

Board of Selectmen

Regular Meeting Minutes May 24, 2021, 7PM

Present Chair Brian R. Keyes, Louis J. Arcudi, III, Glenda A. Hazard, Town Administrator Diana Schindler
Chair Keyes called the meeting to order at 7:00PM. Chair Keyes began the meeting with the pledge of allegiance.

Reorganization of Board of Selectmen - Post Election

Town Administrator Schindler welcomed and congratulated Glenda A. Hazard on winning the election.

Selectman Arcudi stated that this will be his last term as a Select Board member and will not be able to take on the role of Chair. Selectwoman Hazard stated that she does not possess the experience to take on this role just yet and feels that Selectman Keyes would be best in the role of Chair at this time.

Selectman Arcudi moved to nominate Selectman Keyes as Chair of the Board of Selectmen. Selectwomen Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Hopedale Municipal Vulnerability Preparedness Listening Session, Present Mary Hannah Smith, Assistant Environmental Planner, CMRPC. Mary Hannah presented a slideshow regarding the MVP program. She discussed what the MVP program entails, the planning process, workshops that have taken place and the implementation process for the Town of Hopedale.

Consent Items

Approval of March 1, 2021 Regular Minutes

Approval of March 8, 2021 Regular Minutes

Approval of March 15, 2021 Regular Minutes

Selectwomen Hazard was not a board member during these meetings, she will not be voting on these minutes.

Selectman Arcudi made a motion to approve March 1, 2021, March 8, 2021, and March 15, 2021 regular meeting minutes. Chair Keyes seconded the motion. Arcudi – Aye, Keyes – Aye

Accept the Donation from the Reilly Family to offset operational expenses of Police & Fire departments; \$10,000 donation to each department.

Selectman Arcudi moved to accept the donation from the Reilly Family to offset operational expenses of Police and Fire Departments, \$10,000 each. Selectman Hazard seconded the motion.

Chair Keyes stated that in the previous meeting, this item was passed over due to a request for adjustment to the donation letter. Town Administrator Schindler clarified that in the previous meeting the Board asked to move the \$10,000 towards the school to the School Committee for approval, this has been completed. The second Board of Selectmen request was to get more clarification regarding the use of the donations to Police and Fire. Town Administrator Schindler stated that the donor is not interested in submitting a revised letter, however, the donor specified that the donation to Police and Fire is intended to replace \$10,000 in operational expenses to offset any decrease to the budget due to legal expenses from the lawsuit. This donation is not to be used to pay legal fees from the lawsuit. Chair Keyes mentioned that KP Law has been contacted regarding any ethics issues with accepting this donation, KP Law has confirmed there will be no ethical repercussion to the Board of Selectmen accepting this budget.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations: Appointment of Suzanne MacNeil to the Open Space & Recreation Planning Committee, effective May 24, 2021 for an unexpired term.

The Board of Selectmen thanked Suzanne for her interest in the Open Space & Recreation Planning Committee and are grateful for her future work on the committee. Suzanne talked of her experience and interest that will be put toward the committee.

Selectwoman Hazard moved to appoint Suzanne MacNeil to the Open Space & Recreation Planning Committee. Selectman Arcudi seconded the motion. Hazard – Aye, Arcudi – Aye, Keyes – Aye

New Business: Annual Town Meeting Recap; Call for Debt Exclusion (Vote)

Chair Keyes thanked the Town's people that attended the Annual Town Meeting. Town Administrator Schindler stated that in order to be able to purchase some additional capital and equipment purchases for this year, the Town would like to be able to re-access the stabilization monies that was allocated at Town Meeting from free cash. If this debt exclusion vote does not pass, then the Town will need to go back to Town Meeting and take the money back out to use it for operations. Schindler clarified that regarding the debt exclusion, we are asking the Town to excluded debt that is already authorized, the town is in debt service payments. Chair Keyes stated that he would like Chair Hodgen's of the Finance Committee to speak to the Finance Committee's strong debt exclusion recommendation, instead of spending free cash. Chair Keyes stated he does not support draining the free cash account to pay for the shortfall. Schindler stated that Chair Hodgen's is not on this meeting to state the recommendation. Selectman Arcudi clarified that currently, the Town does not have a balanced budget, however, if this debt exclusion passes the Town will then have a budget that is balanced. If this does not pass, then the Town will have to take the monies from the free cash account. Selectman Arcudi stated that if the Town does not have to pull from the free cash account, then the Town will have additional monies to pay for capital items and operational items for multiple departments. Lastly, Selectman Arcudi stated that there are still 4-5 contracts that need to be completed, if the debt exclusion passes then the Town will have the funds to incorporate collective bargaining raises. Town Administrator Schindler stated that the capital expense request should be made available to the public if this vote it to be taken. Town Administrator Schindler clarified that the monies are in stabilization, not free cash.

Selectman Arcudi moved with the debt exclusion vote as it's written by Attorney Riley. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Inter-Municipal Agreement for Regional Dispatch Services Between the Towns of Upton and Hopedale. Town Administrator Schindler stated that this is the agreement with the Town of Upton for the call down service for 911. The agreement is extended for 3 years with no increases to the cost. Chief Daige expressed that this has been an excellent arrangement with this Town of Upton. This agreement is solely for the e-911 system, the ring-down. Upton takes Hopedale's 911 calls and does the emergency medical dispatching, which allows Hopedale to get the proper apparatus going at any time for emergency calls. Due to this partnership, the Hopedale Fire Department was able to obtain a \$75,000 grant that will be applied to the dispatch system for all new equipment. Selectman Arcudi thanked Chief Daige and the Town of Upton to continue this agreement for the next 3 additional years at not additional cost to the Town of Hopedale.

Selectman Arcudi moved to accept the inter-municipal agreement for regional dispatch services between the Towns of Upton and Hopedale. Selectwoman Hazard seconded the motion. Hazard – Aye, Arcudi – Aye, Keyes – Aye

Expression of Interest & Full Application for Community One Stop for Growth

Town Administrator Schindler asked the board to share their thoughts regarding this grant application, specifically the Draper Mill redevelopment and the traffic analysis. Selectman Arcudi stated that regarding the mill, the projects listed may be to premature to be asked. However, he feels that this application should be submitted so the Town is in the queue and has gained experience regarding this process.

Old Business: Request to Accept Gift from Virginia A. Larkin and Richard D. Larkin (a 30-foot-wide paved access road into the Hopedale Parklands from the present end of the pavement on Overdale Parkway. Refer to Special Town Meeting, June 24, 1985, Article 7); *Ricardo Lima, Resident; Attorney Tom McLaughlin & Attorney Stephan Rodolakis (representing requesting parties); Katharine Klein, KP Law, Town Counsel*

Attorney Klein stated that she had reviewed Article 7 from a 1985 town meeting, this article stated the Town was asked to accept property from Virginia and Ed Larkin, totaling 703 ft of Overdale Parkway. After additional research, Attorney Klein stated that Overdale Parkway is under the jurisdiction of the Board of Selectmen. Attorney Klein presented a title report from May 18, 2021, provided by Gould Title Company addressed to Attorney Rodolakis stating the roadway itself is not under the jurisdiction of the Park Commissioners. There are earlier opinions, one of which is from Joseph Antonellis in 1999, stating that there is no evidence of any dedication to parklands. Antonellis researched each town meeting warrant from 1918 – 1999 and determined that the land deeded to the town was never dedicated to parklands. The title report found that there are 5 deeds that went out for the 703 ft space from 5 different parties and the Town already owns the road. None of the 5 deeds state that this is parklands property or dedicated to Article 97. Attorney McLaughlin stated that his findings were the same as Attorney Klein's, he elaborated on the 5 deeds, stating that it was originally comprised of five 50 ft wide strips of land, which the Town purchased in 1916. Attorney McLaughlin stated that all of the title companies agree that this is Town owned land, and it was not dedicated to parklands. Attorney McLaughlin stated that he represents Ricardo Lima, Lima's property (7-acre parcel purchased from the Larkin family) abuts the 703 ft unpaved portion of Overdale Parkway. In June of 1985, the Town meeting approved a warrant article (Article 7) to accept a gift from the Larkins. The article provided that the acceptance of the gift would formally take effect when the Board of Selectmen records a statement accepting the gift at the Worcester Registry of Deeds. Mr. Lima's request is the Board of Selectmen accept the gift from the Larkins in accordance with the 1985 article. There are several restrictions that are imposed from this article for the benefit of the Town. Firstly, the road is to be constructed only with full approval of the Road Commissioners. Second, the road would provide access only for 10 lots, Lima having 4 on the easterly side of the road and Attorney Rodolakis' client having 6 on the westerly side of the road. If any owner allows someone to use the road to access their property, then that owner loses their rights to use the road. Attorney McLaughlin and Attorney Rodolakis' client have agreed to create a cul-de-sac at the top of the road to create parking spaces to allow residents access to the parklands. Attorney Rodolakis stated that additional protections have been added by his client since the 1985 article. Chair Keyes summarized that if this is accepted then there will be a potential for 10 new homes in Hopedale and also a tax revenue incentive. Attorney Klein stated she would like to see this memorialized in a written agreement. Selectman Arcudi stated that the motion will have to be given to the Board of Selectmen by Attorney Klein. Selectman Arcudi clarified not all 10 homes abut Hopedale Parklands, some homes will abut Mendon, MA. Attorney Rodolakis stated that the 6 lots abut the Hopedale parklands, 1 of Lima's 4 lots abut the parklands. Regarding the written portion of the agreement, Attorney Klein's recommendation is that the Board of Selectmen vote to accept the deeds for the 703 ft of Overdale Parkway subject to the owners of the abutting properties, Blackbrook Realty Corp., and Ricardo Lima, agreeing to the terms of the Agreement. The contingencies are bringing the portion of the road up to specifications acceptable to the Road Commissioners and the Planning Board and its consultants while obtaining and paying for all permits and approvals for a subdivision from all applicable Boards/Commissions. The applicants will create a cul-de-sac and parking spaces (4-5). The applicants would restrict the number of lots, Blackbrook to 6 on its respective property and Ricardo Lima to 4 on their respective properties. Once the subdivision for Blackbrook is final and unappealable, Blackbrook would impose convey to the Town or impose a conservation restriction on the remainder of its property in Hopedale, in the Town's discretion.

Selectman Arcudi moved for discussion of the motion specified by Attorney Klein. Selectwoman Hazard seconded.

Selectwoman Hazard asked Attorney Rodolakis for an estimated number that will be deeded to the Hopedale Parklands. Attorney Rodolakis stated that they would work cooperatively with the Town, Planning Board and Conservation Commission to maximize the amount of land that would be deeded to the Parklands. Not having the precise location of the building envelopes for the lots makes estimating difficult but he stated he's hoping to deed a range of 10-12 acres. Selectman Arcudi wanted to clarify to the residents that if the Board of Selectmen moves forward with this, a stipulation of this agreement is that there is a ring around the property and they will not be able to build anything around it, and if there are other accesses through Mendon, MA to get to subdivisions, this will never encroach on Hopedale. Chair Keyes opened the discussion for resident comment and question. Non-Hopedale Resident Rob Fahey inquired about the validity of the article, due to the land coming from Ricardo Lima instead of the Larkins. Attorney Klein stated the article is still valid, however it is a peculiar article considering that the gifts of property were already made 70 or so years before this article was written, referencing the earlier deeds from 1916. Attorney Klein stated that she does not think the article is stale by virtue by passage of time and the Board of Selectmen is within its discretion in moving forward if it so chooses. She is not aware of any law that would make this article invalid. Attorney Rodolakis stated that he feels the right to make the gift runs with the land. Attorney Klein stated that the gift was already made in 1916, the land was conveyed over 100 years ago. Chair Keyes wanted to clarify that multiple boards/commissions will be involved in this. Resident Scott Galante asked Selectman Arcudi if he disclosed his relationship with Ricardo Lima due to him being Selectman Arcudi's neighbor. Galante references the Massachusetts ethics code stating any friend or neighbor needs to be disclosed with the Town Clerks office, and asked Selectman Arcudi to recuse himself because a disclosure was not submitted. Selectman Arcudi stated that there is no gain with his involvement regarding this item. Chair Keyes felt it beneficial to add that Ricardo Lima is a Police Sergeant with the Town of Hopedale. Attorney Klein stated that the relationship of a neighbor to a neighbor does not create an appearance of impropriety. Attorney Klein stated that being neighbors does not qualifies as a significant relationship. Galante stated that he is a direct abutter of this property being discussed. Selectman Arcudi stated that the Board of Selectmen are not voting on the 10 residential home developments, the Board of Selectmen are strictly voting to accept a gift to the Town. Attorney Klein stated that if the Board of Selectmen do not vote in favor of this item, Attorney Rodolakis' client has the potential of developing more than 10 homes (estimated up to 30), however, if the Board of Selectmen vote favorably, this would then restrict Attorney Rodolakis' client to 10 homes plus protections to the Parklands.

Chair Keyes asked for a roll call vote to accept the gift on the motion that was put forth and advised by Town Counsel, Attorney Klein.

Hazard – Nay, Arcudi – Aye, Keyes – Aye

Selectwoman Hazard stated that she voted no to this agenda item due to feeling that in the interest of the residents of Overdale she needs to vote no. It bothers her that the land is zoned residential and she feels that the Board has missed opportunities in many areas in Town when the Board could have voted to protect land.

Town Hall Reopening & Board/Committee Meetings Protocol – Effective June 1, 2021

Town Administrator Schindler stated that post COVID town hall would be reopening. As of May 29, 2021, all of the Governor's restrictions have been lifted and the emergency order is ending June 15, 2021. Schindler stated that effective June 1, 2021, she would like to allow the public back into Town Hall for regular hours. Schindler proposed to the Board to close the town hall building to the public early on Fridays for employee trainings/professional development. The Board asked to have a discussion regarding a professional development strategy at a future meeting. Regarding COVID, Chair Keyes stated that a reopening plan must be discussed at the next Board meeting.

Selectman Arcudi moved to open the Town Hall to the public for regular hours effective June 1, 2021. Selectwoman Hazard seconded the motion.
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Collective Bargaining Assignments Discussion (Clerical, Public Works, Dispatch, Fire, Call Fire),
Updates and Timeline

Schindler stated that there are 5 units to be negotiated. Schindler asked who the liaisons will be to assist her with negotiations. Chair Keyes stated that the Board of Selectmen are able to assist the Town Administrator. Schindler stated that Selectwoman Hazard is able to assist her with DPW and Clerical negotiations.

Update regarding Notice of Docket Entry 2021-J-0111, Reilly, et als v. Town of Hopedale, et als;
Attorney Riley, KP Law prepared a statement regarding this item, Attorney Riley was not available for tonight's meeting. Chair Keyes read the statement. The plaintiff's response to the Town's motion is due by June 1, 2021, all papers will be filed with Superior Court and we will then ask for a hearing. We oppose their position and submit that the Land Court settlement agreement is valid. If the Town wants to get any of this property and avoid further litigation with the Railroad it will be pursuant to the settlement agreement.

Public and Board Member Comments (votes will not be taken): Memorial Day: Monday, May 31, 2021, at 9 am Ceremony at Hopedale Village Cemetery then moving to South Hopedale Cemetery for 10:30 am Ceremony.

Selectman Arcudi took this time to thank Don Howes for his time and efforts on the Park Commission. He is still an active community member and assists with other Boards.

Correspondence and Selectmen Informational Items (votes will not be taken)

Xfinity RE: Programming Advisory, the distributor of Newsy informed Comcast that effective June 30, 2021, the channel will cease operation as a traditional TV channel. It will continue to be available as part of the Xumo app.

Central Massachusetts Mosquito Control Project personnel will be in our community to respond to residents' concerns about mosquitoes in the area on the following dates: June 1, 2021, June 7, 2021, June 14, 2021, June 21, 2021, and June 28, 2021.

Central Massachusetts Mosquito Control Project, Notice of Upcoming Helicopter Applications Over Selected Wetlands in your Community

Selectman Arcudi moved to enter executive session per the purpose that Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session:

To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a):

For item # (3) To discuss strategy with respect to collective bargaining or litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares, which he does. Purpose: Collective Bargaining; Clerical, Public Works & Dispatch Units.

Chair Keyes dissolved the meeting at 11:00PM

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____