**Select Board**

**Regular Meeting Minutes**

**February 28, 2022, 6:00 PM**

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

Chair Keyes called the meeting to order at 6:10PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Chair Keyes read the executive session paragraph and purpose below. Chair Keyes stated that this executive session was recommended by Town Counsel and the Board will return to open session immediately following the executive session.

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

The Board moved to executive session at 6:15PM

Executive Session

In accordance with pursuant to M.G.L. c.30A, § 21(a) for item # (3): To discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares. Roll Call Vote

Purpose: Litigation strategy re: Town v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, et als;

Attorneys Brian Riley, Peter Durning and Peter Vetere Present

The Board returned to open session at 7:39PM

Attorney Durning provided an update regarding litigation to the public. Durning stated that on Wednesday, February 23, 2022, the Board was a part of a hearing with Judge Rubin in the Land Court on a motion that the Town had filed seeking an injunction to prevent further activity such as tree clearing on 364 West St while the appeal of Judge Rubin’s denial of the motion to vacate the stipulation of dismissal was pending. At the hearing, Judge Rubin held an open discussion with the parties regarding the possibility of referring the parties to mediation. From Judge Rubin’s perspective, the past mediation with Judge Lombardi, who is a neutral mediator with the Real Estate Bar Association, was successful and in her opinion the remaining issues in the matter might also be amendable to mediation. The GU RR agreed to mediation, the Board could not respond to mediation because the Board has to make that decision in a public meeting. It was within Judge Rubin’s authority to issue a mediation screening order. This order is directing the parties to consult with the mediation administrators at REBA to see if the parties agree that the matter is suitable for mediation. During tonight’s executive session, the Board voted unanimously to pursue mediation screening on Friday, March 4, 2022. In addition, the Board assessed the motion of whether or not the Town should return to mediation before Judge Lombardi, the Board voted that the Town should proceed with Judge Lombardi as the mediator. Durning stated that he feels this will afford the matter the ability to work with someone who has familiarity of the issues that were at play during the settlement discussions. The Board’s position is that the mediator should be Judge Lombardi. Lastly, Durning reported that he will be responding to the requests to proceed during this intervening period, Durning was directed to inform the GU RR that it is the Board’s very strong preference that no tree clearing work occur while the parties are working to move forwards with mediation and potentially, a Special Town Meeting vote later this month.

Chair Keyes stated that the Board received notice from the Town Clerk that she received the Citizen’s warrant articles that were petitions were certified. There were over 100 certified voters in support of the articles, meaning the articles will be on the warrant.

Consent Items

Approval of February 14, 2022 Regular Minutes

Approval of February 22, 2022 Regular Minutes

Selectwoman Hazard moved to approve the minutes of February 14, 2022 and February 22, 2022 Regular Minutes. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation of $50 & $100 from Gladys M. Henderson to the Hopedale Fire Department

Chair Keyes read the letter from Gladys regarding this donation. Chair Keyes thanked Gladys for the generous donation. Chair Keyes and the Board stated that the Hopedale Fire Department is top notch and appreciates their efforts in making the Town of Hopedale safe.

Selectwoman Hazard moved to accept the donation of $50 and $100 from Gladys M. Henderson to the Hopedale Fire Department. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Accept the Memorial Donation of $20, in the name of Eleanor Tusia, from Sue and Chris Lynch to the Hopedale Fire Department

Chair Keyes thanked Sue and Chris Lynch for their generous donation.

Selectwoman Hazard moved to accept the memorial donation of $20, in the name of Eleanor Tusia, from Sue and Chris Lynch to the Hopedale Fire Department. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Accept Resignation of Officer Robert Doyon from the Hopedale Police Department, effective March 9, 2022.

Chair Keyes stated that the Officer is moving from the public sector to the private sector. Chair Keyes stated that Officer Doyon has been an integral part of the Town of Hopedale and thanked him for his service.

Selectwoman Hazard moved to accept the resignation of Officer Robert Doyon from the Hopedale Police Department, effective March 9, 2022. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

Review Proposed Warrant for March 26th STM & Sign (vote)

Town Administrator Schindler stated that this is the first time the Board is reviewing the draft warrant. Chair Keyes stated that the Board would need more time to review prior to voting. Town Administrator Schindler stated the Board will readdress this item on March 9, 2022. Selectwoman Hazard stated that the Finance Committee should review the draft warrant as soon as possible. Arcudi stated that there are several finance related articles, and he would like to hear from the finance committee prior to voting.

Final Review; Adopt Code of Ethics (vote)

Selectman Arcudi stated that from the feedback they received from other Departments/Boards/Committees, he would suggest updating the language to be gender neutral. Chair Keyes clarified. that this is not specific to the Select Board, this code of conduct is relevant to all Boards and Commissions. Chair Keyes stated that the acting parting for enforcement is the Select Board, if there is something that needs to be addressed within the Select Board, they Select Board will police themselves. Selectman Arcudi thanked the citizens for bringing this topic to his attention.

Selectman Arcudi moved to adopt the code of ethics, with the gender-neutral language changes. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

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

Robert Fahey asked what the results of the executive session voting was. Chair Keyes stated that regarding opening up to mediation, the vote was unanimous, regarding the vote of using Judge Lombardi for meditation, that vote fell 2-1 in favor of Judge Lombardi.

Selectwoman Hazard stated that she had to leave the meeting at this time.

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

Division of Local Services (DLS) – Central Valuation of Verizon New England Inc, FY23-FY27

Xfinity Annual Notice – Comcast’s Policies and Procedures, Sample Subscriber Bill, Work Order and Rate & Channel Line-Up Information for the Hopedale Community

Xfinity Form 500 for YE2021 Notice cc: Department of Telecommunications

Norfolk County Agricultural High School FY23 Notice of Tuition Rates for the 2022 -2023 School Year

Letter from the Water/Sewer Commission Objecting to Continued Land Clearing

Requests for Future Agenda Items:

Schindler added the Freedom Street Dam for review to a future meeting. Chair Keyes requested that Water/Sewer Manager, Tim Watson, join the March 14, 2022 regular Select Board Meeting to provide an update of on-goings. Chair Keyes also requested that the Superintendent of Schools, Karen Crebase, join a future meeting to provide an update.

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 not to return to open session. Chair Keyes seconded the motion.

Arcudi – 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; Clerical, DLR Case No. JLM-21-8830, Hopedale Fire/EMS; Attorney Tim Zessin present).

Chair Keyes dissolved the meeting at 8:17PM

*Submitted by:*

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

*Adopted: March 4, 2022*