**Select Board**

**Regular Meeting Minutes**

**April 11, 2022, 7:00 PM**

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

Chair Keyes called the meeting to order at 7:01PM. Chair Keyes began the meeting with the Pledge of Allegiance.

7:00 PM Pole Petition Public Hearing – Plain Street, *Michael Parent, National Grid Representative*

Chair Keyes read the notice of the public hearing.

Vote to Open Public Hearing

Selectwoman Hazard moved to open the public hearing. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

The public hearing was opened at 7:05PM

Public Comment

Michael Parent, National Grid Representative, stated that regarding this specific pole, it is about to fail and National Grid needs to correct this. A push brace will be installed to correct this, the DPW and National Grid came up with this plan. The Select Board and Public did not have any questions or comments at this time. Chair Keyes stated that he will be abstaining from the vote because he is an abutter and is related to another abutter of this location.

Vote to Close Public Hearing

Selectman Arcudi moved to close the public hearing. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Board Decision and Roll Call Vote

Selectman Arcudi moved to accept the request that national grid has proposed. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Abstaining

Chair Keyes dissolved the public hearing at 7:07PM

7:30 PM Presentation of Complete Street Prioritization Plan Draft Results, *Daniel O. Roop, PE, Project Manager and Alexander D. Fagnand, PE, Tighe & Bond*

Mr. Roop and Mr. Fagnand provided a complete streets program project prioritization plan. Roop stated that this is tier two of the Mass DOT funded project. Schindler stated that the Board had adopted the Complete Streets policy around a year ago, this policy sets a standard for when a Town does a road construction project, it’s going to look through the lens of complete streets, i.e., making it multi-mobile, walking, biking, accessibility, public transit, etc. The second phase of this program is to adopt a prioritization plan which the Mass DOT funds to hire a consultant. From this, the Town will put together a list of projects that will be added to the prioritization plan, which becomes the funding schedule for DOT and the future for Town construction.

Fagnand stated that he is a transportation manager with Tighe & Bond. Fagnand shared a presentation with the Board and the public.

Consent Items

Approval of March 9, 2022 Regular Minutes

Approval of March 22, 2022 Regular Minutes

Approval of March 28, 2022 Regular Minutes

Approval of April 4, 2022 Regular Minutes

Chair Keyes stated that all three board members were present during these minutes.

Selectwoman Hazard moved to approve the March 9, 2022 Regular Minutes, March 22, 2022 Regular Minutes, March 28, 2022 Regular Minutes and April 4, 2022 Regular Minutes. Selectman Arcudi seconded the motion.

The approval of meeting minutes was opened for discussion. Selectman Arcudi stated that in the March 28, 2022 regular minutes regarding the Dam, he wanted the record to be more specific that the settlement agreement does not conflate the Dam. The Town was already in the process of fixing the Dam before the settlement agreement. Town Administrator Schindler stated that she will reclarify the March 28, 2022 regular minutes regarding the edit that Selectman Arcudi is discussing and add to a future agenda for approval. Selectman Arcudi also asked to have Mr. Shwachman review the minutes prior to Select Board approval due to the Board voting on minutes that state he has agreed to items pertaining to the Dam. The Select Board revised the motion for approval of minutes due to this.

Selectwoman Hazard amended her motion to approve the regular meeting minutes of March 9, 2022, March 22, 2022 and April 4, 2022. Selectman Arcudi seconded this motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Appointment of Barry Sims as a Hopedale Constable, effective April 11, 2022

Selectwoman Hazard moved to appoint Barry Sims as a Hopedale Constable, effective April 11, 2022. Selectman Arcudi seconded.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Jeffrey White to the Hopedale Police Department as a Full-Time Police Officer, effective April 12, 2022

Chief Giovanella stated that Jeffrey White is full academy trained, a member of the National Guard and has some Police service experience already. Chief Giovanella and the Board stated that Jeffrey would be a great asset to the Town of Hopedale Police Department.

Selectman Arcudi moved to appoint Jeffrey White to the Hopedale Police Department as a Full-Time Police Officer effective April 12, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Christopher Chase to the Hopedale Development & Industrial Commission, term to expire June 30, 2026

Selectwoman Hazard moved to appoint Christopher Chase to the Hopedale Development & Industrial Commission, term to expire June 30, 2026. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Resignation of Call Firefighter David Shearns, effective March 24, 2022

Resignation of Call Firefighter Brandon Deluca, effective March 25, 2022

Chair Keyes stated that Chief Daige was not able to attend tonight’s meeting due to a prior obligation. Chair Keyes read the resignation letters provided by the Fire Chief.

Selectman Arcudi moved to accept the resignation of Call Firefighter David Shearns, effective March 24, 2022 and Call Firefighter Brandon Deluca, effective March 25, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Resignation of Zoning Board Alternate and Secretary, Mary Arcudi, from the Hopedale Zoning Board of Appeals, effective March 28, 2022

Chair Keyes read the resignation letter provided by Mary Arcudi. Chair Keyes and the Board thanked Mary for her time and efforts spent volunteering with the Town of Hopedale. Chair Keyes stated that Selectman Arcudi will abstain from voting this item due to the relation with Mary.

Selectwoman Hazard moved to accept the resignation of Zoning Board Alternate and Secretary, Mary Arcudi, from the Hopedale Zoning Board of Appeals, effective March 28, 2022. Chair Keyes seconded the motion.

Hazard – Aye, Keyes – Aye, Arcudi - Abstaining

New Business

Request for Can Drive Fundraiser, Hopedale Junior/Senior High School Parking Lot, April 30, 2022, 10AM-2PM, *Katherine Hagner, Class of 2023 After Prom Party Committee* (Vote)

Selectman Arcudi moved to approve the Can Drive Fundraiser, Hopedale Junior/Senior High School Parking Lot, April 30, 2022, 10AM-2PM, *Katherine Hagner, Class of 2023 After Prom Party Committee.* Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Address Annual Town Meeting Date/Time and Location

Town Administrator Schindler stated that this meeting will most likely take place in the High School Auditorium. Schindler stated that typically, the Town would hold it on the third Tuesday in May, this year that would fall on Tuesday, May 17, 2022. Chair Keyes stated that if the School and the Health Agent have no issue with that date and holding the Town Meeting inside then he has no issue with it. Selectman Arcudi stated that he will not be a Board member at that time so he has no issue with this date.

Selectwoman Hazard moved to set the date for Annual Town Meeting for Tuesday, May 17, 2022 at 7PM. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Address Hybrid Meetings for Select Board

Schindler stated that for the public’s sake, the Board is going to continue with hybrid meetings. Schindler has received a lot of feedback from the public supporting hybrid meetings. Schindler also noted that the Town is saving some money with Attorney fees having the hybrid meeting option available. Chair Keyes stated that regarding hybrid meetings, at least one of the Board members will need to be in the Draper room. Keyes stated that while he is Chair, he will be in the Draper room. Schindler stated that currently capacity requirements are met by zoom, Town Hall Streams and in person, a quorum is met via zoom and in person until July 15, 2022. Chair Keyes stated that starting next meeting, the Select Board meetings will be hybrid.

Old Business

Marijuana Establishments Impact Fees – HCA Language Revision, ***Attorney Brian Riley***

Attorney Riley stated that the DOR has put out detailed guidance regarding this topic. When an impact fee is paid to a Town, whether it is quarterly, annually, etc, in general, it is treated like any other receipt or tax payment and is placed into general funds. This means that the payment needs to go through the DOR and get certified as free cash. There is nothing in Chapter 90 G that sets up a special account for these funds. Riley stated that there is one method for accounting for these payments, the DOR advises this method, Towns can set up a special stabilization (example: marijuana impact fee stabilization fund) fund and dedicate the monies that come into this fund. It will take a 2/3rds vote at Town Meeting to take this money out, this money could be used for any purpose, it is not earmarked for impact fees. Riley stated that a bill is possibly getting put in place that states that the Town will need to provide annual reports explaining what the impact fees are going towards. Town Administrator Schindler stated that she does not recommend putting the monies into a stabilization fund.

Selectman Arcudi moved to accept the changes made to the HCA proposed by the Select Board and to not create a stabilization fund. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Update regarding Town v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, et als., ***Attorney*** ***Peter Durning***

Durning stated that the activities taking place now are largely taking place in the litigation room. The 10 citizens group filed an emergency motion to preserve the status quo on the 8th with the Single Justice of the Appeals Court. The Single Justice gave the other parties (Town and GU RR) until April 7th to file a response to the motion. The GU RR filed an opposition, the Town filed a separate motion for an injunction pending appeal which was the course of action that the Town was already on. There has bee no further comment from the Single Justice of the Appeals Court since the filing of these actions. The Town is currently waiting on response/feedback. Attorney Durning stated that he still recommends holding an executive session after tonight’s open session.

FY23 Budget Update

Schindler stated that the Finance Committee has been meeting weekly with different Departments. Their goal is to be wrapped up by April 20th, on Wednesday, the Finance Committee will discuss the stipends. Schindler stated that if the Town goes through with the stipends, then a policy should be put in place. Schindler stated that she has reached out to surrounding Town’s regarding stipend policies, but she did not receive any feedback. Chair Keyes stated that he does not want the Town to lose site on the reason why stipends were eliminated because the Town has been asking for overrides for years. Selectman Arcudi stated that he would be in favor of not issuing stipends until the Town is not asking for overrides, there are employees that have not gotten raises in years.

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

A/P Warrant #22-21, $808,627.38, 4/6/2022

P/R Warrant #22-21, $886,584.45, 4/6/2022

Tech Associates – Grafton & Upton Railroad (G&U) 2022 Vegetation Control Program, G&U’s 2022 Yearly Operational Plan

Chair Keyes read the executive session paragraph below.

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session

Motion: To move into Executive Session, 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 and Peter Durning present.

Chair Keyes dissolved the open meeting at 9:32PM

Submitted by:

\_\_Lindsay Peterman\_\_\_\_\_\_\_\_\_
Executive Assistant

Adopted: \_\_\_\_\_\_\_\_