**Select Board**

**Regular Meeting Minutes**

**REMOTE MEETING ONLY**

**January 24, 2022, 7:00 pm**

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

Chair Keyes called the meeting to order at 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance.

**7:05 pm** Update regarding Town of Hopedale v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, Land Court Civ. Action No. 20 MISC 000467 [DRR]; ***Attorneys Brian Riley and Peter Durning***

Attorney Durning provided a comprehensive update for the residents regarding this item. Durning stated that the Select Board had authorized his firm to file a motion with the Land Court to return to the Land Court to seek a motion vacating the stipulation of dismissal. Durning’s firm filed this on December 30, 2021 and had asked the Court to provide a hearing on this motion, the Court responded stating the earliest hearing date would be February 25, 2022, due to the COVID Omicron variant complications. A hearing regarding the motion to vacate the stipulation of dismissal was scheduled on January 24, 2022, in the afternoon with Judge Rubin. Judge Rubin did not give a timetable for when she would make a decision, but it was stated the Town would not receive a decision until January 31, 2022, or later. The Superior Courts order in jointing the railroad from taking any activity on the land (364 West Street) ends at Sunset on January 31, 2022. Attorney Riley filed an emergency motion asking the Superior Court to extend this injunction. As of now, January 24, 2022, the Superior Court has not taken any action on this injunction request, but the request remains pending. At today’s hearing, Attorney Keavaney (railroad) indicated to Judge Rubin that the Railroad would accommodate the Land Court if it needed additional time to come to a decision and movement on the land would not take place.

A request was made by the Counsel for the Citizen Group seeking an interdepartmental transfer of our matter in the Land Court requesting it the Courts Administrative arm, the Chief Justice of the Trial Court. To effectively assign the matters dealing with the Chapter 61 rights at 364 West Street to the Superior Courts in Worcester at minimum and more explicitly to Judge Goodwin. Attorney Durning stated the per his recommendation, the Select Board filed papers with the Chief Justice of the Trial Court, expressing their concern regard the importance of this matter and recognizing the request from the Citizens but refraining from making any explicit requests from the Administrators of the Trial Court in deference to their judgement of how this matter would best be handled Administratively in the Courts. Last week, the Counsel for the Citizen Group, filed a motion to intervene. While the Citizen’s Group are present in the Superior Court action, they are not present in the Land Court action. Through this motion to intervene, they sought to obtain the ability to be parties to the current proceeding in the Land Court which is technically dismissed at this point in time unless the Board’s motion gets approved. The Board has not taken any action on the motion to intervene. Judge Rubin stated that she is not likely to make a decision on the motion to intervene until she has come to a decision regarding the motion to vacate.

Consent Items

Approval of January 10, 2022 Regular Minutes

Selectman Arcudi stated that he has read the regular minutes and has no objections. Chair Keyes and Selectwoman Hazard agreed with Selectman Arcudi.

Selectman Arcudi moved to approve the January 10, 2022 regular minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Appointment of Richard J. McGuane to the Board of Registrars, effective January 25, 2022 (for a 3-year term)

Chair Keyes read the talent bank form submitted by Richard McGuane. Chair Keyes thanked Richard for his volunteer services to the Town and is excited to have him on the Board of Registrars. Selectman Arcudi stated that Richard’s family is very dedicated to the Town of Hopedale and that he will be a great addition to the Board of Registrars.

Selectman Arcudi moved to accept the appointment of Richard J. McGuane to the Board of Registrars, effective January 25, 2022 for a 3-year term. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Review and Approve Reduced Hours (due to COVID) for Annual Election on May 10, 2022 (Vote)

Chair Keyes stated that the Town Clerk, Lisa Pedroli informed him that the polls need to be open for at least four (4) hours, and the polls need to be open by noon (12PM). Chair Keyes stated that due to the COVID climate, the hours should be reduced. The Town Clerk informed Chair Keyes that 12PM-7PM or 11AM-7PM has worked in past years due to COVID. Selectwoman Hazard stated that she does not want to cut voting hours. Hazard suggested discussing this item at the next regular Select Board meeting so she can speak with the Town Clerk and have the Town Clerk at the meeting to answer questions. The Board agreed to hold the vote until the next Select Board meeting. No vote was taken.

FY23 Budget 1. Update from Finance Committee Meeting, 1/19 2. Identify Open Contracts; Address Wage Increases for FY23

Town Administrator Schindler stated that the Finance Committee met last Wednesday to discuss the budget, an important topic was what to project to the Departments for inflationary increases for expenses and wages. Schindler stated that the Finance Committee inflation figures were around 7%, this is not specific to Hopedale’s contracts or municipality. The Finance Committee is going to continue forward with the Capital Plan and push forward the items that were not included in this year. Selectman Arcudi stated that there needs to be a recommendation from the Finance Committee for non-union wage increases since they are an advisory Board.

Town Administrator Schindler stated that regarding open contracts Call Fire and Clerical are still open. Schindler and Selectwoman Hazard are starting the negotiating process again for Dispatch. Also, the Fire/EMS are in mediation, which will be discussed in tonight’s Executive Session.

Old Business

Review Final Draft and Adopt Code of Ethics (vote)

Selectman Arcudi stated that the Select Board wanted other Committees/Boards to review and make suggestions regarding edits. Selectman Arcudi asked that the Town Administrator distribute to the Boards/Committees and receive their feedback. Arcudi would like to move this item to the February 14, 2022, regular Select Board meeting to apply the changes or suggestions made by other Boards/Committees then the Select Board will vote to approve. Chair Keyes and Selectwoman Hazard stated that they have no revisions to be made to this draft.

Joint Meeting with Board of Health re: Animal Control Officer – Tabled

Town Administrator Schindler stated that it has not been made clear to her if any action has been taken by the Board of Health regarding this item. Schindler informed the Board of Health of an upcoming intermunicipal agreement update meeting and asked that someone from the Board of Health attend, but she has not received a response. Selectman Arcudi suggested inviting the Board of Health to join the Select Board in the next open session meeting to get an update regarding this item.

Zoning Enforcement Updates re Patriot Auto and Costa Auto & Building Department Updates; Tim Aicardi, Building Commissioner/ZEO

Town Administrator Schindler stated that she had communicated with Tim Aicardi regarding the Class II license violations and additional violations that have been discovered. Tim went to the sites and spoke with the owner’s. Tim stated that starting next year, prior to the Select Board approving the annual licenses (common victualler and class licenses) to send him a list so he can inspect the businesses. Tim stated that regarding Patriot Auto and Costa Auto, both of the businesses are working on correcting their license violations with the Building Department and the Zoning Board.

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

Selectman Arcudi commented that in previous meeting minutes it states that the Town Administrator is going to reach out to the Railroad for engineering specs. Ed Burt, Chair of the Water Commission, has reached out to Selectman Arcudi multiple times asking for these specs. Town Administrator Schindler confirmed that Ed Burt has asked her for these specs as well. Schindler stated that she is working on getting the specs from the Railroad and will provide the specs to Ed and the Board.

Selectwoman Hazard stated that regarding the dredging, the Conservation Commission, the Superintendent of Highway, and the Town Administrator walked the park lands and sized up the area. There are companies that are preparing some options (instructions and pricing) regarding how to dredge and what to do with the materials once they are removed from the pond. Chair Keyes asked the Town Administrator to make sure that the Chair of the Parks Commission is involved in this process.

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

Xfinity – Programming Advisory, effective January 25, 2022, Carcol HD ch. 3404 and Mexicana HD ch. 3409 will be added to Xfinity Latino. An X1 TV box or customer owned compatible device and HD technology fee (not included, additional charges may apply) are required to view

Requests for Future Agenda Items:

Joint Meeting with Finance Committee re FY23 Budget

Joint Meeting with the Board of Health re Animal Control Officer and Intermunicipal Agreement for ACO

Administrator Updates

<https://www.hopedale-ma.gov/home/webforms/hopedale-town-projects-initiatives>

Chair Keyes read the executive session paragraph and purpose below.

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

Arcudi – Aye, Hazard – Aye, Keyes - Aye

Executive Session: In accordance with G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to collective bargaining and litigation that an open meeting may have a detrimental effect on the bargaining and litigation position of the public body and the chair so declares, which he does. (Collective Bargaining; DLR Case No. JLM-21-8830, Hopedale Fire/EMS, Attorney Tim Zessin present).

Chair Keyes dissolved the meeting at 8:42PM

*Submitted by:*

*\_\_Lindsay Mercier\_\_\_\_\_\_\_\_\_
Lindsay Mercier, Executive Assistant*

*Adopted: 2/14/2022*