

Select Board  
Regular Meeting Minutes  
October 11, 2022, 6:30PM

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Town Administrator Schindler

Chair Hazard called the meeting to order at 6:30PM.

**Consent Items**

**Accept Meeting Minutes for August 24, 2022**

Chair Hazard stated that she was not present for the joint meeting portion of the August 24, 2022 meeting, only the regular Select Board portion of the meeting. Accordingly, she suggested that there should be two motions regarding these minutes - one to approve the Select Board portion of the meeting minutes and one to approve the joint meeting minutes.

Selectman Stock motioned to approve the August 24, 2022, regular Select Board meeting minutes. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Selectman Stock motioned to approve the portion of the August 24, 2022 minutes regarding the joint meeting with the Planning Board. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Abstain

**Accept Donation of \$2,000 to be used by COA for Instructors Fees for Programming at Senior Center**

Selectman Stock motioned to accept the donation of \$2,000 to be used by the Council on Aging for Instructors Fees for Programming at Senior Center. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Appointments & Resignations**

**Appoint Martha White, Interim Executive Assistant, effective 10/12/2022**

Town Administrator Schindler stated that Martha White was a Town Administrator for over a decade. Schindler stated that she will be taking the Interim Executive Assistant position instead of the Town planner position. White is looking for a part-time position. Schindler stated that she is looking for a temporary position for 30-60 days until a full-time Executive Assistant can be secured by the Town Administrator. Schindler stated that White has agreed to come to the office 3 days a week totaling 18 hours of work. Selectman Stock stated White has a phenomenal work history and it would be beneficial to the Town.

Selectman Stock motioned to appoint Martha White as the Interim Executive Assistant. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Appoint Joseph Knight, Call Firefighter Candidate, effective 10/3/2022

Chief Daige stated that Joseph Knight has his EMT certification and is finishing paramedic school. The Select Board stated that this is an excellent addition to the Town of Hopedale.

Selectman Stock motioned to appoint Joseph Knight as a Call Firefighter Candidate effective October 3, 2022. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Appoint Tiana Lasorsa, Call firefighter Candidate, 10/3/2022

Chief Daige stated that Tiana Lasorsa currently works as an EMT with the Brewster EMS and has been a Dispatcher in Framingham, MA. The Select Board stated this is appointment is also an excellent addition to the Town of Hopedale.

Selectman Stock motioned to appoint Tianna Lasorsa as a Call Firefighter Candidate effective October 3, 2022. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Accept Resignation of Patrick Maloney from Finance Committee, Submitted 10/8/2022

Chair Hazard read the resignation letter from Patrick Maloney to the Chair of the Finance Committee. Selectman Stock and Selectman Keyes thanked Patrick Maloney for this time serving the committee.

Selectman Stock motioned to accept the resignation of Patrick Maloney from the Finance Committee. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**New Business**

Review and Sign Election Warrant for 2022 State Election, as provided by Town Clerk

Chair Hazard stated that this was posted on the Town website if residents would like to review.

Selectman Stock motioned to approve and sign the Election Warrant for the 2022 State Election. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Open Special Town Meeting Warrant for November 14, 2022; to be closed October 20, 2022;  
Review Draft of Warrant

Town Administrator Schindler stated she provided the first draft of the Special Town Meeting Warrant in tonight's meeting packet. Schindler stated that she will be meeting with Department Heads to review the draft warrant. Schindler reviewed the warrant articles with the Select Board including zoning changes, expense items, and two citizen petitions. Chair Hazard stated that the Town is anticipating 12 warrant articles, but additional articles may be added prior to the close date of October 20, 2022.

Selectman Stock motioned to open the Special Town Meeting Warrant for November 14, 2022, to be closed on October 20, 2022. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Old Business**

Review Appraisal for 364 West Street, Attorney David Mackey

Attorney Mackey provided information pertaining to the appraisal of 364 West Street. Mackey stated that the necessary steps have been taken such that the Select Board could file the order of taking at any time. The Railroad, in Federal Court, moved to obtain an injunction against the Town for the order of taking. The Court granted the injunction, indicating that it needs a substantial amount of time to review the paperwork provided by the Town and the Railroad. The Judge ordered the Town to hold on filing the order of taking and ordered the Railroad to stop development while the Judge is working on the matter. Mackey is anticipating that within the next month or two the Town will receive the decision from the Judge regarding the Railroad's motion to enjoin the taking. Mackey stated that the Town has also filed to dismiss the Railroad's complaint; this is also pending before the Judge. Mackey anticipates that the Judge will rule to dismiss the lawsuit and the Railroad's motion to enjoin the taking. Mackey stated that one of the arguments the Town has made is that the proper venue to challenge both the validity of the taking and the amount of money the Railroad received in exchange for the taking is in State Court. This is a Chapter 79 proceeding, Mackey explained that if the Railroad wants to challenge the taking or the amount of the money, the Railroad could file an action under Chapter 79 in State Court. Selectman Keyes asked Mackey if he would suggest moving forward with challenging the appraisal. Keyes continued that the appraised value of \$4.4 million is higher than the Town anticipated, and the Town has only appropriated \$3.9 million. Chair Hazard shared that when the appraisal came in at \$4.4 million, she reached out to two donors who had previously indicated that they would assist with the purchase – the Hopedale Foundation and an anonymous donor – and they indicated they would donate \$1.2 million toward the land purchase, noting that the Foundation's donation would be made in increments. Selectman Keyes expressed concerns that the \$4.4 million is due the day of the taking, not to be paid in increments; Mackey clarified that the Town will have 60 days to pay the Railroad following the taking. Selectman Keyes suggested adding a warrant article to request additional Town funds. Selectman Keyes noted that he has questions regarding the appraisal such as it does not mention the rail line on the property, and asked that Attorney Mackey review the appraisal with the Select Board at a future meeting;

Mackey noted that this would be a discussion for executive session because it could pertain to litigation strategy.

#### Address ARPA Requests/Priorities for Allocating Spending

Town Administrator Schindler stated the Finance Committee has begun to put together a priority list for use of the ARPA funds. Schindler stated that the Finance Committee was not in favor of using the monies to fund Fire Department personnel or other ongoing expenses for which ARPA funds would not be available in future years. Selectman Keyes stated that the Fire Chief recently told the Select Board that he needs additional funds for staffing. Selectman Keyes stated that he does not understand or agree with the Finance Committee's stance on aiding the Fire Department. Chair Hazard stated that she would like to have the Fire Chief clarify what is needed and what the steps are to hire someone under civil service. Schindler highlighted some items requested by the School Department, noting some would not just be beneficial for the Schools but the Town as well. Schindler stated that the School Department requested funds for work in the auditorium, which also can be used as an emergency shelter for the Town. Schindler stated that a vote does not need to be made tonight.

#### Finalize Town Planner Position and Request Transfer of Reserve Funds

Chair Hazard stated that there have been no edits to the current job description. Selectman Stock stated that he has no qualms with the job description. Stock asked what the process is after approving the job description. Town Administrator Schindler proposed that once the Select Board approved the full-time position and salary of \$75,000, the Town Administrator would submit a reserve fund transfer request to the Finance Committee, with a copy of the final job description. Schindler stated that if the Finance Committee votes yes, she will request that the Accountant make the transfer. If the Accountant does not feel comfortable making the transfer, Schindler stated that it would then be put on a Town Meeting warrant. The Select Board felt it would be best to just put it on a Town Meeting warrant. Selectman Keyes stated that he does not feel this needs to be a full-time position as there is not much development going on, noting that he does agree with the job description. Chair Hazard stated that she feels this is a full-time position because this job is not just a Town Planner, there is a lot of administrative work that also must be fulfilled to comply with local and state laws and regulations.

Selectman Stock motioned to accept the job description for the Town Planner. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

#### Select Board Response to Rosenfeld Concrete Motion for Declaratory Judgment

Chair Hazard provided a brief update regarding this item, noting that the developer has asked the Court to clarify who has jurisdiction over the wetlands issues on site, and the Board is waiting to for the Judge to rule on this issue.

### **Public and Board Member Comments (votes will not be taken)**

Selectman Stock shared concerns with the Select Board regarding rising energy costs and the effect on residents. Stock reminded residents to change the batteries in their fire alarms and CO2 detectors, especially if they are using wood or pellet stoves to combat the expensive energy costs this season. Administrator Schindler suggested that the Town look into municipal aggregation. Through this program the Town bids for a town-wide energy contract for all residents; residents can opt out if they choose but better energy prices usually result from this bidding process. Schindler stated that she would investigate this and put it on a future agenda.

Selectman Keyes noted that two occurrences at tonight's meeting were inappropriate, one involving a fellow Board member and one involving a resident.

Chair Hazard acknowledged that Board members have heard from some residents regarding the code of conduct, noting that the code was well-intended but is not easily enforceable. Hazard feels that the Select Board should revisit the details of the code of conduct including enforcement and consequences. Chair Hazard suggested a code of conduct for town employees regarding posting on social media. Selectman Keyes disagreed, stating that posting on social media is a constitutional right of free speech. Chair Hazard stated that there is a line that should be drawn that is reasonable without restricting freedom of speech. Chair Hazard asked to put a social media policy discussion on a future agenda. Chair Keyes left the meeting during this discussion.

### **Correspondence and Select Board Informational Items (votes will not be taken)**

- Check Presentation, Hopedale Pond, October 12, 6:00 pm
- Flu Shot Clinics, Oct 13 and Oct 27, 4-6 pm, Hopedale High School
- Veterans Day Ceremony Nov. 10, 2022
- Benefit for Toys for Tots, Sponsored by the US Marines; Saturday, November 26th, 2022, 10:00 am-1:00 pm; Roadside Collection for Spare Change, Rt. 16, Main St., and the Cumberland Farms Store.
- A/P Warrant #23-07, \$752,301.92, 10/6/2022
- P/R Warrant #23-07, \$820,637.72 10/6/2022
- Letter from MA DEP regarding Hopedale Water Department, Permit Application WS22C

### **Requests for Future Agenda Items**

- Review Master Planning Materials, Draft Chapters, Land Use, Housing, Economic Development, Historic/Cultural Resources, & Draft Open Space Plan, 10/24/22
- Appoint Members of Community Preservation Committee (CPC)
- OPEB Presentation with Parker Elmore, TBD
- Request to Review Code of Conduct
- Review and Sign Host Community Agreement from Lifted Genetics; Tier I Cultivation for Recreational Use at 5 Condon Way (HCA incomplete - moved to 10/24/22)\*

### **Administrator Updates (In Packet) Hopedale/Mendon Street Intersection Project Update**

### **Executive Session:**

Selectman Stock motioned to enter into executive session, pursuant to G.L. c.30A, §21(a)(3), for the purpose of discussing strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body as declared by the chair. DPW Unit. Not to return to open session. Chair Hazard seconded the motion.

Stock – Aye, Hazard – Aye, Keyes – Absent

Motion Passed 2-0

Chair Hazard dissolved the regular meeting at 8:58PM

Submitted By: Lindsay Peterman

Board Adopted: 3/13/2023