

Meeting Minutes of Regular Meeting of Hanover Board of Selectmen held at Town Hall on Monday, August 19, 2013 at 6:00 p.m.

Present were Chairman Joseph Salvucci, Vice Chairman, Susan Setterland, Harold Dunn, and John Barry. Also present: Town Manager Troy B.G. Clarkson, and Administrative Assistant, Audrey Barresi.

Chairman Joseph Salvucci called the meeting to order at 6:00 p.m.

Susan Setterland made a motion to go into Executive Session in accordance with MGL 30A, Section 21, Subsection 5, to investigate charges of criminal misconduct or to consider the filing of criminal complaints, and Subsection 2, to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. The Board will reconvene in Open Session after the Executive Session.

At 7:26 p.m. the Board resumed the open meeting.

Home Spirits Liquor Store Liquor License Violation: A hearing pursuant to M.G.L. Chapter 138, Section 64 was held by the Board of Selectmen as the Local Licensing Authority on Monday, August 19, 2013 at 7:15 p.m. in the Selectmen's Hearing Room, First Floor, 550 Hanover Street to determine whether Home Spirits has violated certain provisions of M.G.L., to wit: 204 CMR 2.0(2) permitting an illegality on the licensed premises, to wit: M.G.L. Chapter 138, Section 34 – Sale or Delivery of an alcoholic beverage to a person under twenty-one years of age (1 Count). Violation Date and Time: July 5, 2013 @22:37 hours.

Chairman, Joseph Salvucci called the hearing to order and read the hearing notice. The witnesses and violators were then sworn in.

The attendees were Police Officer Michael Bucca, Mr. Vipul Patel (owner), Mr. Kalpeshkumar Patel (store clerk), and Police Chief Walter Sweeney.

Police Chief Walter Sweeney read a letter about the incident at Home Spirits Liquor Store, 227 Columbia Road, into the record.

Police Officer Michael Bucca testified from the incident report and offered his statement of the incident.

Officer Bucca stated that on Monday 7/15/2013 he was monitoring traffic in the 200 block of Columbia Road area when he saw a car pull into the parking lot of Home Spirits Liquor Store, 227 Columbia Road. As the vehicle turned into the parking lot, the operator positioned the vehicle on the South Side of the building out of sight from the clerk and all the windows in front of the store. He saw a white male party approaching the liquor store. He recognized the male party and knew that he was not 21 years of age. The white male left the store with a bottle of alcohol in a brown bag. The vehicle left the store parking lot and traveled north on Route 53. Officer Bucca affected a traffic stop and approached the car around 700 Washington Street.

The defendant was unable to produce identification verifying he was of legal age. Three of the people in the car were arrested for minor possession. The key defendant was arrested for minor possession and procuring alcohol for a minor. No one in the car was of legal drinking age.

Office Bucca followed up with Home Spirits the next day. Mr. Patel identified himself as the owner and was the clerk at the time of the violation. Mr. Patel showed him a receipt of the sale of the liquor to the defendant. Mr. Patel also gave him a thumb drive of the video from the incident. The video showed that Mr. Patel did not ask the defendant to produce ID. The defendant's mother and girlfriend have come into the store with the defendant before. The brother of the defendant looks like the defendant. The owner has been cooperative and forthcoming with information.

Mr. Patel stated that this was his first violation. He was very sorry that this happened and will be having his employees attend TIPS training.

Chairman, Joseph Salvucci asked Mr. Patel if he agreed with the information presented. Mr. Patel said yes.

Chairman Salvucci asked for a motion to close the hearing. John Barry made a motion to close the hearing. Susan Setterland seconded the motion.

Roll Call Vote:

John Barry – Yes

Susan Setterland – Yes

Harry Dunn – Yes

Joseph Salvucci - Yes

Chairman Salvucci explained the disciplinary process for liquor license violations. The Board would like to work together with Mr. Patel since this was his first offense. Selectmen Setterland explained that the Board takes this violation very seriously. The Board highly recommended that Mr. Patel post a sign at the register that all customers need to show proper identification. Mr. Patel said he would send employees to a training class regarding identification.

Chairman Salvucci stated that if someone has a questionable ID Mr. Patel could call the police to verify it. The Board does not want to see Mr. Patel back before the Board again with another violation.

Chief Sweeney expressed the seriousness of the matter, and stated that the Police Department is available to verify the validity of driver's licenses presented for the purchase of alcohol. Chairman Salvucci said the defendant reconfirmed that the defendant should call the Police Department if they ever have any questions concerning a license.

Selectmen Setterland stated that the Board needed to make a decision as to whether a violation occurred, and if so, what disciplinary action should be taken.

Selectmen Barry made a motion that after hearing the facts today there was indeed a violation, but given the cooperative nature and the history of the establishment not having any other violations we do not impose any sanctions at this time. Selectmen Harry Dunn seconded the motion, and it was voted unanimously.

Reconstruction Public Hearing Post Drive and Rockland Street: At 7:45 p.m. Joseph Salvucci opened the public hearing and read the hearing notice for Post Drive and Rockland Street road reconstruction into the record. Director of Public Works, Victor Diniak, spoke about the reconstruction plans for Post Drive, and then asked for questions from those in attendance. Carole Cavanaugh, 42 Post Drive, expressed concern about pavement that might be dug up during snowstorms from the removal of snow.

John Barry raised the issue about the gas company being notified in advance about any road construction. Victor Diniak stated that all utilities were notified 90 days ago about the road construction. Gas concerns are considered prior to planning road repairs.

Victor Diniak explained the scope of the work for the Rockland Street Reconstruction project. Joseph Salvucci asked if there would be any detours for this project. Victor said there were no planned detours. The only concern about this project might be Fire Department and Police Department access to the Cushing Residence should there be an emergency.

John Barry made a motion to close the hearing at 7:58 p.m. Susan Setterland seconded the motion, and it was so voted unanimously.

Town Bandstand: Mike Tivnan, Parks & Recreation Committee, Victor Diniak and Bob Murray from DPW, provided information about the restoration of the Town's existing bandstand. Troy Clarkson also gave a brief presentation about the bandstand and anticipated costs for restoring the bandstand. Building Inspector, Tony Marino, and Facilities Engineering Manager, Bob Murray have looked at the bandstand and provided a summary of what work would need to be done to renovate the existing bandstand. The existing floor beams on the gazebo are fine, but the columns are rotting at the footings due to carpenter ants.

A general discussion took place about the bandstand, attendance at concerts, and the funding of concerts. It was discussed that at one time, the Town had a Bandstand Committee. The options of moving the existing gazebo, or building a new one were discussed. Troy Clarkson mentioned the possibility of having South Shore Vocational Technical School students work on the bandstand project. The Board requested that Troy contact South Shore Vocation School and to provide cost estimates for moving the gazebo or building a new gazebo, for their next meeting. Troy Clarkson also asked that residents contact him, if they have any thoughts on the future status of the gazebo.

Discussion Items:

Special Town Meeting: The Board discussed the possible need for a Special Town Meeting with Mike Tivnan, Parks and Recreation, to appropriate funding for the completion of the remaining work at Forge Pond Park. Parks and Recreation is waiting to hear back from National Grid about the projected cost for completing the electrical work at Forge Pond Park.

Currently, funding for the Sylvester/ Center School consolidation would not be an item for the proposed Special Town Meeting because the Town is waiting to hear back from the Massachusetts School Building Authority.

Harry Dunn asked how much it costs to hold a special Town Meeting. The answer was not available at the meeting.

John Barry requested that a summary of money allocated and spent to date on the Forge Pond Park project be provided to the Board of Selectmen before a decision be made on whether to hold a Special Town Meeting. He would like the public to be informed about the status of the project.

Victor Diniak spoke about the Forge Pond Park project. He stated that he could provide a thorough accounting for the project to date.

Mike Tivnan said that residents expect the Pavilion and ball fields to open this spring. It is expected that the Scoreboards for the baseball fields will be solar powered, and will have a space for sponsor advertisements.

The possibility of using CPC funds for the outstanding work at Forge Pond Park was discussed.

The question was raised whether the \$125,000 appropriated through Article 13 of the May 2013 Town Meeting, could be used to fund a portion of the outstanding work at the park. Troy will review the language in the article and motion and report back on this at the next Board of Selectmen's meeting.

Troy Clarkson stated that the approval of additional funding for the Forge Pond Park project would have to take place at a Special Town Meeting.

September 28 Special Election Warrant: The Board reviewed the September 28 Special Election warrant. John Barry made a motion to accept the Special Election warrant. Harry Dunn seconded the motion, and it was so voted unanimously.

Town Manager Performance Evaluation: Susan Setterland read a summary of the Board of Selectmen's Performance Evaluation for Town Manager, Troy Clarkson. Susan Setterland made a motion that a 2% increase be added to Town Manager, Troy Clarkson's base salary, effective July 1, 2013. John Barry seconded the motion and it was voted unanimously.

August 6, 2013 DEP Correspondence: The Board received a copy of an August 6, 2013 letter from the Department of Environmental Protection regarding the clean-up of the Fireworks site. Troy Clarkson said he was looking for feedback from the Board on what next steps should be taken based on the contents of the letter. The possibility of drafting a letter that conveys a sense of urgency was discussed. This will be a discussion item with Representative Rhonda Nyman, when she attends the September 9, Board of Selectmen's meeting.

Town Manager Report: The Board of Selectmen received a copy of two documents from Melanson Heath, Annual Financial Statements, and a Management Letter. A copy of a Road Repair memo and reports from Victor Diniak was also provided to all Board members for their review. The Hackett's Pond Dam reconstruction is going well. Victor Diniak is working on an updated maintenance plans for the King Street fields. Once completed, a copy will be provided to the Board.

Troy introduced Scott MacKeen, a new reporter for the Hanover Mariner.

School Committee Opening: Interviews for the current opening on the School Committee will be held on Monday, September 23.

Harry Dunn made a motion to adjourn the meeting at 9:20 p.m. John Barry seconded the motion, and it was so voted unanimously.