

Select Board
Regular Meeting Minutes
November 22, 2021, 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.

Chair Keyes called the pole petition hearing to order at 7:01PM. Chair Keyes read the public hearing notice to the public and the Select Board. Al Galvin, National Grid Representative stated that the Town of Hopedale had requested that Pole 3 be relocated due to a wheelchair ramp being installed.

Pole Petition Public Hearing – Hope Street (*Al Galvin from National Grid to attend*). In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.) you are hereby notified that a Public Hearing has been scheduled for Monday, November 22, 2021 at 7PM, via Zoom Meeting based upon the petition of MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC., to request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways: Hope Street: 75 South of Existing pole 6 Dutcher St install new relocated pole 3 and 99Ft South of this newly relocated pole install new pole 4 as marked in field. See permit sketch. Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables, and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed here with marked.: MASSACHUSETTS ELECTRIC COMPANY. Plan No. 28461542. Dated 10/25/2021

Chair Keyes opened the hearing for Board Member and Public comment. No comments were given. Chair Keyes adjourned the Pole Petition Public Hearing at 7:09PM

Selectman Arcudi moved to approve the pole petition from Hope Street: 75 South of Existing pole 6 Dutcher St install new relocated pole 3 and 99Ft South of this newly relocated pole install new pole 4 as marked in field, per the sketch provided. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Chair Keyes called the 2022 Tax Classification Hearing to order at 7:10PM. Chair Keyes read the 2021 Tax Classification Hearing text below.

7:10PM 2022 Tax Classification Hearing – Review Board of Assessors' Recommendation; Ann Williams, Principal Assessor, Don Howes Chair of the Board of Assessors. The Hopedale Board of Selectmen will hold a public hearing at 7:10 PM on Monday, November 22, 2021, in the Draper Meeting Room of the Hopedale Town Hall at 78 Hopedale Street, Hopedale MA via ZOOM. The purpose is to receive comments on the classification of taxable real property in the town of Hopedale, and to determine the percentage of the tax levy for Fiscal Year 2022 that each class shall bear by multiple tax rate or by a single classification and single tax rate. Interested Hopedale taxpayers are encouraged to provide written or oral comments prior to or during the hearing.

Board of Assessors Chair, Don Howes stated that this is an annual process for the Town. The Town has a slightly higher rate for business, taxes, this helps the residences tax rates somewhat. Chair Howes stated that historically, a business has never declined to be in Hopedale due to the higher business tax rate than residential. Selectman Arcudi stated that 90% of the monies coming in from taxes are from residential, 10% is coming from commercial/industrial. Arcudi noted that with the split tax rate that the BOA is recommending, the tax rate goes down for single family residential from 17.87% to 17.10% this is also due to the housing market being assessed differently than the previous year. Selectman Arcudi stated that when the Town has a larger number of industrial/commercial areas the Town should reevaluate the split tax rate recommendation. Chair Howes agreed with this statement.

Chair Howes stated that the BOA recommends maintaining the split tax rate of 1.50 and not to adopt the residential exemption and small commercial exemption.

Selectwoman Hazard moved the Town of Hopedale to maintain the split tax rate of 1.50. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved the Town to not adopt the residential exemption. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectwoman Hazard moved not to adopt the small commercial exemption. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes adjourned the 2022 Tax Classification Hearing at 7:25PM.

Consent Items

Approval October 25, 2021 Regular Minutes

Selectman Arcudi moved to approve the October 25, 2021 regular minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes moved the item to discussion.

Selectman Arcudi commented on the minutes stating that he thought there was a date of when the Board of Health will return to the Select Board regarding their decision of the ACO discussion, this date was not mentioned in the meeting minutes. Town Administrator Schindler stated that Chair Keyes stated that it was going to be revisited in December of 2021, a specific date was not specified. It was agreed between the Board of Health and the Select Board that this item would be revisited in a joint meeting during December 2021.

Approval of November 8, 2021 Regular Minutes

Selectwoman Hazard moved to approve the November 8, 2021 regular minutes. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Approve the Annual Gobble Wobble Race on November 25, 2021, starting at 8AM in front of the Fire House

Chair Keyes read the letter provided in the packet. Chair Keyes thanked the race directors for their hard work organizing this annual event. Chief Daige stated that as of Today, November 22, 2021, 180 participants have signed up.

Selectwoman Hazard moved to approve the Annual Gobble Wobble Race on November 25, 2021. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation of \$395 for the Tree Donated by Selectwoman Glenda A. Hazard in Honor of Her Father, Ken Hazard*

Chair Keyes gave his sentiments and thanked all of those involved with this process. Selectman Arcudi echoed Chair Keyes statements. Selectwoman Hazard thanked all of those involved in this processed.

Selectman Arcudi moved to accept the donation of \$395 for the tree donated by Selectwoman Hazard in honor of her Father, Ken Hazard. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

Accept Donation of Value of Portable Restrooms for the Annual Gobble Wobble Race, provided by Regional Restrooms, Mitchell DeLorenzo

Chair Keyes read the letter provided by Mitchell DeLorenzo regarding the donation of portable restrooms for the annual Gobble Wobble Race. The Select Board thanked Mitchel DeLorenzo and Regional Restrooms for their generous donation to the Town.

Selectman Hazard moved to accept the donation of value of portable restrooms for the annual gobble wobble race, provided by Regional Restrooms. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Reviewed A/P Warrant 22-11 A/P for \$326,759.52

Reviewed P/R Warrant 22-11 P/R for \$938,632.14

Town Administrator stated that the Select Board voted in a previous meeting to list this warrant items as consent items.

Selectman Arcudi moved to accept the A/P Warrant 22-11 A/P for \$326,759.52. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to accept the P/R Warrant 22-11 P/R for \$938,632.14. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Resignation of Full-Time Firefighter/Paramedic Jarrod Taranto, effective November 30, 2021

Chair Keyes read the letter of resignation of full-time firefighter/paramedic, Jarrod Taranto.

Chair Keyes stated that this is another big loss to the Department. Chief Daige stated that this is the twelfth full-time member that he has hired, that has left the Town of Hopedale for a position in another Town with more staffing and better pay. This is an issue that the Town needs to address immediately, otherwise we will continue to see employees leave for these reasons. Chief Daige stated that he is grateful for Jarrod wanting to stay on as a call firefighter and assist the Hopedale community. Daige stated that Jarrod is an excellent employee and will be very missed.

Selectwoman Hazard moved to accept the resignation of full-time firefighter/paramedic Jarrod Taranto effective November 30, 2021. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to appoint Jarrod Taranto as a call firefighter/paramedic effective December 1, 2021. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Appointment of Jennifer Richard as a Provisional Full-Time Step 1 Firefighter/EMT, effective December 6, 2021

Chair Keyes read the appointment recommendation letter provided by Fire Chief Daige. Chief Daige stated that he has confirmed with the Union regarding Jennifer Richards position with the Fire Department. The Select Board thanked Jennifer for her dedication to the Town and the Hopedale Fire Department. The Board thanked Jennifer for her service.

Selectwoman Hazard moved to appoint Jennifer Richard as a Provisional Full-Time Step 1 Firefighter/EMT, effective December 6, 2021. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Municipal Notes Sale, submitted by the Treasurer/Collector Stephanie L'Etalien (Vote)

Chair Keyes stated that the Finance Director, Stephanie L'Etalien requested that the Board sign this document in person and that it is very time sensitive. Selectman Arcudi stated that the interest rate on this Note is .45%. The Town is combining old notes with the new leaf blower and the dump truck. The total is \$996,943.

Selectman Arcudi moved to accept the detailed information on the Municipal Note Sale submitted by Stephanie L'Etalien for a total of \$996,943 at a rate of .45% effective November 10, 2021 with a first due date one year from today. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

Sign PFAS Legal Services Agreement from SL Environmental*

Chair Keyes stated that they have met with SL Environmental a few times. Keyes was very impressed with their experience and expertise. Selectman Arcudi stated that there is no cost to the Town per this legal agreement, SL Environmental is doing this litigation as part of a suit. SL Environmental takes on all of the expenses regarding fighting the lawsuit, if the Town wins, SL Environment will take 32.75% of the settlement. If there is no settlement, then the Town does not owe anything. Within 30 days, the Town or SL Environmental can walk away from agreement. Ed Burt, Chair of the Water Commission stated that the Water Commission recommends to proceed with this agreement.

Selectman Arcudi make a motion for discussion to grant the Select Board Chair to sign the PFAS Legal Services Agreement with SL Environmental. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Superior Court Decision Reilly, et als. (Ten Taxpayers) v. Town of Hopedale, et als.; Outcome of Friday (11/19) Executive Session Discussion; Attorney Peter Durning present

Chair Keyes stated that this will not be an interactive agenda item with the public. Attorney Durning will be speaking tonight regarding the Superior Court Decision. At a future meeting, the Select Board will allow questions and comments from the public. Attorney Durning stated that recently he has caucused with the Select Board and Attorney Riley in an executive session last Friday. The update that Attorney Durning can provide is that upon review of Judge Goodwin's memorandum of decision and judgement Attorney Riley with Attorney Durning's concurrence, concluded that the memorandum of decision did not contain enough specific information to give the Select Board appropriate guidance regarding the avenues that it could pursue. Attorney Durning stated that a key point of Judge Goodwin's decision was that Judge Goodwin denied the plaintiffs their request of declaratory relief under count two because Judge Goodwin determined that the party lacked standing to challenge the decision, but the Judge also granted the motions for judgement on the pleadings by the Town and the Railroad with respect to count two. In the discussion, Judge Goodwin noted that "it lies within the Boards sole discretion whether to determine to seek Town Meeting approval for the settlement agreement to renew its attempt to enforce the option or to do neither". Attorney Riley and Attorney Durning saw too many difficulties from the Town to go forward with one of the three options without further clarification from the Court. Earlier today, pursuant to the Massachusetts ruled of civil procedure, Attorney Riley served a motion upon the litigants in that superior court action is a motion for clarification of judgement. The litigants of this matter will have an opportunity to respond to the motion for clarification. This matter will come back to Judge Goodwin so she can come back to the Board with a clearer decision. Attorney Riley intends to submit an emergency motion, for the purpose to stay the running of the 60-day period that Judge Goodwin references in her decision. In Judge Goodwin's decision it states that the Town has 60 days to pick one of the three options.

Chair Keyes stated that from the executive session, it was a robust discussion. Ultimately, the Select Board came to a decision where all three members felt this was the best action. Selectwoman Hazard wanted to reassure the residents that the Select Board asking for clarification does not solidify a specific decision by the Board. The Select Board will still be discussing what is best for Hopedale.

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

Rob Fahey stated that the zoom option is something that he feels is a great option for the public so they can join and participate these meetings. He asked for this option to stay after COVID regulations end.

Future Agenda Items

Selectman Arcudi asked to have the Fire Chief on a future meeting to discuss what the Fire Department needs.

Selectwoman Hazard asked to revisit reviewing and approving the AP and Payroll warrant process.

Executive Session:

Chair Keyes read the executive session purpose below.

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. (CB; Call Firefighters)

Selectman Arcudi moved to enter executive session for 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. (CB; Call Firefighters). Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 9:13PM

Submitted by:

Lindsay Mercier
Lindsay Mercier, Executive Assistant
Adopted: _____