

Meeting Minutes of the Hanover Select Board Special Meeting held in a Hybrid Format with both in person attendees in the First Floor Hearing Room of Town Hall as well as remote attendees via Zoom videoconference, on Tuesday, June 20th, 2023 @ 6:30 pm.

Call meeting to order and Pledge of Allegiance

At 6:30pm the Chair called the meeting to order.

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

Also present at Town Hall were Town Manager Joe Colangelo (TM), Director of Public Affairs, Licensing and Insurances Janet Tierney (DPA), and Student Interns Luke Hoyes, Vanessa Bulman and Sean Dever.

All rose and recited the Pledge of Allegiance.

Public Comments and Meeting Minutes

The Chair requested any public comments, reminding those present that going forward there will be a 3-minute limit per person for public comments, seeing none.

DPA informed the Board that a correction had been made to the Draft Minutes and the corrected version was provided at each Board Members seat.

The Chair asked for any questions or comments, seeing none.

The Board voted to approve the Meeting Minutes of June 5, 2023.

Select Board Goal Setting

The Chair presented the [List of Select Board Goals](#) based on the discussion from the last Goal Setting meeting.

Selectman Delaney joined the meeting.

The Chair requested any questions or comments on the list, seeing none, and invited comments or thoughts on the list moving forward.

TM agreed to post the Goals List to the Town's website.

Licensing

Hanover Day Carnival License Application from Rockwell Amusements & Promotions

DPA presented the [application from Rockwell Amusements & Promotions](#), 10 Red Oak Drive, Johnston, RI, 02919 to the Board. Cultural Council Members Kerianne Lynch and Karen Cass joined the meeting via Zoom and offered to answer any questions the Board may have. Ms. Cass informed all that the Council Members met with the Department Heads at the field today and the inspections will be taking place on Friday. The Chair requested any questions or comments, seeing none. The Board voted to approve the Carnival License Application from Rockwell Amusements & Promotions, subject to the conditions listed in the application.

Cardinal Cushing Centers Fun Run Road Race Application

DPA presented the [Road Race Application from Cardinal Cushing Centers](#), 405 Washington Street, Hanover, MA 02339. Pam Eddy from Cardinal Cushing joined the meeting via Zoom and spoke with the Board regarding the proposed Fun Run. The Chair requested any questions or

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comments from the Board, seeing none. The Board voted to approve Cardinal Cushing Centers Fun Run Road Race application.

Finance

Consider Adopting Fiscal Year 2024 Ambulance Billing Rates

Deputy Fire Chief Fred Freeman appeared before the Board and informed all that in response to Selectman Louko's question from the previous meeting, the Medicare rates are set by regulation, backed up by law and it is across the healthcare industry not just EMS, therefore, balance billing is not an option.

The Chair asked for any comments or questions, seeing none.

The Board voted to approve the Ambulance Billing Rates as proposed at the Select Board's June 5, 2023 meeting by Chief Cavallaro, [attached](#).

Consider Adopting of Fiscal Year 2024 Water Rates

Director of Public Works Victor Diniak appeared before the Board.

The Chair discussed the three water rate scenarios presented at the last meeting.

The Chair asked for any questions or comments regarding the scenarios, seeing none.

The Board voted to adopt Scenario 2 Fiscal Year 2024 Water Rates as presented by DPW Director Victor Diniak at the June 5, 2023 Select Board Meeting, [attached](#).

Plymouth County Retirement Cost-of-Living-Adjustment (COLA) Proposal

Plymouth County Treasurer Thomas O'Brien and Plymouth County Commissioner Jared Valanzola appeared before the Board and discussed the Plymouth County Retirement Cost-of-Living-Adjustment (COLA) Proposal, [attached](#), with the Board and TM. The Board expressed a desire for better communication in the future as the members were not afforded enough time to have any meaningful input into the discussion prior to the deadline for signing, and requested more notice of something like this is coming down the pipeline in order to make more informed decisions. Treasurer O'Brien apologized for not communicating well in this instance and informed the Board that that is why he was present this evening and will try to provide better communication in the future. The Board voted to approve the Plymouth County Retirement Association Cost of Living Adjustment (COLA) Proposal. Treasurer O'Brien stated that if the Board needs him here in the future, please call him and he and Commissioner Valanzola would come back.

Municipal Electricity Aggregation Program Presentation from MASS POWERChoice

Marlana Patton and Paul Gromer of MASS POWERChoice appeared before the Board and presented "The MASS POWERChoice Municipal Electricity Aggregation for Hanover, MA" presentation to the Board, [attached](#). The Board discussed the presentation with Ms. Patton and Mr. Gromer. The Chair asked for any questions or comments. Resident Jerry Leon appeared before the Board and asked about the options that will be available through the program. Ms. Patton informed all that the Town will decide how many options will be available, as well as the amount of renewable content within those options.

The Board voted in favor of authorizing TM to enter into a contract with MASS POWERChoice with regards to Municipal Aggregation for the Town of Hanover. Selectman Louko abstained from voting, Selectman Delaney, aye, Chair O'Connor, aye, Vice Chair Nyman, aye, Selectman Tuzik, aye.

The Board took a 5-minute recess, after which the Chair called the meeting back to order.

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Dangerous Dog Appeal Hearing

Kevin and Shana Burke (**CAUTION** : Graphic photos of injuries included in the attached documents), [Second Appeal Hearing regarding the Dog Order issued on “Loki” Burke](#) November 10, 2022.

Town Counsel Dan Brown provided a brief background on tonight’s hearing and informed all that the standard of review for this appeal is the same as the Magistrate’s standard, specifically was TM’s decision regarding the order made with proper cause and in good faith. Shana Burke’s Attorney Jeremy Cohen argued the case on behalf of the Burkes. TM summarized the instances he took into account in making his decision to issue the order on Loki Burke. Town Counsel clarified for Attorney Cohen and the Board Members, that the Board is using an improper cause and bad faith standard of review on the Town Manager’s decision. Attorney Cohen made his final statements. The Chair asked for any comments or questions for Attorney Cohen. Selectman Louko asked for information on the other case Attorney Cohen had referenced in his Argument. Hanover Animal Control and Care Officer Lee-Ann Meehl provided the Board with that information. The Chair asked for any further questions, seeing none. The Chair requested any further discussion on this matter from the Board Members. Selectman Delaney stated that upon reviewing the decision letter from Paul Fullam the Clerk Magistrate of Hingham District Court, and understanding the direction that Attorney Brown has given the Board Members, it is clear the standard of review is whether or not Town Manager Joe Colangelo acted in bad faith or without proper cause when issuing the order on Loki Burke. Selectman Delaney stated that based upon the evidence, it appears to Selectman Delaney, that Joe Colangelo acted in good faith based on the evidence he had before him, and based upon what Selectman Delaney has heard, with proper cause. Attorney Brown clarified for all that the scope of review was given to the Board by Attorney Brown and not the Magistrate, and confirmed for the Chair that such scope was shared with Attorney Cohen prior to the meeting. The Board voted to uphold the decision of the Town Manager at the November Dog Hearing for Loki Burke. Chair O’Connor, aye, Vice Chair Nyman, aye, Selectman Delaney, aye, Selectman Tuzik, aye, Selectman Louko, opposed.

Fiscal Year 2024 (almost) Year End Update

TM informed the Board that overall the Town will end up in the black. He further stated that there may be a need for one or two municipal relief transfers which will require Advisory Committee and Select Board approval, but on the whole FY24 is shaping up to end well.

Initial Discussion of the Fiscal Year 2025 Budget Development

TM informed all that FY25 will likely be very difficult as we start putting together the budget this fall and into the winter. TM predicted a need for a discussion based in reality about whether to allow voters to be presented with the opportunity to have an override, and if not, what sort of substantive reductions in spending and therefore services would the Board be willing to put on the table. TM stated that it is his job as Town Manager to get this information out there to start preparing all to have some difficult discussions we haven’t had as a Town, Select Board, Community in this millennium. TM further stated that we will likely start to have these productive, proactive discussions earlier in the year as opposed to having reactive conversations. The Chair thanked TM for his work as well as those on the School side for their work on getting

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this process underway sooner rather than later, in order to have these meaningful discussions. When asked why things will take this turn, TM informed all that we know the ARPA funding will drop off midway through Fiscal Year 25, and the Town has made conscious decisions to fund some operational expenses, i.e. the Town Planner position, etc. through ARPA funding, so that will hurt us. Also, the Regional dispatch center, the ROCCC, has been paid through grant funding which is ending, and those costs will start coming due in Fiscal Year 25. We know on the School side special education costs keep rising and transportation costs keep rising, and those aren't likely to go down. We now have another \$100,000 obligation to Plymouth County. Therefore, TM summarized that we have a number of things working against us which will make maintaining level services within the prop 2 ½ threshold pretty close to impossible going into Fiscal Year 25. TM restated that a reduction of services or asking the voters to consider an override in May will have to be considered.

Town Manager Report

TM provided the Board with the following updates on ongoing and upcoming projects in Town: Paving is going well and moving along. The Turf field project at the High School has begun, noting that the field will be unusable for most of the Summer and hopefully the project will be done before the first football game. The Cedar School Vestibule work has started. The Middle School Water project will begin July 1st, or shortly thereafter. The King Street water project is going out to bid and hopefully will begin in September. TM reminded all that Hanover Day Festivities are this Friday and Saturday, noting that he had the opportunity to judge the Art Competition which was a lot of fun.

Select Board Forum

Vice Chair Nyman mentioned that she had the opportunity to attend the Ryan's grand opening, and encouraged all to go there, noting it was very well done and there is a lot for the kids to do there. The Chair requested any further comments from the Board, seeing none.

Executive Session

At 8:53 pm, in accordance with MGL Chapter 30A, §21(a)3, the Chair requested a roll call vote to enter into Executive Session in order to discuss strategy with respect to Collective Bargaining Agreement Negotiations with the Police Union and the Fire Fighter's Union, and to discuss litigating strategy regarding the Former National Fireworks Site, as a discussion of these topics in open session could have a detrimental effect on the bargaining and litigating 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.

The Board moved into Executive Session at 8:53 pm.

Return to Open Session

At 10:15 pm, the Board returned to Open Session.

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Union Contracts

Consider Approving a Memorandum of Agreement with the Hanover Police Union for a New Contract Effective July 1, 2023 ending June 30, 2026

The Chair requested any comments before moving forward with a motion, seeing none.

The Board voted to approve the [Memorandum of Agreement with the Hanover Police Union for a new contract effective July 1, 2023, ending June 30, 2026](#), in the form presented to the Board during Executive Session.

Adjourn

The meeting ended and adjourned at 10:18 pm.

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