**Select Board**

**Regular Meeting Minutes**

**March 28, 2022, 7:00 PM**

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

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

Consent Items

Approval of March 9, 2022 Regular Minutes

Selectman Arcudi stated that he would like to pass over the March 9, 2022 regular minutes due to the case and until his personal Counsel can review the meeting minutes. He wants his Counsel to be sure that the meeting minutes reflect the exact video audio from the meeting.

Selectwoman Hazard stated that the edits she would like to have some minor edits made (typos) to the March 9, 2022 regular minutes. These revisions have been made.

Selectman Arcudi moved to Passover the March 9, 2022 regular meeting minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Approval of March 14, 2022 Regular Minutes

Town Administrator Schindler stated that the Executive Assistant is currently working on completing the March 14, 2022 regular minutes. This item will be passed over and moved to the next regular session meeting for approval.

Appointments and Resignations

Resignation/Termination of Derek Piatt from the Hopedale Finance Committee, effective March 28, 2022

Town Administrator Schindler stated that Derek is deployed and will not be able to attend tonight’s meeting. The Select Board thanked Derek for his service. Town Administrator Schindler stated that the Finance Committee is full, so the next agenda item, with the appointment of Stephen Capuzziello Jr would confirm that the Committee stays full.

Selectman Arcudi moved to accept the resignation of Derek Piatt from the Hopedale Finance Committee, effective March 28, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Stephen Capuzziello Jr to the Hopedale Finance Committee, effective March 28, 2022, term expires June 30, 2023

Chair Keyes read the letter from Stephen Cappuziello Jr regarding his interest in the Finance Committee addressed to the Select Board.

Selectwoman Hazard moved to appoint Stephen Capuzziello Jr to the Hopedale Finance Committee, effective March 28, 2022, term expires June 30, 2023. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Freedom Street Dam Alternatives Analysis, Presentation by Tighe & Bond

Town Administrator Schindler stated that when the bridge reconstruction project took place several years ago, the catwalk was improperly built over and no longer allows access to manual flash boards in the Hopedale Pond Dam. Using the catwalk to manually place the flash boards had become too dangerous. One of the conditions of the settlement agreement with Mr. Shwachman was that the Town would work on correcting this issue. Plans to do so were presented by BETA, the original engineering firm, and agreed upon through the settlement agreement. However, it was discovered in 2020 that those plans were not permittable by Office of Dam Safety and MA DOT. Thus, the Town contracted with Tighe & Bond to conduct an alternatives analysis providing different options to repair the dam.

Schindler introduced Dan Buttrick and Dan Roop with Tighe and Bond to the Select Board. Dan Buttrick made a presentation to the Select Board that discussed what Tighe & Bond found and their recommended next steps. Schindler stated that the Town has been primarily focused on the water control portion of this project under the Freedom Street bridge. As part of this discussion, there has been some additional items/deficiencies raised, it is Schindler’s understanding that if the Town is going to do a project of this magnitude, it makes the most sense to address these additional items/deficiencies cohesively. This would include funding and participation from the dam owner. Schindler stated that a meeting has taken place to hear the results from Tighe & Bond and Mr. Shwachman was able to voice his concerns and ask questions regarding the project. Schindler stated that she is bringing this to the attention of the Board because the water control of the Hopedale Pond is of an emergent nature, the longer the pond levels are low the more negative of an impact it has. Schindler stated that the next step is for the Board to decide if the Town will be moving forward with the project and then discuss potential funding sources. The report is included in the packet which includes costs, what Tighe & Bond found, items/deficiencies and recommendations/next steps.

Request for HYBA Baseball Parade on April 23, 2022 starting at 11AM. The Parade will start in front of the Draper Gym and end at the Draper Field – Route: Dutcher St to Freedom St

Chair Keyes thanked Keith Smith for another year of service within the Board of Baseball league. Chair Keyes stated that he has not reservations with this event. Chair Keyes stated that he is not aware of a rain date at this moment, however, if there is inclement weather that requires a rain date then that would be acceptable. Resident Scott Savage, a member of the Baseball Board, stated that there is not a confirmed rain date, but he will get a rain date from the Baseball Board.

Selectwoman Hazard moved to approve the Hopedale Youth Baseball Parade on April 23, 2022 starting at 11AM, with a potential rain date of April 24, 2022. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Award Mass Works grant for Hopedale/Mendon Street intersection construction project

Schindler stated the Town recently bid out the construction of the Hopedale and Mendon Street intersection where some widening, changing the traffic system and sidewalk work will take place. The low bidder was Caracas Construction Corp at $826,852. The Engineer has evaluated and approved Caracas Construction Corp as the lowest bidder. Schindler stated that she is asking the Board to award the construction contract to this corporation. Chair Keyes stated that this falls within all monies that are still left from the initial grant that was accepted from the Transportation Secretary. Schindler stated that the Town received a 1-million-dollar grant from MassWorks, the engineer was roughly 120,000, meaning that the $826,852.84 will keep the Town under 1 million. Chair Keyes asked for clarification on the timeframe of this project. Schindler stated that the grant was supposed to be closed out on June 30, 2022, but the Town is behind. The Town has asked for an extension, which was granted until June 30, 2023. The Town is estimated to complete this construction in this year’s construction period (2022).

Selectman Arcudi moved to award the MassWorks Contract to Caracas Construction Corp for an amount of $826,852.84. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

File Transfer Request for 75 Plain Street from KP Law to Continue with Atty Jonathan Silverstein

Chair Keyes read the letter provided by Lauren Goldberg, president of KP Law and Atty Jonathan Silverstein. Schindler stated that the applicant will be paying for this, so it would be most appropriate for the Attorney to follow the hearing regarding 75 Plain Street. Schindler stated that there is no objection from the Hopedale Planning Board. Schindler stated that the Board should vote and sign to officially transfer the file.

Selectman Arcudi moved to transfer the request of 75 Plain Street, KP Law, Attorney Jonathan Silverstein to continue as per the letter that Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

Review Counsel Opinion re: 187 Freedom Street as Location of Water Tank; Execute & Sign Confirmatory Deed as Accepted by Conservation Commission (vote)

Schindler stated that the last time this was on the Select Board agenda, it was not voted by the Conservation Commission. This has been voted at the Conservation Commission’s recent meeting. This document has been signed by Mr. Borrell as well. The Select Board is the last entity to vote and sign. Schindler confirmed that this will need a wet signature and it will live in the Town Clerk’s office. Residents asked that the Select Board refer to it as a tower instead of a tank because it will be ariel. Water/Sewer Manager, Tim Watson confirmed that the dimensions are 849,000 gallons and 100 feet high. Tim Watson stated that he is not looking to rent this tank out to vendors such as Verizon, but a more detailed conversation will need to be had regarding that. Schindler stated that the wording from the original donation calls it a tank.

Selectwoman Hazard moved to accept the deed of 187 Freedom Street as the location of the water tank, as indicated in the packet and endorsed by the Conservation Commission. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Review and Approve Hopedale Volunteer Release Form, Revised (vote)

The Town’s insurance contact stated that there should be language regarding minor’s participating. If a minor will be volunteering, there should be a portion notifying the Town that and the document should require the guardians/parent’s signature on behalf of the minor.

Selectwoman Hazard moved to accept the Hopedale Volunteer Release Form as presented. Selectman Arcudi 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 Durning stated that since the Town meeting vote on Saturday, March 26, 2022 there has been some activity, such as documents and motions filed in the Appeals Court. As there is continuing litigation and the Select Board has not had a chance to discuss this with Counsel, Durning recommends that an executive session meeting be scheduled for the next regular meeting so these matters can be reviewed. Chair Keyes agreed with the recommendation. Attorney Durning stated that the executive session meeting should take place by next Monday, April 4, 2022, due to the notice the Town received from the Appeals Court asking for a response by April 7, 2022. Durning stated that the main focus is the injunction, however, there are other filings beyond the injunction to discuss.

Selectman Arcudi stated that he has engaged in an independent law firm, not paid for by the Town but paid for by Selectman Arcudi himself, to represent him for any past, or any future actions that he has, may or may not have taken under the current litigations with respect to the Town/GURR in Massachusetts Federal Courts. Arcudi stated that the law firm has extensive experience representing Massachusetts elected and appointed officials on such matters.

Arcudi stated that regarding his rationale for the settlement agreement and his judgement. The town was faced with an all or nothing situation. Arcudi quoted Judge Lombardi “there are only winners and losers in Land Court, nothing in between, Judge Rubin and Judge Goodwin, it would be a shame for the Town to lose everything, we are hoping that we can still find a way to work together on this matter” Arcudi stated that at this point his objective switched to negotiations with a focus on the Town’s residents and the Town’s natural resources such as the Town’s current and future water supply and the Town’s Parklands. Arcudi stated that he was not willing to take a risk for Hopedale’s future water and parklands, he was elected to represent the entirety of Hopedale and its residents. In Arcudi’s conclusion, based on sound guidance based upon independent legal and environmental expertise, it was determined that this was the safest and most reasonable resolution to reach his objective and the Town’s objective. Arcudi stated that he felt extremely comfortable with his decision in February 2021 and still does. Arcudi continues to support his vote on the settlement agreement.

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

Non-Resident, Rob Fahey stated that the Board should try to be more diverse and possibly have a larger board.

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

A/P Warrant #22-20, $433,550.09, 3/24/2022

P/R Warrant #22-20, $945.511.74, 3/24/2022

Blackstone Valley Vocational Regional School District - Approved the School budget and related regional assessments for FY23

Hopedale Zoning Board of Appeal – Request for Stipends

Chair Keyes read the executive session paragraph and purpose below.

Selectwoman Hazard moved to enter executive session per the paragraph and purpose the Chair Keyes read, not to return to open session. Selectman Arcudi 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; All Units)

Chair Keyes dissolved the open meeting at 8:45PM

Submitted by:

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

Adopted: April 25, 2022