attorneys and asked if the Secretary of State can be used as a resource for this purpose, and how much the Special Counsel would cost to hire. The Clerk confirmed that the Special Counsel would be used just for the General Election, at a rate of \$330 an hour. The Vice Chair inquired if Town Counsel could be used for this. TM informed all that Town Counsel is very knowledgeable in all things however this is a very niche area of the law and it makes sense to have someone that the Clerk can make a quick phone call to with experience in this field.

Selectman Louko asked if there is a cost or any nonrefundable fees to retain this Special Counsel. TM informed all that it is strictly an hourly rate with no retainer and no cost for not doing business. The Chair commented that as the timeframe of the appointment is limited and the fees must fit within the existing legal budget it makes sense to retain this Special Counsel

Selectman Tuzik asked if the law firm will be chosen by TM.

TM informed all that the law firm would be KP Law. The Clerk informed all that the appointee would be Attorney Lauren Goldberg of KP Law who is a statewide expert in the field, and if necessary she has a Jr. Associate who can assist her as well.

The Chair requested any questions or comments seeing none.

The Board voted to appoint KP Law as Special Town Counsel from the period of January 1, 2024 to January 20, 2025 to represent the Town in matters regarding the 2024 election cycle.

Chair O'Connor, aye, Selectman Louko, aye, Selectman Tuzik abstained from voting, Vice Chair Nyman abstained from voting, Selectman Delaney, aye,

Chair stated that she will work with TM and the Clerk to revise the engagement letter, and returned back to the normal order of the Agenda.

Licensing and Permitting

Consider Approval of the 4 Day – Special “One Day” Liquor License Application from Michael Snowdale of Stellwagen Beer Company for the Country Ski Expo November 9, 2023 to November 12, 2023.

DPA presented the application to the Board, noting that the applicant had reached out to the Police Department to arrange for the required Police Details and will need to reach out to the Health Department regarding the food to be served at the event.

The Chair requested any questions or comments. Selectman Delaney commented that he has attended this event in years past and it is a very well attended event with a lot of business being done and people enjoying themselves. He added that it is not so much a drinking event as a ski sale with beer and food as the icing on the cake and it is very well organized and under control. The Chair commented that she would like to attend, and Selectman Louko commented that it is a very well-run event. The beer and food adds to the atmosphere and is under control and the event is very well done. The Chair requested any further questions or comments, seeing none.

The Board voted to approve the 4 Day Special “One Day” Liquor License application from Michael Snowdale of Stellwagen Beer Company for the Country Ski Expo November 9th through November 12th, 2023.

Consider approving the deadline of 12:00 Noon on Tuesday, November 28, 2023 for submitting this year’s December 31st and January 1st License Renewal Applications.

DPA presented her request for approval of a November 28, 2023 deadline for submission of December 31st and January 31st License Renewal Applications.

The Board voted to approve 12:00 Noon on Tuesday, November 28, 2023 as the deadline for submission of the December 31st and January 31st Licensing Renewal Applications.

Presentation

Overview of Services Provided by the Community Services Department

Community Services Director Tammy Murray (CSD) appeared before the Board and presented an Overview of the Services Provided by the Community Services Department Presentation, [attached](#).

The Chair commented that Amanda Kinsherb is doing great work as part time Veterans Service Officer (VSO), and asked if there has been any discussion of bumping her up to full time VSO.

CSD informed the Board that once the Town is financially able to post the position of Veterans Service Officer it will be posted, and all applications will be looked at at that time.

TM informed all that legally speaking the Town needs to have a full time VSO. There had been talks of shared services but that ship has sailed so the Town will be posting for the full time VSO position soon. TM further noted that Amanda has done a tremendous job in her part time role and is an all-star.

The Chair requested any questions or comments. Selectman Louko expressed an interest in having programming running on all three channels even it if is older content as opposed to an informational billboard or state news. CSD agreed to look into that.

Vice Chair Nyman thanked CSD for coming and all who work over at the COA for all that they do for the senior community.

Budgeting and Finance

TM provided an overview of the Draft FY2025 Capital Budget + 5 Year Plan, [attached](#), noting that the largest ticket item is the \$5 million-dollar water treatment plant upgrade to continue bringing PFAS levels down to the new acceptable standards. TM agreed to have the Director of Public Works, Victor Diniak, come to a future meeting to speak further on the changes to the acceptable levels of PFAS. The Chair expressed an interest to hear more about the proposed water treatment plant upgrades at that time and whether they just involve more GAC or if there are other additional improvements to be made.

The Chair requested any questions or comments.

Selectman Louko inquired about money shown as appropriated at the last town meeting and not spent yet. Tm informed all that the Sylvester sprinklers have not been installed yet but it is anticipated that the sprinklers and basement access will be completed by the end of this calendar year. TM also informed all that the Council on Aging Study is currently ongoing.

The Chair confirmed that TM is looking for feedback from the Board on items being considered

for inclusion in the FY2025 Capital Budget + 5 Year Capital Plan and agreed to have the Board provide that.

Initial review of the 2024 Annual Town Meeting Warrant Articles

TM provided an overview of the Initial Draft 2024 Annual Town Meeting Warrant Articles, [attached](#), noting that this is not a proposed Warrant, but just a first review before the Warrant is set. The Chair encouraged anyone interested in bringing forth a Petition Article for this year's Annual Town Meeting Warrant, to begin looking into the process involved now as it does require some work to get it on the ballot and some potential review if it will require a change to the Bylaws. The Chair requested any comments or questions on the first review of the Initial Draft Annual Town Meeting Warrant. Vice Chair Nyman inquired if the Articles regarding an override are to cover the operational needs for the budget. TM informed all that on November 6th it will become evident that in order for services to remain constant where they are and also address continued increased needs from the School Department, we will likely have to consider doing an override this year for operational expenses. TM further noted that TM and the Board will, on November 6th, start going over what the world would look like if an operational override is approved for FY25 and we move forward with that, and also what the world will look like if an operational override either doesn't make it on the warrant or makes it on the warrant and isn't approved. TM stated he doesn't think there is any getting away from having this difficult discussion this year. TM confirmed that it will have to go before the Board to determine whether or not the warrant includes a Proposition 2 ½ override request, and if so, TM believes it will then require a floor vote and a ballot vote but he is going to confirm that with the Finance Director. The Chair requested any further questions or comments on this topic, seeing none. The Chair thanked TM and stated that the Board will continue to review and discuss this topic as we get into the season.

Continued Discussion regarding the 9-18-23 Presentation from the United States Environmental Protection Agency on the Former National Fireworks Site, [attached](#).

TM informed all that Hanson has had their meeting with the United States Environmental Protection Agency regarding the Former National Fireworks Site last Tuesday and received the same presentation from the same people that Hanover had, and Pembroke is scheduled to have theirs later in October. TM informed the Board that he had touched base with his colleagues in Pembroke and Hanson and inquired if they would like to hold a tri-town meeting on the topic, but hasn't heard back from them yet.

TM stated he is aware that the Board would like to make a determination on this one way or another before Thanksgiving which TM thinks is a reasonable goal. TM stated that we obviously want to give people all the time we can to ask questions and have their concerns addressed to the extent that we can. The Chair stated she definitely wants Hanover residents to have a forum that gives them opportunity to speak on the issue and have a conversation, as opposed to the informational meeting we had a couple of weeks ago. The Chair stated that she does want to be cognizant of the timing and how long we will wait for the other towns to move their processes forward because while she does want to be collaborative to the extent we can, she doesn't think anyone would question that Hanover has the most skin in the game, and she does want to make sure that we are moving our decision forward in order to minimize any potential time that the site is closed or that

we are slowing the process down. The Chair asked for any additional questions or comments on this topic. Selectman Louko stated that he agrees with the Chair that the other towns will look to Hanover to be decisive and take the lead on it because Hanover does have the most skin in the game. The Chair asked for any additional questions or comments, seeing none. The Chair requested that TM leave this topic on the Agenda so the Board can get an update when Pembroke has their meeting and hear whether the other towns are interested in moving forward so the Board will know whether Hanover will have that additional forum on our own or with them as well.

Executive Session

TM informed the Chair that there is no need to have a discussion of the Litigation Strategy as it relates to the Former National Fireworks Site this evening. The Chair announced that the Board will not be having a discussion regarding the Former National Fireworks Site during this evening's Executive Session.

At 8:00pm, in accordance with MGL Chapter 30A, §21(a)3, the Chair requested a roll call vote to enter into executive session to discuss strategy with respect to Collective Bargaining Agreement Negotiations with the Fire Fighter's Union as a discussion of these topics in Open Session could have a detrimental impact on the Bargaining position of the public body.

The Chair announced that the Board will be returning to Open Session.

Roll call vote: Selectman Louko, aye, Selectman Delaney, aye, Chair O'Connor, aye, Vice Chair Nyman, aye, Selectman Tuzik, aye.

Return to Open Session

At 8:10pm the Board returned to Open Session

Consider Approval of a Memorandum of Understanding with the Firefighter's Union

The Chair stated that the Board is not prepared at this point to approve a Memo of Understanding with the Firefighter's Union which was Agenda Item number 16. The Chair stated that she anticipates the Board will return to this at a later date, but for the purposes of this evening there is no action to be taken and therefore the Chair adjourned the meeting.

Adjourn

The meeting ended and adjourned at 8:11pm.