

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, CEDAR STREET, HANOVER, on

THURSDAY, THE 10th DAY of OCTOBER, 2013

Special Town Meeting 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. 1032 or 1033.

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1	Forge Pond Park Project	Petition
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6	Amend Town Bylaws – Fingerprint background checks	Police Chief/ Board of Selectmen

ARTICLES FOR **SPECIAL** TOWN MEETING WARRANT
Thursday, October 10, 2013

ARTICLE 1. To see if the Town will vote to appropriate from available funds and or pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws, Section 4-19, a sum of Four Hundred Eighty-Two Thousand Dollars (\$482,000.00). Said funds are to be expended on the Forge Park Project through the Park & Recreation Board and the Town Manager, or take any action relative thereon.

By Petition: Michael Tivnan
David Greene
Kevin McLeod
Harold Dunn
Daniel Pallotta

We move that the Town vote not to accept this article and take no further action.

ARTICLE 2. To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws Section 4-19, to appropriate the sum of \$240,000 or another sum from Community Preservation funds, \$138,000 to be taken from Community Preservation budgeted reserve and \$102,000 from the Open Space reserve fund for completion of the Forge Pond Park. This work is to include, but not be limited to, landscaping, said funds to be expended for the purposes stated herein within the scope approved by the Community Preservation Committee and as approved by this Town Meeting, by the Town Manager, or take any other action relative thereto.

Community Preservation Committee

We move that the Town vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws Section 4-19, to appropriate the sum of \$240,000 from Community Preservation funds, \$138,000 to be taken from Community Preservation budgeted reserve and \$102,000 from the Open Space reserve fund for completion of the Forge Pond Park of which \$75,000 will be reserved for landscaping. Said funds to be expended by the Town Manager for the purposes stated herein within the scope approved by the Community Preservation Committee and as approved by this Town Meeting.

ARTICLE 3. To see if the Town will vote to appropriate from available funds or Borrow under Massachusetts General Laws, a sum no greater than Eight Hundred Thousand Dollars (\$800,000.00), for the purpose of Athletic Field Improvements at Hanover Public Schools. Said funds are to be expended by the Facilities Engineer and the Town Manager, or take any action relative thereon.

By Petition: Kevin McLeod
Joseph Messina
Michael Patch
John Balzarini
Michael Tivnan

We move that the Town vote not to accept this article and take no further action.

ARTICLE 4. To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws Section 4-19, to appropriate the sum of \$65,000 or another sum from the Community Preservation budgeted reserve for design, permitting and repair of recreational facilities at the Hanover High School, said funds to be expended for the purposes stated herein within the scope approved by the Community Preservation Committee and as approved by this Town Meeting, by the Town Manager, or take any other action relative thereto.

Community Preservation Committee

We move that the Town vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws Section 4-19, to appropriate the sum of \$65,000 from the Community Preservation budgeted reserve for improvement and study of recreational facilities at the Hanover High School, said funds to be expended by the Town Manager for the purposes stated herein within the scope approved by the Community Preservation Committee and as approved by this Town Meeting.

ARTICLE 5. To see if the Town will vote, pursuant to Massachusetts General Laws (M.G.L.) Chapter 44B (Community Preservation), and the Hanover General Bylaws Section 4-19, to appropriate the sum of \$20,000 or another sum from the Community Preservation budgeted reserve for design of a pocket park at the Gallant Fields at 848 Main Street, said funds to be expended for the purposes stated herein within the scope approved by the Community Preservation Committee and as approved by this Town Meeting, by the Town Manager, or take any other action relative thereto.

Community Preservation Committee

We move that the Town vote not to accept this article at this time, and refer it back to the Parks and Recreation Committee and the Community Preservation Committee for future consideration.

ARTICLE 6. To see if the Town will vote to amend the Town of Hanover By-Laws by adding a new Bylaw, Section VI - 28, as follows, or take any other action relative thereto.

Section VI - 28
Fingerprint-Based Criminal Record Background Checks

Section 1. In order to protect the health, safety, and welfare of the inhabitants of the Town of Hanover, and as authorized by Chapter 6, Section 172B ½ of the Massachusetts General Laws as enacted by Chapter 256 of the Acts of 2010, this Bylaw shall require:

- a. applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town as enumerated in Section 2 below to submit to fingerprinting by the Hanover Police Department (Police Department);
- b. the Police Department to conduct criminal record background checks based on such fingerprints;
- c. the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town hereby authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successor entities, as may be applicable, to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this Bylaw. The Town authorizes the Police Department to receive and utilize records of the

Massachusetts State Police, the DCJIS, and the FBI in connection with such criminal history records checks, consistent with this Bylaw.

Section 2. Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Hanover Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

- Hawker and Peddler (Chief of Police)
- Solicitor (Chief of Police)
- Operator of Public Conveyance (Board of Selectmen)
- Ice Cream Truck Vendor (Chief of Police)
- Pawn Dealer (Board of Selectmen)
- Dealer of Second Hand Goods (Board of Selectmen)
- Hackney Drivers (Board of Selectmen)
- Manager of Alcoholic Beverage License (Board of Selectmen)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

Section 3. The Police Department shall transmit fingerprints it has obtained pursuant to Section 2 of this Bylaw to the Identification Section of the Massachusetts State Police, the DCJIS, and/or the FBI (or their successor entities) as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in said Section 2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based state and national criminal record background checks and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 (as may be amended from time to time) pertaining to FBI identification records. The Police Department shall not utilize the fingerprint-based criminal record background check pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town for the licenses specified in Section 2 above. The Police Department will in addition render to said applicable licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based on the results of the criminal records background

check and any other relevant information known to it. In rendering its evaluation, the Police Department shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability and shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances, or a sex-related offense.

Section 4. The appropriate licensing authority for those occupational licenses specified in Section 2 above shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the applicant for the proposed occupational activity. Said appropriate licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. Said licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. Said licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record, or the applicant has declined to do so.

Section 5. Implementation of this Bylaw and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks, which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

Section 6. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be One Hundred (\$100.00) dollars. A portion of said fee, as specified in M.G.L. Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of said fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

Section 7. This Bylaw shall take effect when the requirements of M.G.L. Chapter 40, Section 32 are satisfied.

Police Chief
Board of Selectmen

We move that the Town vote to accept this article as written.

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

Given under our hands this 23 day of September 2013.

Board of Selectmen

Joseph R. Salvucci

Susan M. Setterland

John S. Barry

Harold L. Dunn, III

_____ Constable
_____, 2013