

Hopedale Select Board
April 10, 2023
Meeting Minutes

In Attendance: Chair Hazard, Selectman Stock, Selectman Keyes, Interim Town Administrator Jeffrey Nutting

The meeting was called to order at 6:30 p.m.

A. Executive Session

The Chair read the notice for Executive Session: that the Board vote to enter into Executive Session pursuant to M.G.L. c.30A, § 21(a)(3), to discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigation position of the Town, and the Chair so declares, in the matter captioned Grafton & Upton Railroad v. Town of Hopedale, U.S. District of Massachusetts, Case No. 4:22-cv-40080. Attorneys David Mackey, Sean Grammel and Mina Markarious from Anderson Kreiger, LLP will be present. The Board will return to open session.

Mr. Stock moved that the Board go into Executive Session per the notice read by the Chair, to return to open session. Seconded by Mr. Keyes.

Stock Aye, Keyes Aye, Hazard Aye

The Board resumed the open session at 7:32pm

Mr. Keyes requested a moment of silence for Hopedale bus driver Mike Mullaney.

B. New Business

a. Update from Attorney David Mackey of Anderson Kreiger re: Grafton & Upton Railroad v. Town of Hopedale litigation: Atty Mackey, via Zoom, shared a couple of developments. The federal lawsuit (1st Circuit Court of Appeals) that was brought by GURR against the town was heard by a federal judge who dismissed 4 out of the 5 claims. The 5th claim was allowed, granting the railroad's request for a preliminary injunction to block the Town's eminent domain of the so-called "forest land". She required the railroad to file a petition with the Surface Transportation Board. The Select Board has the right to appeal this decision. Regarding the state appeals court litigation, the court reversed a finding by the land court, thus now allowing a group of citizens to intervene on the Town's behalf and support the Town's effort under Chapter 61 (exercising its right of first refusal).

C. Consent Items

a. Review/Approve Select Board Meeting Minutes – 3/20/2023 and 7/6/2022.

Motion made by Mr. Stock to approve meeting minutes of 3/20/2023 and 7/6/2022; seconded by Mr. Keyes

Hazard-Aye Stock-Aye Keyes-Aye

b. Approve Hopedale Youth Baseball Annual Parade Saturday April 15th at 10:00 a.m.

Motion made by Mr. Keyes to approve this event, seconded by Mr. Stock.

Hazard-Aye Stock-Aye Keyes-Aye

D. Appointments & Resignations

a. Appointment of Roberta Lamothe as Part-Time Dispatcher, effective April 17, 2023

Information is available in the packet on the town website. Chief is in favor. Mr. Stock made a motion to appoint Roberta Lamothe as Part-Time Dispatcher effective April 17, 2023; seconded by Mr. Keyes.

Hazard-Aye Stock-Aye Keyes-Aye

b. Interview/possible appointment of Finance Committee applicant David Arthur: Talent bank form is available on town website in the packet. Mr. Arthur was in attendance and shared why he would like to be considered for this position.

Motion made by Mr. Stock to appoint David Arthur to the Finance Committee. Seconded by Mr. Keyes

Hazard-Aye Stock-Aye Keyes-Aye

c. Interview/possible appointment of Community Preservation Committee applicant Tara Taglianetti-Chambers: Talent bank form is available on town website in information packet. Tara is active in the community and is known to Board members, who had no questions. Mr. Stock made a motion to appoint Tara Taglianetti-Chambers to the Community Preservation Committee; seconded by Mr. Keyes.

Hazard-Aye Stock-Aye Keyes-Aye

E. New Business, Continued

a. One-day Liquor License: Rushford & Sons Brewhouse Rushford & Sons is scheduled to participate in the Hopedale Community House 100-Year Celebration on June 24, 2023. Motion made by Mr. Stock to approve the one-day liquor license for Rushford & Sons for June 24, 2023; seconded by Mr. Keyes

Hazard-Aye Stock-Aye Keyes-Aye

b. Request from Master Plan Steering Committee to (1) dissolve the Committee and (2) establish a Master Plan Implementation Committee: Information regarding this is in the meeting packet on the website. Mr. Abruzzese was in attendance noting that the committee accomplished its goal and therefore can be dissolved. He is also asking for a Master Plan Implementation Committee to be created to oversee and advocate for implementation of recommendations in the master plan and see that the goals are met.

Motion made by Mr. Stock to dissolve the Master Plan Committee, seconded by Mr. Keyes

Hazard-Aye Stock-Aye Keyes-Aye

Motion made by Mr. Stock and seconded by Mr. Keyes to establish a Master Plan Implementation Committee with a makeup of 5 members.

Hazard-Aye Stock-Aye Keyes-Aye

c. Water Department – Proposed Designer Selection Procedures

David Butler, Water Department Operations Supervisor, explained that, If adopted by the Board, this

Designer Selection Procedure would apply to all municipal departments (except School Department). (The proposed Designer Selection Procedure is in the packet on the town website). David recommends the Board adopt both the state procurement policies and the federal procurement policies. A procurement officer must be appointed. And typically a committee is formed to review proposals.

Motion made by Mr. Stock to adopt the state policy and appoint the Town Administrator as the procurement officer. Second by Mr. Keyes.

Hazard-Aye Stock-Aye Keyes-Aye

Motion made by Mr. Stock to adopt the federal policy. Second by Mr. Keyes.

Hazard-Aye Stock-Aye Keyes-Aye

d. Announce Revised Annual Town Meeting Warrant Closing Date of April 26, 2023: Revised date of warrant closing is to allow the Select Board time to review the warrant at their April 24 meeting. Mr. Stock made a motion to amend the closing date from April 20 to April 26. Seconded by Mr. Keyes.

Hazard-Aye Stock-Aye Keyes-Aye

e. Announce Special Town Meeting May 16, 2023, Open the Warrant, and Announce Warrant Closing Date of April 26, 2023:

Mr. Stock made a motion to open the Special Town Meeting warrant on April 11, with a warrant closing date of April 26. Seconded by Mr. Keyes.

Hazard-Aye Stock-Aye Keyes-Aye

f. Review DRAFT Special Town Meeting warrant: draft presented to Board for review.

Nutting distributed a draft of the warrant for future discussion.

g. Request(s) for use of ARPA funds: Mr. Nutting presented the board with the various ARPA requests. The complete list and recommendations are in the meeting packet on the town website. Mr. Nutting is still evaluating the capital requests and the availability of free cash to fund them. Mr. Keyes said he would like to follow Mr. Nutting's suggestion of taking each expenditure individually.

Tax Title - \$25,000 Motion by Stock, second by Keyes.

Keyes-Aye Stock-Aye Hazard-Aye

Trees - \$25,000 Motion made by Mr. Stock and seconded by Mr. Keyes to defer the recommendation of funding tree removal until after the Town Meetings.

Keyes-Aye Stock-Aye Hazard-Aye

Fire hose- \$56,000 Motion by Keyes, second by Hazard

Keyes-Aye Stock-Nay Hazard-Aye (motion passed 2-1)

Police Motorcycle- \$26,000 Motion made by Keyes, second by Hazard

Keyes-Aye Stock-Nay Hazard-Aye (motion passed 2-1)

IT Hardware & Software- \$29,000 Motion made by Keyes, second by Stock; approved 3/0

h. Discussion regarding upcoming meeting schedule: The Board will keep their next meeting as 4/24

i. FY 2024 Budget Discussion/Vote: Mr. Nutting noted that he sent a draft budget out to the members. Mr. Nutting has negotiated to a new electric rate, although it did increase. Overall impact across the budget is \$20,000; the only option to fund this unanticipated additional cost was to utilize \$20,000 in Free Cash. He requested that the Board endorse the budget. Mr. Stock would prefer it if FinCom made their recommendation prior to the Select Board. The Board will wait until their next meeting to address this.

j. Vote to sign Local Election Warrant: Motion made by Mr. Stock, seconded by Mr. Keyes to sign the election warrant.

Hazard- Aye Stock- Aye Keyes- Aye

F. Old Business

a. Consider and Vote on Proposed Order of Taking for Land at 364 West Street Pursuant to Article 1 of the July 11, 2022, Special Town Meeting: Mr. Stock made a motion to sign the Order of Taking as was directed by the voters at Town Meeting. Seconded by Mr. Keyes.

Hazard- Aye Stock- Aye Keyes- Nay

G. Public and Board Member Comments (votes will not be taken)

Mr. Guertin asked for clarification regarding Atty Mackey's comments. Chair Hazard clarified that the Board voted to appeal.

Ed Burke asked if ARPA funds could be used for solar. Mr. Nutting said they would have to investigate it, but he would argue against using ARPA funds for a department that utilizes enterprise fund accounting. (Mr. Burke was asking in his capacity as a member of the Water & Sewer Commission).

H. Correspondence and Select Board Informational Items (votes will not be taken)

a. Memo from KP Law regarding Pandemic-Related Updates (included in packet available on Town website)

I. Requests for Future Agenda Items: none

J. Administrator Updates: none

Meeting dissolved by Chair Hazard at 9:10 p.m.

Respectfully submitted: Kelly Grant

Board Approved: 12/11/2023