

Commonwealth of Massachusetts
Town of Hanover

Warrant for *Special* Town Meeting
With Advisory Committee Recommendations

Plymouth, SS

Greetings: To any Constable of the Town of Hanover in said County

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town who are qualified to vote in Elections and Town Affairs to meet in the Hanover High School, 287 CEDAR STREET, HANOVER, on

MONDAY THE 19TH DAY OF JUNE 2017 AT 7:00 P.M.



Pursuant to the Americans with Disabilities Act, the Town will make every effort to assure that Town Meeting is accessible to individuals with disabilities. Should any assistance be desired in this regard, please contact the Board of Selectmen's Office at (781) 826-5000 ext. 1084.

INDEX OF ARTICLES FOR <i>SPECIAL</i> TOWN MEETING – JUNE 2017		
ARTICLE #	ISSUE	SUBMITTED BY
1	Approve Tax Increment Financing Agreement	Board of Selectmen
2	Accept MGL Chapter 32B, Section 20, Apply Provisions To OPEB Fund	Board of Selectmen
3	Designate Trustee - OPEB Fund	Board of Selectmen
4	OPEB Fund - Authorize Investment of Any Monies	Board of Selectmen
5	Amend By-Law 6-10.B Dog Control By-Law	Dog Park Committee

ARTICLES FOR *SPECIAL* TOWN MEETING WARRANT
Monday, June 19, 2017

ARTICLE 1. APPROVE TAX INCREMENT FINANCING AGREEMENT

To see if the Town will vote pursuant to GL c. 40, §59 to approve the Tax Increment Financing Agreement between the Town, and PREP Hanover Real Estate LLC, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein, and to authorize the Board of Selectmen to execute the TIF Agreement and to submit a Certified Local Incentive Only Application and the TIF Agreement to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located at 1775 Washington Street known as the Hanover Mall, and to take such other actions as may be necessary to obtain approval of the Certified Local Incentive Only Application and to implement the TIF Agreement, or take any other action relative thereto.

Board of Selectmen

We move that the Town accept this Article as written.

Commentary: The Advisory Committee is supportive of the Town entering into the proposed TIF Agreement based primarily on the reasoning discussed below. As an initial matter, however, we note that any attempt to try to predict the success or failure of future private real estate development is inherently speculative. Due to this uncertainty, the Advisory Committee has not been able to develop and does not endorse any specific financial analysis or models relative to the projected valuations, the size of the TIF or the impact of the Hanover Mall redevelopment on other commercial development in Hanover. Despite all the uncertainty, after conducting a thorough review of the TIF Agreement, the potential for significant growth in the Town's commercial tax base and the possible alternatives should we elect to forego the TIF Agreement, it is the Advisory Committee's judgement that the TIF Agreement and the authorization described in this Article are in the best interests of the Town.

We defer to the Town Manager to explain the mechanics of the TIF Agreement but want to emphasize that the tax relief afforded to PREP by the TIF Agreement relates only to the incremental value created in the Mall property through the private redevelopment efforts and spending. The TIF Agreement also sets a floor valuation based on the recent sale of the Mall for \$39.5 million that will avoid a drop in tax revenue during the construction phase, thereby providing important short-term budgeting stability.

Over the past several years, many residents have seen their residential tax bills increase dramatically, as home valuations and tax rates have trended upward. While continued efforts to control spending remain a priority, another potential source of relief for residents comes from increasing the portion of the Town's annual tax revenue derived from commercial properties in Hanover. The Hanover Mall has been a major source of tax revenue for many years, but the Mall under its current configuration, projects lower assessed values in the near term. While impossible to predict with certainty as to amount or timing, we believe that a private investment of \$40 million or more in the Hanover Mall redevelopment will

significantly increase the value of the Mall and very likely will significantly increase the value of surrounding properties as a result. The likelihood of commercial growth stemming from the Hanover Mall redevelopment is strong.

In addition to these unpredictable but likely tax revenue benefits, the successful redevelopment of the Hanover Mall presents a strong opportunity to breathe new life into a property that many view as a commercial cornerstone of our community. As the most visible property on the Route 53 corridor and with its proximity to Route 3, the Hanover Mall is a reflection on the Town of Hanover. The TIF Agreement proposal supports the physical redesign of the Mall that is keeping in line with more recently successful open-air models and the evolution of centralized retail shopping experience. The proposed, re-envisioned Hanover Mall is much more likely to attract restaurants and magnet type businesses to Hanover, resulting in a mixed shopping, dining and entertainment destination that can be enjoyed by residents and attract visitors to our Town. Further, to the extent that the TIF Agreement helps to facilitate a private investment of more than \$40 million toward this effort, it presents a once in a generation opportunity for the Town.

ARTICLE 2. ACCEPT MGL CHAPTER 32B, SECTION 20, APPLY PROVISIONS TO OPEB FUND

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 218, Section 15 of the Acts of 2016 (the “Act”), and apply those provisions to the Other Post-Employment Benefits Liability Trust Fund (the “OPEB Fund”) established by An Act Authorizing the Town of Hanover to Establish an Other Post-Employment Benefits Trust Fund codified at the Acts of 2009, Chapter 66, or take any other action relative thereto.

Board of Selectmen

We move that the Town accept this Article as written.

Commentary: The OPEB Fund that currently exists for the Town is a Stabilization Fund. The Massachusetts Municipal Modernization Act allows and the Town’s auditors have recommended that the OPEB Fund be moved to a segregated trust. This Article authorizes the Town to create an OPEB Fund in accordance with the new statute.

ARTICLE 3. DESIGNATE TRUSTEE - OPEB FUND

To see if the Town will designate as Trustee of the OPEB Fund, the Custodian of the OPEB Fund, who is the Treasurer of the Town of Hanover, or take any other action relative thereto.

Board of Selectmen

We move that the Town accept this Article as written.

Commentary: In connection with implementing the new OPEB Fund authorized by Article 2, MGL Chapter 32B, Section 20 requires that the Town designate a Trustee for the OPEB Trust Fund. The statute allows the Town to designate as Trustee of the OPEB Trust either the Town Treasurer or a newly created board of trustees. The Board of Selectmen have proposed that the Treasurer be made the Trustee. The current Interim Town Treasurer/Collector is Eric

Kinsherf, an outside contractor. We defer to the policy making decision of the Board of Selectmen on this issue because the Treasurer is currently the custodian of all other trust funds for the Town.

ARTICLE 4. ACCEPT MGL CHAPTER 32B, SECTION 20, (OPEB) AUTHORIZE INVESTMENT OF ANY MONIES

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B Section 20 as amended by 2016, Sec 15 effective November 7, 2016 to establish an Other Post-Employment Benefits Liability Trust Fund and to authorize investment of any monies held in the fund pursuant to the prudent investor rule established in Chapter 203C of the Massachusetts General Laws, or take any other action relative thereto.

Board of Selectmen

We move that the Town accept this Article as written.

Commentary: This is a house keeping Article related to the prior two Articles. This Article authorizes the investment of any monies held in the OPEB Trust Fund.

ARTICLE 5. AMEND BYLAW 6-10.B DOG CONTROL BY-LAW

To see if the Town will vote to amend the General Bylaws, Section 6-10.B Dog Control By-Law, as follows:

By adding the following new paragraph at the end of Sub-Section 3, "Restraining of Dogs,"

The Board of Selectmen, in consultation with the Town Manager and the Dog Officer, shall have the authority to designate certain public properties, at certain times, as areas where dogs may be allowed off lead. The Board of Selectmen may make any such designations. Any such designations, if so made, may be rescinded at any time by the Board of Selectmen.

By adding a new Sub-Section 9, "Dog Waste Removal"

It shall be unlawful for any person owning, possessing or controlling a dog on any sidewalk, street or public area to fail to remove and dispose of, in a lawful manner, any feces left by such dog. Violation of this By-law shall be punishable by a fine of not more than \$50, per violation, or take any other action relative thereto.

Dog Park Committee

Motion to be made at Town Meeting by Dog Park Committee.

Commentary: The Advisory Committee supports the Dog Park Committee's proposal set forth in this Article. We anticipate little or no cost associated with this common sense approach to accommodating the needs of dog owning residents. The delegation of policy and decision making authority to the Board of Selectmen is an efficient and effective approach.

And you are hereby ordered to serve this Warrant posting attested copies thereof fourteen days, at least, before the time of said meeting.

Given under our hands this 30th day of May, 2017.

BOARD OF SELECTMEN

Brian E. Barthelmes

David R. Delaney

John C. Tuzik

Jocelyn R. Keegan

Emmanuel J. Dockter

_____, Constable

Posted this _____ day of June, 2017