

Meeting Minutes of Regular Meeting of Hanover Board of Selectmen held at John Curtis Library on Monday, February 24, 2020 @ 7:00 PM.

Present were Chairman John Tuzik, Vice-Chair, Emmanuel Dockter, Selectmen: David Delaney, and John Barry and Selectwoman Jocelyn Keegan. Also present: Town Manager (TM) Joe Colangelo and Executive Assistant/ Licensing Coordinator Janet Tierney.

At 7:00 p.m. Chairman Tuzik 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.

Meeting Minutes

The Board voted to approve the following Board of Selectmen Meeting Minutes:

January 21, 2020 - Executive Session

February 3, 2020

February 3, 2020 – Executive Session

Parks and Recreation Committee Appointments

The Board voted to approve the Town Moderator's appointment of John O'Connor and reappointments of Jeffrey Poirier and Robin McLaughlin to the Parks and Recreation Committee.

Community Access and Media Committee Appointment

The Board voted to appoint Brian May to the Community Access and Media Committee.

Consideration of Walnut Hill Two (2) Week Pilot Project

Police Chief Sweeney, DPW Director Victor Diniak and Fire Chief Blanchard appeared before the Board to discuss a two week pilot project for Walnut Hill. TM, as the Chair of the Traffic Safety Committee informed the Board that at the February 3rd Traffic Safety Committee meeting it was determined that since there is no desire to hurry the pilot project along for this year's Town Meeting, the pilot project, if there was going to be one, could be done July 10th to July 26th which was determined to be the ideal time period to run it. The Traffic Safety Committee discussed whether or not, if the pilot project included a road blockade, it could be done in such a way as to not adversely affect emergency response time to that neighborhood. TM further informed the Board that the Traffic Safety Committee is in support of the concept of the project and believe it can be done without negatively impacting traffic safety, stating it would not be easy or without cost but could be done, and it can be done in a timeframe where OCPC would have time to put together measuring instruments to measure the results of the project.

Chief Sweeney informed the Board that the Chiefs were tasked with coming up with a plan which would not impact safety responses to that neighborhood. They looked into a number of products that could block the street area. Chief Sweeney mentioned that the area where the blockade could be placed is short, specifically east of the easternmost driveway on Woodland Drive. Chief Sweeney informed the Board that the only plan he felt comfortable saying would avoid negatively impacting emergency response time would be to have an officer posted there to move barricades in the event that emergency vehicles were on their way. Having the emergency responders get out and move the barrier would certainly impact the response time. He further

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expressed that in order to get an accurate idea of the impact of the barricade over time the barricade would need to remain closed. Movable barriers for example barrels or cones could be moved out of the way if someone felt inconvenienced by the barrier. Chief Sweeney informed the Board that the topic of signage had been discussed and there isn't anything under Mass General Law or the Town Bylaws which would give the Police Department enforcement measures if someone were to move the barrier. Therefore the Chief's recommendation is that a police officer be stationed at the blockade 7 days a week, 24 hours a day for the duration of the pilot project. The Board asked if the long term solution of a gate with a sensor could be used as a rented temporary measure during the pilot program. The DPW Director informed the Board he had looked into this but the cost of the rental was equivalent to the measures that Chief Sweeney mentioned. The Board instructed that the Town ask the developer for advance funds from the mitigation monies being forwarded, to fund this portion of the project as it had not been specifically budgeted for in this project. The Board clarified from a funding perspective we anticipate using existing hours and manpower and barriers to get this set up, OCPC will sponsor the data collection, the only outstanding cost of the pilot project will be the security costs the Police Chief is estimating aside from possible de minimis costs. The Finance Director informed the Board that if they desired, they could have a capital item article at Town Meeting to fund this. The Board requested a copy of the mitigation timeline that had been approved as a condition of approval for Hanover Crossing so that they can see when the money is expected to come into the Town coffers. The Chair asked if anyone in attendance had any questions regarding this issue. Seeing none, the Board agreed to take the information provided under advisement and get some answers to the Board's questions.

Proposed Neighborhood Traffic Calming, Traffic Safety, and Pedestrian Infrastructure Augmentation Policy

TM informed the Board that this is a solid draft policy which was approved to go forward before the Board of Selectmen at the last Traffic Safety Committee meeting. TM Informed the Board that it is posted on the Traffic Safety Committee page of the Town website, and welcomed the Board to take their time and make changes if they like. The Board instructed that it be posted on social media to see if any general feedback is received. The Chair recognized residents from the Walnut Hill Area in attendance and asked if anyone had any questions or concerns. There were none. The Board agreed to get the policy posted for the public to see and revisit it at their next meeting.

The Chair requested to address Agenda Item 13 first and then go back to Agenda Item 10 as a courtesy to Police Chief Sweeney and DPW Director Victor Diniak.

Discuss Transfer Station Rules and Regulations

DPW Director Victor Diniak and Police Chief Sweeney appeared before the Board.

The DPW Director stepped through the list he provided titled, "Transfer Station Regulation Updates - Primary Issues to consider", attached, noting that this is a good starting point for discussion. He further mentioned that Hingham has a good system in place and that he is in the process of merging Hingham's rules with Hanover's rules for the Board's consideration. The Board requested guidance and recommendations particularly highlighting what other towns are doing. The DPW Director expressed that he plans to present the Board with what the Town has and what is possible in a week or two. Police Chief Sweeney informed the Board that there isn't

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currently anything in Mass General Law or in the Town Bylaws to regulate bad or prohibited behavior. He mentioned that other towns give out a non-criminal citation that then becomes criminal if not paid or a hearing is not requested and offered that if the Board would like enforcement, the Police can enforce as an agent of the Licensing Authority but they will need a mechanism in place to do it. The Board discussed adopting Hingham's regulations. The Police Chief spoke in support of a good education period for residents in advance of strict enforcement. The Board requested that the DPW Director let them know what they can stage between now and next May and what would require a bylaw or Town Meeting vote.

Resident Laura Rappaport appeared before the Board and asked that they consider a scenario where an elderly resident does not have a registered car anymore and a caretaker comes from another town to take the resident's trash to the transfer station, will they be allowed to do so in a car registered in another town. The Board discussed temporary stickers.

The DPW Director asked that the Board put specific thought into providing clear guidance. The Board requested very specific recommendations from the DPW Director for the Board's consideration to the extent that if adopted the guidance would be sufficiently clear.

The Board agreed to continue this topic at an upcoming meeting.

The Board moved back to Item 10 on the Agenda.

Continued Discussion of the FY2021 Budget

The Finance Director appeared before the Board and informed the Board that DPW Director Victor Diniak will be presenting the DPW budget to the Advisory Committee this week and next week. TM informed the Board that all of the information is online and accessible to the public. The Board inquired as to bound copies of the budget. TM informed the Board that since the printing costs were in excess of \$10,000.00 for bound copies, bound copies of the budget will not be provided, however everything will be available to the public online. The Finance Director agreed to provide copies of a full line item by line item budget at check in for Town Meeting. The Chair asked if there were any questions. There were none.

Review of Draft(s) Special and Annual Town Meeting Warrant

Attorney Robert Tombari appeared before the Board on behalf of Mr. Abboud who owns the 1434 Washington Street Hanover Shell Station and discussed the specifics of petition article currently listed as Article 46 on the Draft Annual Town Meeting Warrant, attached. He informed the Board that he is scheduled to discuss the petition article at the Planning Board meeting on March 9th, and the Advisory Committee meeting on March 11th and there is a zoning review public hearing scheduled for March 23rd. The Board spoke with Mr. Tombari regarding a clerical correction that needs to be made to the Draft Article. TM informed Mr. Tombari that he will request Town Counsel's opinion before the Planning Board hearing. Mr. Tombari informed the Board that there is a cease and desist which is being appealed.

Brenda Linden Chief Development and Marketing Officer for the Arc of the South Shore appeared before the Board to discuss the petition article to fund the Arc of the South Shore. She provided background information on the organization and informed the Board that they provide services for autistic children and they do not receive any State or Federal funding. The Board instructed TM to speak with Town Counsel regarding any anti aid amendment issues with this article and if there is please get back to the petitioners with potential different way to word the

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article. The Board informed Ms. Linden that it may be worthwhile to approach the Hanover Cultural Council. TM told the Board that he will connect with the Cultural Council on this. The Board expressed a concern with precedent in supporting one particular charity and highlighted the different ways Hanover currently supports the autistic community and offered that possibly the Town could help them find a better mechanism to help them find funding.

Mr. David McLean the Operations Manager for Market Basket Supermarket appeared before the Board to discuss the Market Basket petition article, attached. Mr. McLean provided the background on Market Basket Supermarkets and expressed excitement regarding coming to Hanover. Providing a complete shopping experience is the best way to take care of your customers. Mr. McLean concluded saying their goal is to bring the best most modern version of a Market Basket store to the community.

The Board clarified that this is a request for an additional license in addition to the 13 on premises licenses that were part of last year's Town Meeting and a net new license to the Town of Hanover because we are currently at our capacity for off-premises licenses. Mr. McLean informed the Board that there are currently 80 Market Basket Locations

49 in Mass 39 in New Hampshire and Maine and 32 sell alcohol, of the 49 in Massachusetts, only the Waltham store sells beer wine and spirits.

The Chair asked if anyone in attendance had any questions.

Resident Bob Hyland appeared before the Board and spoke of this type of article being brought up at Town Meeting and was voted down. He also mentioned that it was voted that this type of article would not be brought to Town Meeting again. The Board clarified that this petition article not an article that was brought forward by any Town entity. As such anyone who obtains the correct amount of signatures to bring something before the Town and the Board does not have control over that. Mr. McLean's organization is free to petition to the legislative body which is Town Meeting and then it would be up to the residents which way it would go. If the Town voted to approve this then as part of the two step process the State would also have to give their approval. The Board thanked Mr. Hyland for coming in and speaking. The Board clarified that the last time this type of article went to town meeting it was not a named entity associated with the article and that was part of the unease that people didn't know who it was from. This time we have a clearly named applicant and people know who they are advocating for or against in any potential vote. The Board thanked Mr. McLean and Market Basket for their investment in the Community.

The Board was informed that Tracy Brown will not be attending the meeting tonight.

The Board noted that the deadline for Special Town Meeting articles has, as of today, passed.

The Board thanked Mr. Hyland for coming to the meeting.

Review of Draft(s) Special & Annual Town Meeting Warrants

The Finance Director appeared before the Board and stepped through the latest proposed changes to the Drafts of the Special and Annual Town Meeting Warrant.

The Board voted to open the warrant.

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The Board voted to add Annual Town Meeting Warrant Articles 33 and 34 with the amended the language in Article 33 to include “design and” between the words “to repair” in the final sentence of Article 33, and to eliminate Article 35.

The Board voted to remove Articles 22 and 23, Chairman Tuzik, aye, Vice Chair Dockter, aye, Selectman Delaney, aye, Selectwoman Keegan, aye.

The Board discussed the order of the Articles and plans to take a look at the articles and attempt to place any articles that are more child and/or family focused in the order so that they hopefully come up at Town Meeting at a time when baby sitters are available.

The Finance Director pointed out that the dollar figures are missing from Articles 8 and 9 and asked the Board to confirm that the numbers in TM’s proposed budget are the numbers that should be put in there.

The Board requested red line changes for the next meeting.

The Board voted to close the warrant.

Further Review of the Proposed Senior Tax Work-Off Program Policy

Finance Director Lincoln Heineman and Assistant Town Manager Ann Lee appeared before the Board and presented the draft policy. The Board requested Town Counsel’s opinion on the whether or not the person applying for the program needs to be specifically named on the deed of the property or if spouses were eligible and what the impact, if any, would be if the deed was held in the name of a Trust. The Finance Director agreed to follow up with Town Counsel and provide the Board with his opinion. TM asked for direction from the Board on whether or not to cap the number of applicants to the program, and also how to assess need should the applicants outnumber the available positions. Possibilities of asking applicants to provide a narrative along with their application, including as much information as they are comfortable with providing, in support of their application, or giving weight to the order in which the applications were received as opposed to a subjective determination of who is in more need than another.

The Board also mentioned listing factors that should be taken into consideration in choosing from the applicants aside from need. For example the match of qualifications with the job applied for and the age with regards to time and duration the applicant has been doing this type of work. The Board questioned whether there should be a limit to the number of years a resident can receive this relief. The Town Clerk appeared before the Board and requested that job skills be included in the list of factors to consider. TM confirmed with the Board that the Board was not advocating for a minimum in terms of property value or income level. Resident Vanessa O’Connor appeared before the Board to ask how many applicants there are as opposed to available jobs. She expressed that if there were many more applicants than jobs, in her opinion, a financial component should be included to determine need. However since that is not the case at this time, a sliding scale is appropriate as opposed a financial component. The Board discussed the importance of tracking time and work accomplished noting that if there is a need and a person who is willing to put in the time and get the job done then it could be good for all. The Board discussed having the successful applicant sign a statement of understanding stating that they understand what they are signing up for and agreeing to do.

The Board requested language within the policy stating that there will be a job description, possibly year to year assessments if someone has been participating in the program for years and the Town Manger or whoever is overseeing the project work will ensure that proper governance is in place. The Board agreed to continue this discussion.

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Amend Procurement Policy

The Finance Director Appeared before the Board and along with TM discussed the updated draft of the Procurement Policy with the Board. TM informed the Board of the possibility that along with the policy update spot audits could be conducted to be sure things are being handled correctly. The Chair requested a final draft of the policy before the next meeting and tasked the Board members to read it before the next meeting so that it can possibly be adopted.

Ride for Habitat

The Board voted to approve South Shore Habitat for Humanity's application to hold the 14th Annual Ride for Habitat on September 12th, 2020.

Approve Proposed Floor Amendment to H4312

TM informed the Board that this is a minor language change proposed by the House, that it has been reviewed with Town Counsel and is benign. Lisa Berardinelli of Prep Hanover appeared before the Board and offered that from what she understands the reasoning behind the amendment was to avoid speakeasies or back room bars. The Board Voted to support the proposed language amendment to H4312.

The Board agreed to forgo the Board of Selectmen Forum.

Town Manager's Report

TM discussed the possibility of inviting CPC to a joint meeting with the Selectmen to discuss the Sylvester School Project. The Board expressed an interest in discussing it further, and then decide whether it's warranted to invite CPC. The Board requested Town Counsel's opinion before the next meeting. The Board clarified that the challenges with the vote at Town Meeting was that there were irregularities with the rfp that was issued. The rfp was canceled. The town moved forward with an appraisal of the Sylvester School. Unfortunately this appraisal project was not in the appraiser's area of expertise, we moved forward with a new appraisal and during that time there have been efforts to find a win/win solution. The question of whether or not this could be forward at this Town Meeting was discussed. The Board discussed that there is an open question as to what the mandate was that was voted on, and whether it was a mandate to do this project at Sylvester or a mandate for 30 age restricted affordable housing units in town. The Board agreed to not invite CPC to the first meeting in March, and depending upon the Board's conversation invite CPC to the second meeting in March.

The Board expressed an interest in reporting out on the issues with the rfp and requested a copy of the minutes of the vote that took place on Town Meeting floor including the vote and how it was actually carried. The Board clarified that legally the control of the property was transferred from the School Committee to the Board of Selectmen and Board of Selectmen was granted authority to transfer, dispose of or sell the property for Sylvester. The actual determination is that the Board of Selectmen now has sole authority to dispose of, sell or otherwise deal with the Sylvester property. The Board agreed that there is a need to have a public discussion regarding the property. TM agreed to provide the appraisal amounts for the Board.

The Chair asked for a roll call vote to enter into executive session to conduct a strategy session related to the on-going negotiations being conducted between the Town Manager, Assistant Town Manager, and Finance Director who are representing the Town of Hanover/Board of

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Selectmen with the collective bargaining agreements with HMEL, AFSCME, Fire and Police Unions and also to discuss the Board of Selectmen's consideration of the purchase, exchange, lease or value of Real Property, as the Chair had determined that an open session discussion would have a detrimental impact on both.

Roll Call Vote: Selectwoman Keegan, aye, Selectman Barry, aye, Vice Chairman Dockter, aye, Selectman Delaney, aye, Chairman Tuzik, aye.

At 9:32 p.m. the Board moved into Executive Session.

At 10:25 p.m. the meeting ended and adjourned.

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