

**Select Board
Regular Meeting Minutes
December 27, 2021, 7:00 pm**

Present: Chair Brian R. Keyes, Selectman Louis J. Arcudi, III, Selectwoman Glenda A. Hazard, Town Administrator Diana M. Schindler

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

Frederick Oldfield moved to open the joint meeting with the Library Trustees and Select Board at 7:00PM. Christine Seaver seconded the motion.

7:00 PM Joint Meeting with Library Trustees

Accept Resignation of Nancy K. Verdolino from the Library Trustees

Chair Keyes read the resignation letter provided by Nancy Verdolino.

Selectman Arcudi moved to accept the resignation of Nancy Verdolino. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Selectman Arcudi stated that he is very close with Nancy and her Husband. She will be very missed in Hopedale, and he thanked her for all of her hard work. Selectwoman Hazard thanked Nancy for her 20 years of dedication to the Town of Hopedale. Hazard stated that Nancy will surely be missed by her colleagues and members of the Town. Chair Keyes thanked Nancy for the impact she left with the Town and the Bancroft Memorial Library.

Address Request for Appointment of Marie Riddell to the Library Trustees, to fill the remainder of term. Town Administrator Schindler clarified that this term will serve until the regular May 2022 election. This term is appointed to fill the vacancy until the election.

Selectwoman Hazard moved to appoint Marie Riddell to the Library Trustees, to fill the remainder of term until the May 2022 election. Selectman Arcudi seconded the motion.

Roll Call Vote: Oldfield – Aye, Seaver – Aye, Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi stated that he thinks Marie would be a good candidate for the position. He and Selectwoman Hazard have no questions. Marie Riddell stated that she is thankful to be considered. Riddell thanked the Select Board and the Library Trustees for their time.

Fred Oldfield moved to close the Library Trustees Meeting. Christine Seaver seconded the motion. Oldfield – Aye, Seaver – Aye, Riddell – Aye

Consent Items

Approval of December 13, 2021 Regular Minutes

Selectwoman Hazard asked that the Select Board postponed the approval of the December 13, 2021 Regular Minutes until the next scheduled Select Board meeting, she stated that she needs more time to review.

Selectwoman Hazard moved to table this item until the next scheduled meeting. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Accept Resignation of Firefighter and EMS Coordinator/SAFE Coordinator Brian Kelley from the Hopedale Fire Department, effective January 1, 2022

Selectman Arcudi moved to accept the resignation of Firefighter and EMS Coordinator/SAFE Coordinator Brian Kelley from the Hopedale Fire Department, effective January 1, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Fire Chief Daige stated that Brian Kelley is an instrumental part of the Fire Department. Kelley began the Advanced Life Support Program (ALS) for the Hopedale Ambulance. Kelley presented the SAFE Program to the Hopedale Schools. Chief Daige stated that Kelley was an excellent talent, great Firefighter and EMS who will be terribly missed. Chair Keyes read the resignation letter provided by Brian Kelley.

Accept Resignation of Suzanne MacNeil from the Open Space & Recreation Planning Committee, effective immediately

Chair Keyes read the resignation letter provided by Suzanne MacNeil from the Open Space & Recreation Planning Committee. Chair Keyes stated he appreciated the service to the committee that Suzanne has provided. Town Administrator Schindler stated that if any Town residents are interested in the Open Space & Recreation Planning Committee or the Master Plan Steering Committee to reach out to her office. The Town Administrator's Office was just informed that they were approved for funding of the next phase of the Master Plan.

Selectwoman moved to accept the resignation of Suzanne MacNeil from the Open Space & Recreation Planning Committee, effective immediately. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Accept the Legislative FY22 Local Earmark of \$25,000 from the General Appropriations Act granted to the Hopedale Fire Department for the Purchase of Personal and Life-Saving Equipment (list of equipment identified in Grant Scope)

Chair Keyes read the letter provided. Chair Keyes read the grant project description. The Hopedale Fire Department will use these funds to purchase the following items: one battery operated auto-extrication combination tool. This tool will be kept on our primary ambulance with just two Firefighters working per shift, there have been times that those two Firefighters have waited up to fifteen minutes for an engine with hydraulic extrication tools to arrive to extricate a victim(s) in a car accident. With this battery-operated tool on the ambulance, it will allow the Firefighters to initiate extrication and access to treat the victim(s) more quickly. Two new thermal imaging cameras to replace the TC's that are over 10 years old. Two new multi-gas meters to replace meters that have been out of service because they can no longer be used due to age. Twenty-six personal LED flashlights for the members so that they always have the safety of having a flashlight.

Selectman Arcudi moved to accept the Legislative FY22 Local Earmark of \$25,000 from the General Appropriations Act granted to the Hopedale Fire Department for the Purchase of Personal and Life-Saving Equipment. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

COVID-19 Operations Update

Town Administrator Schindler stated that the Town currently has 43 active cases as of Friday, December 24, 2021. As of Friday, there was a 6.5 increase of cases. For Town and Municipal Vehicles, there are procedures in place that are listed in the packet. Currently, Town buildings are open to the public and the hours have not been cut.

Update Litigation re: Reilly, et als. v. Town of Hopedale, Grafton & Upton Railroad, and One Hundred Forty Realty Trust, et als., Worcester Superior Court, C.A. No. 2185CV00238D

Chair Keyes read the statement provided by the Select Board and Counsel. This letter recapped the events of the 364 West Street litigation. In summary, the Court stated the where the Town's actions of 85 acres was a fundamental part of the settlement agreement, unless the Board obtained Town Meetings validation to obtain this property, the agreement will not become legally effective, and the Town could request that the Town reopen the previously dismissed lawsuit and seek to enforce the option. In light of the superior court's clarification, the Select Board, has a limited number of options going forward with a Court imposed deadline of Mid-February 2022. One course of action would be to call a new Special Town Meeting in January 2022 and put the settlement agreement terms to the voters. Town Counsel, in reliance on the decisions of the superior court and the appeals court, has advised that if Town meeting did vote to authorize the terms of the settlement agreement (2/3rds vote in favor to pass) there would be no further impedance to carrying it out. A second option would be to attempt to reopen the land court litigation and pursue the Town's original plan that it properly exercised its right of first refusal. The third option, not favored by the Select Board, would be to take no action further and allow the railroad to remain in possession of the property. After deliberation, the Select Board has decided not to call a Special Town Meeting at this time. The Board reached this decision based on these factors, at the October 2020 Special Town Meeting the voters unanimously supported the acquisition of 155 acres, while we require a new Town meeting vote on acquiring the 85 acres the Board acknowledges the informal statements of several hundred voters through social media and petitions in favor of instead of attempting to further land court proceeding to acquire the 155 acres. Chair Keyes stated that as developments come in the Select Board will provide updates to the residents and be transparent.

Joint Meeting with Board of Health to Address Animal Control Officer/Program, Tabled until 1/10/22
Town Administrator Schindler stated that the Town needs to respond to joining the MOA by July 1, 2021.

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

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

FY22 Rural and Small Town Development Fund Grant Program Materials

Town Administrator Schindler stated that the Board has voted to accept the grant of \$75,000 in a previous meeting and these documents are pertaining to that grant. The grant funding will go toward a traffic and circulation study in the village center.

75 Plain St – Opposition Letters from Residents

Xfinity – Programming Advisory, on December 22, 2021 ACC Network will be added to the Expanded Basic, Sports & News, and Xfinity Latino Starter levels of service in your community.

P/R Warrant 22-13 \$850,555.57

A/P Warrant 22-13 \$360,149.57

Requests for Future Agenda Items:

Joint Meeting with Conservation Commission re Select Board option to exercise the "Town's Right of First Refusal" concerning the West St, Date TBD

Selectman Arcudi asked to add to a future agenda that the select board and finance committee meet to provide some guidance to Departments/Boards regarding budget planning for 2023.

Selectman Arcudi also asked to add to a future agenda a code of conduct item regarding Boards and Committees.

Administrator Updates

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

Chair Keyes read the executive session purpose below.

Selectman Arcudi moved to enter executive session per the parameters 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, Call Fire and Clerical, Attorney Tim Zessin present).

Chair Keyes dissolved the meeting at 8:18PM

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____