

Meeting Minutes of Regular Meeting of Hanover Board of Selectmen held at Town Hall on Monday, August 15, 2016 @ 7:00 PM.

Present were Chairman Brian Barthelmes, Vice-Chairman Susan Setterland, Selectmen, Robert S. O'Rourke, David R. Delaney and John C. Tuzik. Also present: Assistant Town Manager Anthony Marino and Executive Assistant Ann Lee. Town Manager Troy B.G. Clarkson was unable to attend.

At 7:00 PM Chairman Barthelmes opened the meeting and asked if any member of the audience had any comment or discussion item for the Open Forum portion of the meeting; no response.

At 7:04 p.m. Chairman Barthelmes read the following hearing notice: this Hearing is being held in accordance with MGL c. 138 §64 to determine whether you have violated certain provisions of MGL or the Alcoholic Beverages Control Commission Regulations, to wit; 204 CMR 2.0(2) permitting an illegality on the licensed premise to wit: MGL c. 138 §34 sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count). The alleged violation occurred at approximately 22:00 hours on Friday, July 1, 2016. The Board provided notice to Leanne Pearson, Manager 7-Eleven of Massachusetts, Inc. on July 18, 2016. Chairman Barthelmes called the hearing to order and administered the Selectmen's Hearing Oath to Lt. Gregory Nihan, Police Detective Stephen Moar, and Jean Allan (District Manager), Leanne Pearson (Manager on Record) and Frannie Davenport who appeared on behalf of 7-Eleven. Lt. Nihan referenced the attached letter dated July 5, 2016 which was provided to the Board on July 5th. Attorney Leslie St. Germain represented 7-Eleven and noted they do not dispute the facts presented by the Police Department and explained the license change from Tedeschi's to 7-Eleven highlighting the rules and regulations employees learn while being trained; noted the Policy changes since the violation; which was a one warning for an employee it is now immediate termination for not asking for identification with the purchase of alcohol, if patrons are not carded the employee will be terminated immediately, now an out of state ID requires a second governmental ID, a system is in place for false codes which prevents an employee from entering a random code and they are reviewed by the Manager on Record daily. Attorney St. Germain noted the employee remained on staff with the transition from Tedeschi and trained under Tedeschi systems; 7-Eleven training is stricter, all employees have been retrained since this incident. Detective Moar provided a review of the Police report dated 07/02/16 (attached). The employee who handled the transaction is currently employed and has been required to re-train and is being monitored by his supervisor. All employees have been TIPS trained. At 7:17 PM Chairman Barthelmes closed the hearing for the 7-Eleven Store, 228 Columbia Road, Hanover. Vice-Chair Setterland noted how seriously the BOS takes these offenses and the Board recognizes the recent transfer of the license and with that made a motion that the alcoholic beverage licensee operating as 7-Eleven at 228 Columbia Road be issued a letter or reprimand for the service of alcohol to a minor with a strong admonition that further violations will result in more severe punishment, up to and including suspension or revocation of the license, Selectman O'Rourke seconded the motion; all were in favor.

The Board voted to set the time for the Special Town Meeting on September 26th for 7:00 p.m.

The Board voted to open the Special Town Meeting Warrant until Monday, August 29th at 12:00 p.m.

The Board voted to proclaim the week of October 3rd through October 10th as Visiting Nurse Week.

The Board voted to ratify the Moderator's re-appointment of:

- William Scarpelli, Community Preservation Committee, term to expire 6-30-19
- Mary Dunn, Open Space Committee, term to expire 6-30-19
- John Ferraro, Open Space Committee, term to expire 6-30-19
- Nate Harris, Open Space Committee, term to expire 6-30-18

The Board met with Town Planner Peter Matchak who provided a PowerPoint presentation on Municipal Power Aggregation.

The Board met with the Town Clerk and Joseph DeFerrari who provided a review of the proposed "Welcome Packet".

The Board met with Charles Van Buren regarding a change of manager request for Buffalo Wild Wings. Mr. Van Buren explained his prior experience with his families business in New York; the Board emphasized they take licensing seriously and to keep a good track record. The Board voted to accept the change of manager to Charles Van Buren.

The Board met with Stephen Carroll (Chairman) and John Barry members of the Fireworks Site Focus Committee. Mr. Carroll noted the need for an experienced environmental attorney to help with the Committee; the Committee has met with Town Counsel but feels the experience of an environmental attorney would be in the Town's best interest; DEP is not being forth coming with information. Chairman Barthelmes inquired if a request has been made to access funds from DEP; Acting Town Manager Tony Marino noted they have not. Selectman O'Rourke requested the Committee reach out to our State Representative and State Senator. Mr. Carroll noted once the remedial report is issued there is 20 days to respond an experienced attorney is needed. Chairman Barthelmes noted he supports hiring outside counsel and to request funds from the State to pay for the oversight. The Committee requested to write the scope and start the interview process. The Board voted Stephen Carroll be named the designated contact person on the Fireworks Study Committee and that Stephen Carroll and Amy Walkey continue to move forward and seek counsel and come back to the Board with recommendations and a budget of what the cost would be.

The Board voted to approve and signed the 624 Circuit Street Purchase and Sales Agreement, as presented.

The Board met with Caleb Estabrooks and conducted an interview regarding an appointment to the Historical Commission; the Board voted to appoint Caleb Estabrooks to the Historical Commission, term to expire on June 30, 2019.

The Board voted to approve the 2016 Special Town Meeting & Special Town Election Calendar as recommended by the Town Clerk.

Chairman Barthelmes read the following statement regarding the Briarwood Kennels Dog Hearing.

This matter comes before the Board of Selectmen pursuant to Mass. General Law Chapter 140, Section 137C. The Hanover Board of Selectmen is the licensing authority for the Town of Hanover, and as such it maintains the general superintendence of all Kennels, and conditions which may constitute a “nuisance” condition as defined by Massachusetts Law.

Upon report and investigation of an injury and a death of a dog in the care of Briarwood Kennels located at 1154 Washington Street, the Town of Hanover took deliberate action to suspend the kennel license held by Briarwood Kennel and Dave Ricardo. This license has remained suspended pending this hearing scheduled for tonight to determine whether or not this license should be revoked. However, The Board of Selectmen will not be holding the hearing with regard to the status of the Kennel license for Briarwood Kennels located at 1154 Washington Street. The board has reached an agreement with Mr. Dave Ricardo and his legal counsel that Briarwood Kennels will remain closed and have their kennel license indefinitely suspended until such time that the criminal case for animal cruelty against Mr. Ricardo has concluded.

The Board of Selectmen have a responsibility to hold fair and just hearings and could not do so in this hearing as Mr. Ricardo could not testify on his behalf due to the pending criminal charges. Once the criminal case is complete and regardless of the verdict, the Board of Selectmen will then hold a hearing to determine the fate of the Kennel license for Mr. Dave Ricardo of Briarwood Kennels. The administrative hearing will be scheduled with notice to the general public to determine any modification of the indefinite suspension of his license.

Additionally, this hearing was scheduled for the Board of Selectmen to determine facts under Mass. General Laws Chapter 140, Section 157 namely whether the aggressor dog in this case is a “dangerous” dog as defined by the statute, and if so, the proper disposition of this animal. With regard to this issue, Mr. Ricardo has made a personal decision, with no suggestion or undue influence from the Town of Hanover or the Board of Selectmen, to euthanize “Grizzly”, the aforementioned aggressor dog. Therefore that hearing is no longer required. While the Board respects Mr. Ricardo’s rights as a pet owner, we had made no determination as to the demeanor or fate of “Grizzly”.

The Town of Hanover has received a significant volume of written comments which will be make part of the record when a hearing is reconvened, but at this time the kennel license suspension shall continue indefinitely. The Board of Selectmen understand that this is an emotional issue for many and we want the general public to know that we take this matter very seriously and will inform the public via our website and local press outlets as to when the hearing with regard to the kennel license will be held. We thank you for taking the time to come out, and want you to know that Briarwood Kennels will not be board dogs, operate a doggie daycare or breed dogs until such time that the board holds a public hearing on this matter and makes a decision on the status and future of the kennel license. By taking this action, the public safety has been protected and the public interest has been served.

Chairman Barthelmes noted if anyone came to provide testimony for the Hearing that it be withheld at this time. Chairman Barthelmes opened the floor to receive comments, numerous residents spoke (attendance sheet attached).

Tony Marino provided an update on Cable Access.

- Upgraded equipment last year (High School)
- Added a studio in the Middle School
- Funded a part-time teaching position at the High School expanding this for this year to include Juniors and Seniors.
- The AG's Office is requesting a letter signed by the Board regarding the use of drones for the FAA license; noting the drones are not used commercially.

Meeting ended and adjourned at 8:12 PM.