

**Board of Selectmen
Regular Meeting Minutes
September 13, 2021, 7:00PM**

Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler.

Chair Keyes convened the meeting at 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Chair Keyes thanked those involved in the preparing the 911 remembrance ceremony that took place over the weekend at the Atria.

Colonel Masnik Citation Award, Presented by Chair Brian R. Keyes. Chair Keyes read the citation award dedicated to Colonel Masnik. Chair Keyes stated that the annual Hopedale Day at the Park will be dedicated to him. Chair Keyes will also present and read the citation award at the Day at the Park. The Board of Selectmen thanked Colonel Masnik for all he has done for his Country and his community.

7:00 pm, Joint Meeting w/ Water & Sewer Commission
Ed Burt, Chair of the Water Commission called the joint meeting to order at 7:07PM.

Water Sourcing Update, ARPA funding Water Source/Adin Street, PFAS update and litigation, Draper Mill, Cost-Sharing Agreement Status

Selectman Arcudi asked Watson to define and explain what PFAS is for the residents. Watson stated that there are hundreds of thousands of PFAS components. The Environmental Protection Agency (EPA) and Department of Public Health (DP) gave guidelines regarding a maximum contaminant level known as PFAS 6. PFAS is a chemical used for water proofing, some examples are duct tape, firefighting foam, certain gloves. PFAS is not safe for human consumption. This is a manmade chemical. Regarding the Class Action suit, the law firms are going after the manufacturers of PFAS. The Water Commission will be meeting with the law firm to discuss the options and if the Town can move forward. Watson stated that if their board chooses to move forward, funding will need to be explored.

Ed Burt gave the Selectboard a brief overview of events, he stated that at the beginning of the year, the Town was focused on locating a water source between Bens Way and the Golf course using new horizontal drilling techniques. This was primarily funded through a PFAS grant which also covered the cost of doing a design for plant upgrade for PFAS mitigation. In June 2021, the exploration came to conclusion where the Town was not successful with the well. The plant upgrade and design were completed. This information led to more detail related to bedrock wells. Due to this information, the Town is able to locate where Milford Granite is which is led to the new source. Tim Watson, Superintendent of the Water/Sewer Department stated that there are different water qualities in different areas of Town. There is a large area that consists of milford granite that starts on Laurelwood and continues through Bens Way, Richard Road and continues into the Town of Mendon. Watson stated that a true bedrock well would not be under the influence of surface water, the Towns bedrock wells that have the PFAS issues are under the influence of surface water. Watson stated that they have identified a number of fractures but were able to pinpoint two fractures that would not require additional land taking. Town Administrator Schindler shared the maps that the Water Commission provided. The two fractures will provide 400ft radius. On Wednesday, the Water Department will conduct a low frequency test, this will verify soil types and bedrock depths in an effort to pinpoint the bedrock well, drilling will then need to be done. The next course of action is to provide access to the bedrock, the Water Department will need to wrap around the wetlands and the swamp to access the two locations. There will need to be tree clearing about 25ft wide, stump removal and adding gravel to the road. The cost of the project is estimated around \$200,000, the Town can reduce this number by \$40,000 if they succeed on the first well. Watson stated this is the best option at this point in time if water is found. The Town will only need to run a pipe to the water main due to the proximity. Watson stated that if the Selectboard approves the funding tonight, the Water Department will have this done by December 2021. On the PFAS treatment, the upgrades are about 3.2 million dollars, the Water Department applied for a low interest loan for funding, however, if the water source does not need PFAS treatment then the debt would be pushed back. Town Administrator Schindler stated the money that has been discussed for this project is the American Rescue Plan Act (ARPA) money, the Town received \$311,441 which is the first portion of the ARPA money. The Town will receive twice the amount of this totaling \$622,000 is the Towns allocation. This is federal funding that is fairly limited in the eligible categories that Towns can spend it on, one of the categories is Water/Sewer, Broadband and Stormwater Infrastructure. Chair Keyes stated this will not be a taxpayer burden. Selectman Arcudi asked Town Administrator Schindler if there were discussions with the Finance Committee if this was the best way to spend the ARPA monies or was this money planned on being spent elsewhere. Schindler stated that there have not been discussions with the finance committee. Watson stated that a decision and vote on the ARPA funding is very time sensitive.

Chair Keyes asked the Finance Committee to join the joint meeting to discuss the ARPA funding for the Water Department project, spending \$311,411 of the \$622,000 from ARPA.

Chris Hodgins, Chair of the Finance Committee stated that due to this not being on the finance committee's agenda, they will not be voting at tonight's meeting. The finance committee will decide at their next meeting after having time to review. Selectman Arcudi stated that a joint meeting with the finance committee can be scheduled for next week. The finance committee will give their vote/recommendation then the Selectboard can vote.

Watson stated that regarding the Adin St project, it would make most sense to do the infrastructure work on the water lines prior to the complete streets project. Regarding the cost sharing agreement, Chair Burt stated that this item is put on hold until after the lawsuit.

Don Cooper moved to conclude the joint meeting. Jim Moring seconded the motion.
Cooper – Aye, Morin – Aye, Burt – Aye

Chair Burt closed the joint meeting at 7:52PM

7:35 pm Joint w/ Finance Committee

Chair Hodgson's called the joint meeting to order at 7:53PM

Discussion and Consideration of the Significant/Capital Expenses Items

Chair Hodgson presented a preliminary recommendation on the capital items that should be put before voters at town meeting. Chair Hodgson stated that this list is subject to change due to some outstanding questions from department heads, these will be answered, and the list will be finalized prior to town meeting. Town Administrator Schindler shared the capital investment recommendation on her screen. The listing shows the departments, the items requested, and amounts requested. The Finance Committee started with \$192,000 for available funds. These funds due to the debt exclusion were put into stabilization. Chair Hodgson stated that the total debt exclusion was around \$292,000, the finance committee is estimating about \$100,000 will be consumed through separate warrant articles that will be put forward that the committee has not reviewed as of yet. Regarding the department requests that did not make this list, the departments will be notified after this meeting and a plan will be created to incorporate the requests in future budgets. Ideally, the list will be a running list so that no requests are left off. Chair Keyes stated that he is comfortable with the items on the list. Keyes stated that the Town is working hard to address items that did not make the list.

Colleen Strapponi moved to adjourn the finance committee meeting. Dennis Madigan seconded the motion.

Chair Hodgson's closed the joint meeting at 8:16PM

Consent Items: Approval of May 13, 2021, Regular Minutes, Approval of May 24, 2021, Regular Minutes, Approval of June 14, 2021, Regular Minutes, Approval of June 30, 2021, Regular Minutes, Approval of August 9, 2021, Regular Minutes

Chair Keyes stated that these meeting minutes will be approved collectively. Selectman Arcudi stated that the May 24, 2021, meeting minutes will need to be reviewed and approved by KP Law, Town Counsel. Selectman Arcudi stated that in a vote during the May 24, 2021, a Selectperson voted no, Selectman Arcudi stated a reason needs to be recorded in the meeting minutes prior to the Board approving the minutes. The May 24, 2021, minutes will not be approved at tonight's meeting. Selectman Hazard stated that in the June 30, 2021, meetings there are typos that need to be corrected after approval.

Selectman Arcudi moved to approve the of May 13, 2021, Regular Minutes, June 14, 2021, Regular Minutes, June 30, 2021, Regular Minutes, August 9, 2021 Regular Minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept the grant award of \$300 from the Firefighters Charitable Foundation for the Fire Departments Equipment Program. Chair Keyes read the letter regarding the grant award from Chief Daige. Chair Keyes recognized the letter to the Fire Department from Frank Tepedino, President of the Firefighters Charitable Foundation. Matthew Berger spoke of the grant process and stated that this grant will be applied to providing more batteries for the Fire Department.

Selectman Hazard moved to accept the \$300 grant award from the Firefighters Charitable Foundation for the Fire Department Program. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes - Aye

Appointments and Resignations

Appointment of Michael Colainni to the Hopedale Housing Authority as a Tenant Board Member, effective September 13, 2021, 5 Year Term.

Chair Keyes read the letter provided by Michael Colainni regarding this appointment. Town Administrator Schindler stated that the Town solicited this appointment because it is a Tenant Board Member.

Selectman Arcudi moved to appoint Michael Colainni to the Hopedale Housing Authority as a Tenant Board Member, effective September 13, 2021 for a 5 year term.. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Charles Duczakowski to the Hopedale Council on Aging, effective immediately
Chair Keyes stated the Board received the talent bank form for Charles. Carole Mullen, COA Director stated that Charles has been involved with the meals on wheels program for many years, he has a firsthand understanding of the predominant services that the COA provides and has ample experience with assisting in senior services.

Selectman Arcudi moved to appoint Charles Duczakowski to the Hopedale Council on Aging effective September 13, 2021 for a year term. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Resignation of Call Firefighter Candidate Alex Carchio from the Hopedale Fire Department, effective immediately.

Selectwoman Hazard move to accept the resignation of Call Firefighter Candidate Alex Carchio from the Hopedale Fire Department effective immediately. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Resignation of Call Firefighter Candidate, Robert Hansen from the Hopedale Fire Department, effective immediately

Chair Keyes read the resignation letter provided by Chief Daige. The Board of Selectmen and Chief Daige wish the best for Robert Hansen and wish him good health.

Selectwoman Hazard moved to accept the resignation of Call Firefighter Candidate, Robert Hansen from the Hopedale Fire Department effective immediately. Selectmen Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Selectman Arcudi moved to move the agenda item Petition Received re: Neighborhood Opposition to Board Vote on Overdale Parkway from New Business Item 4 to Item 1. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Town Administrator Schindler acknowledge that the petition letter has been received by the Town, the Selectboard and Town Counsel. Schindler stated that there has been a request to have some discussion at a parks commission meeting. Selectman Hazard asked Attorney Klein if she is comfortable with the research that was done on the articles. Chair Keyes stated that Attorney Klein has done her due diligence in regard to the conclusion she came to. Attorney Klein stated that the title research done indicated that this portion of Overdale Parkway has no evidence that it is under the care and custody of the Park Commission and there is no evidence that the portion is under Article 97. Selectwoman Hazard asked Attorney Klein to clarify the amendment to a warrant article mentioned in the petition letter. Attorney Klein stated that an amendment was considered, to petition general court, she feels that we cannot extrapolate a great deal from this because it was passed over during that time. Attorney Klein stated again, there is a substantial amount of evidence that states this road is not a portion of Article 97. Chair Keyes opened the meeting to resident comments.

Resident Stephanie Thomas, 12 Overdale Parkway, stated that the opposition letter is to convey that the past precedence that has been set regarding the unpaved portion of Overdale parkway since 1916, states that it has been used as parklands, used as a park entrance and has been maintained by the Parks Commission. Thomas stated that from her research this was validated in litigation in 2003 and upheld an appeal by Judge Kilburn, Chief Judge of Land Court. Thomas questioned the due diligence of the Attorneys regarding the Overdale Parkway Selectboard decision. Thomas referenced Article 33 from a 1985 special town meeting warrant, she stated that there were revised minutes that reflect article 33, that ruled the article out of order. This upheld the unanimous vote of the park commission that denied the land release request to develop the parks access road. Attorney Klein stated that the motion regarding sending this to the general court was voted to pass over, by unanimous voice vote. Attorney Klein stated that the original deeds from 1916 deeded these parcels of land that create all of Overdale Parkway, to the Town, not the parks commission. The fact that the parks commission may have spent some monies on this portion of land does not mean that it is parklands. Attorney Klein stated that in her opinion it is under the care and control of the Selectboard. Attorney Klein stated that if a deed does not specify who will have care and custody by default it falls to the Selectboard. Thomas stated that GL c. 45 Section 1 should apply because the Selectboard has not appropriated this land for over 20 years meaning this land should be considered a Parklands. Attorney Klein stated that a road is not a town common, Klein stated that this is definitely a road and there is no disputing this fact. It may provide access to the parklands however it is not considered parklands; it is a road. Thomas believes that this is still not a road. Selectman Arcudi stated that regarding the gate on the road, it was requested by the residents in 1972, due to safety reasons that were residentially driven. Chair Keyes stated that this portion of land has been title searched and reviewed by multiple attorneys, the due diligence is there. Thomas asked the Selectboard to respond to the six questions from the petition letter. Selectman Arcudi mentioned that in previous meeting minutes it is written that Joe Antonellis reviewed each town meeting from 1918-1999 and determined that the land deeded to the town was never deeded to parklands. Also, in 1999 the Chairman of the Parks, Mr. Espinet, agreed with the findings of Joe Antonellis. (See September 29, 2021 Regular Meeting Minutes for reference update). Town Administrator Schindler stated the petition letter questions will be responded to after discussing with Town Counsel. Chair Keyes stated that the 703ft of land being discussed is not parklands, the Selectboard accepted a gift based on the research and confirmation regarding this. Attorney Klein clarified that the Selectboard accepted a gift that had been deeded to the Town over 100 years prior pursuant to the article from 1985. Some residents expressed concern regarding access to the parklands. Chair Keyes stated that the Selectboard is not eliminating access to the parklands the gate will be removed and there will be parking spaces added to a cul-de-sac. Selectman Arcudi stated that currently there is no parking spaces for Hopedale resident's that do not live on Overdale Parkway. Resident Jennifer Beater, 3 Overdale Parkway stated that there is room to park on the street. Chair Keyes confirmed with Jennifer that there are no official parking spaces.

Open STM warrant, Set Date of Town Meeting, List of Proposed Articles

Town Administrator Schindler stated the tentative dates for special town meeting are Saturday, October 16, 2021 and a rain date of Saturday, October 23, 2021. Schindler proposed a start time of 11AM, she stated this time works for the Town Clerk as well. Chair Keyes stated that the Selectboard needs to be aware of fall sports and that some residents may not be able to attend due to scheduling. Schindler suggested that the board vote for the warrant to be closed on September 23, 2021.

Selectwoman Hazard moved to open the special town meeting warrant. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Award of AFG Grant in the amount of \$291,326.19 for the Purchase of Self-Contained Breathing Apparatus (SCBA) for Hopedale Fire Department

Chief Daige spoke to the grant application process. Lt. Berger submitted the grant on the Hopedale Fire Departments behalf. Chief Daige stated that this equipment is critical to the Fire Department. The Hopedale Fire Departments share of the grant is \$14,566.31. The Selectboard praised Matt Berger and Chief Daige's efforts.

Selectman Arcudi moved to accept the award of AFG grant amount \$291,326.19 for the purchase of self-contained breathing apparatus (SCBA) for the Hopedale Fire Department and committing to the \$14,566.31 the 5%. Selectwoman Hazard seconded.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Report from Carole Mullen, Hopedale COA Director, General Discussion on COA Programs and Services, Impact of COVID on COA and Hopedale Seniors

Carole Mullen stated that this item will be moved to a future agenda due to the length of the meeting already. Carole invited the selectboard to the October 28, 2021, COA meeting. Selectman Arcudi stated he will attend.

Selectman Arcudi moved to defer this item to a future agenda. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

Accept Green Communities Designation Grant Contract in the amount of \$137,759 (to be signed by Chair)

Schindler stated that within the next year the monies need to be spent, after this the Town can apply for competitive grants. Chair Keyes thanked everyone involved in this grant process.

Selectwoman Hazard moved to accept the green community's designation grant in the amount of \$137,759. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Update re: Ten Citizen Lawsuit, Hearing Date September 9, 2021, 2 pm

Schindler stated that the papers/arguments from the attorneys and the Judge, by the end of today, was supposed to review all of the information and provide an additional ruling by end of day tomorrow.

Update re: Remote Participation/Televised Meeting Policy

Schindler stated the Hopedale Cable is going to install some additional cameras, microphones, and television in the Draper room to assist with hybrid meetings. Visibility and audio are a priority when it comes to hybrid meetings. Currently, the Health Agent is encouraging that meetings continue on zoom especially, especially if there will be a large group attending. Some Boards are meeting in person. Once the Draper room is set up for hybrid meetings, the boards will need to schedule room use so there is no overlap. There is a deadline of November 1, 2021, for the draper room to be set up. Schindler is going to reach out to the Health Agent, Bill Fisher regarding if the meetings will be open to the public in person or if the Town will continue on zoom.

Finalize Selectboard Office Hours (to start 9/27)

Selectman Arcudi stated that will be available on September 28, 2021, from 5-630PM and September 29, 2021, 12-130PM.

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

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

Schindler stated that all of the information pertaining to the items below are in the packet.

Beyond Full Rent Payment Update – Excel Spreadsheet in Packet

Central Massachusetts Mosquito Control Project personnel will be in the community to respond to resident's concerns about mosquitoes in the area on the following dates: August 30, 2021, and September 7, 2021

Letters Received from Attorneys Lurie & Keavany Regarding Easements for Crossings & IRAP Grant

Award Letter to Full Circle Technologies for Electronic Permitting Grant Project

Award Letter to CMRPC for Hazardous Mitigation Plan Update Grant Project

Hopedale Public Schools FY20 DESE End of Year Report Audit Report

Requests for Future Agenda Items: Joint w/ Board of Health and Finance Committee – E.L. Harvey Service Review & Contract

Chair Keyes read the executive session paragraph.

Selectman Arcudi moved to enter into executive session per the paragraph that Chair Keyes read.

Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session:

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: Call Fire and Permanent Fire Union, Fire Chief Daige Present**

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 10:35pm

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____