

Board of Selectmen
Regular Meeting Minutes
February 22, 2021
7:00 PM

Call to order 7:00 p.m. via Zoom Meeting, Chair Keyes convened the meeting at 7:00PM

Pledge of Allegiance

Consent Items

Approval of January 8, 2021 Regular Minutes

Approval of January 12, 2021 Regular Minutes

Approval of January 21, 2021 Regular Minutes

Chair Keyes stated that the minutes will be approved collectively.

Selectman Hazard made a motion to approve the January 8, 2021 Regular Minutes, the January 12, 2021 Regular Minutes, and the January 21, 2021 Regular Minutes. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes - Aye

Accept the Donation of \$1,000 to the Bancroft Memorial Library from the Hopedale Foundation (Letter Attached)
Chair Keyes read the letter from the Bancroft Memorial Library Director, Robyn York regarding the donation of \$1,000 from the Hopedale Foundation. Chair Keyes and the Selectman thanked the Hopedale Foundations for their ongoing generosity to the Town of Hopedale.

Selectman Arcudi made a motion to accept the \$1,000 donation to the Bancroft Memorial Library from the Hopedale Foundation. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

7:15 p.m. Joint Meeting per M.G.L. Chapter 41, §11, with remaining Water Commission members, to consider Appointment of Donald Cooper

Ed Burt, Water Commissioner opened the Joint Water/Sewer/Board of Selectmen Meeting at 7:15PM, February 22, 2021 to discuss the appointment of Donald Cooper as a Water Commissioner. Ed Burt stated that Donald Cooper had filled out and submitted a talent bank form for this position. Donald has extensive professional experience in the Water/Sewer area. Ed Burt stated that at a previous Water/Sewer meeting, they voted affirmatively to recommend Donald Cooper's appointment. Selectman Arcudi stated that he had the privilege and honor of working with Donald Cooper previously and that he supports the recommendation of Donald Cooper to the Water Commission. Donald Cooper confirmed Selectman Arcudi's inquiry regarding if he would be running for the Water Commission position in June when his term is up, and the election begins. Donald Cooper spoke to the Boards and the Public stating his qualifications and experience that pertains to this position. He is eager to assist the Town and the Water/Sewer Commission by applying his experience.

Ed Burt made a motion to appoint Donald Cooper to the Water/Sewer Commission. Jim Morin seconded the motion.

Roll Call Vote – Keyes – Aye, Arcudi – Aye, Hazard – Aye, Morin – Aye, Burt – Aye

Jim Morin made a motion to close joint Water/Sewer Commission meeting. Ed Burt seconded the motion.

Morin – Aye, Burt – Aye

Resignation of Steven Gallagher from the ZBA and Planning Board (Letter Attached)

Chair Keyes read the letter of resignation from Steven Gallagher from the Planning Board. Chair Keyes and the Selectmen thanked Steven Gallagher for his dedication and hard work he put into the Town of Hopedale and during his time on the ZBA and Planning Board.

Selectman Hazard made a motion to accept the resignation of Steven Gallagher from the ZBA and the Planning Board. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Public Hearing None

New Business*

7:30 p.m. Request to Accept Donation from Anonymous, pursuant to M.G.L. Chapter 44, § 53A, in the amount of \$21,000 from the Fidelity Charitable Donor Advised Fund Grant for repairs and improvements to the Hopedale Town Park Playground

Don Howes, Chair of the Parks Commission spoke to this item. He thanked the anonymous donor for their generosity. Howes stated that there is very little stipulation regarding this donation, Howes continued to read a portion of the letter he received from the anonymous donor regarding the donation. Howes read the portion that states, “the design of this upgrade is entirely up to the Parks Commission. If any funds are left over, please use them for other upgrades or repairs that the Town Park may have.” Howes stated that the main climbing structure to purchase it new is a \$45,000 replacement, to repair the structure it would consist of \$14,000 in replacements, including 2-3 failing deck plates at the smaller structure. The metal slide will be replaced so the Town can be safe compliant. Chair Keyes and the Selectmen thanked the anonymous donor for their generosity. Chair Keyes stated that the Board of Selectmen will provide a thank you letter for the anonymous donor. Selectman Arcudi also thanked Don Howes and the Parks Commission for their outstanding work and for keeping the Town Parks safe and updated.

Selectman Hazard moved to accept the \$21,000 donation from the anonymous donor, Fidelity Charitable Donor Advised Fund Grant for repairs and improvements to the Hopedale Town Park Playground. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

7:45 p.m. Request to Accept Gift from Virginia A. Larkin and Richard D. Larkin (a 30-foot-wide paved access road into the Hopedale Parklands from the present end of the pavement on Overdale Parkway. Refer to Special Town Meeting, June 24, 1985, Article 7); *Ricardo Lima, Resident; Attorney Tom McLaughlin & Attorney Stephan Rodolakis (representing requesting parties); Katherine Klein, KP Law, Town Counsel*

Attorney Tom McLaughlin introduced himself and stated that he represents Hopedale resident, Richardo Lima. Attorney McLaughlin stated that Mr. Lima recently purchased a 7-acre parcel of land from the Larkin family. This parcel abuts a 703ft long access road, leading to the Hopedale Parklands. The land the Mr. Lima owns is to the east of the access road. On June 24, 1985, the Hopedale Town Meeting approved warrant article 7 to accept as a gift from Virginia Larkin and Edward D. Larkin for them to construct a 30ft wide, 703ft long access road, shown on a plan of land, prepared by Gary Air and Helman. The article imposed very specific restrictions, designed to protect the interests of the Town. 1. Road was to be constructed only with full approval of the Road Commissioners. 2. Only the owners of the 10 lots (4 lots on the easterly side, now owned by Mr. Lima, 6 lots on the westerly side) abutting that access road. 3. No other lots, not shown on the plan have any right to utilize the access road. 4. Any owner of one of the 10 lots, allowing a non-owner of the 10 lots, would lose their rights to utilize the access road. The warrant provided that in exchange for construction of the access road, the Town will maintain the access road as it does other ways of the Town. The article also provided that acceptance of the gift and the granting of the limited rights and easements to the abutting owners will take effect only when the Board of Selectmen records a statement accepting the gift at the registry of deeds. Mr. Lima's request is for the Board of Selectmen to vote to authorize the recording of the 1985 warrant article and to record the plan at the registry of deeds. Thereafter, Mr. Lima, should he wish to develop his land at the easterly of the access road, he would need to get approval from the Road Commissioners, the Planning Board, and all the processes that will ensure that the Town and its interests are protected. Attorney McLaughlin clarified regarding item 4, that all ten lots (4 easterly and 6 westerly) would not be able to build off if someone were trying to access off of those properties. Attorney McLaughlin stated that a Town meeting is required for anyone to get permission to allow a third-party access through their lot to the access road. Attorney Rodolakis stated that his client is content with the six lots and that the roadway would not provide access to any other lots. Rodolakis stated that his client would agree to a conservation restriction for the rear of these lots or to deed these lots to the Hopedale Parklands. Attorney Klein stated that to make this a public way, this item would have to go to Town Meeting. The Board of Selectmen could not vote it themselves. Attorney Klein stated that if the Town does move to accept article 7, she suggested that there be some time of conveyance or a declaration of restrictions that makes the warrant article clear. Some residents expressed concern regarding how accepting this gift will affect the Parklands. Attorney McLaughlin stated that accepting this gift will not compromise the Parklands, accepting this gift will increase the acreage of the Parklands. Resident, Don Howes stated that he feels this item needs more time to be thought over and discussed and asked that the Board of Selectmen do not vote on this item tonight. Resident, Rob Fahey, asked that the Board and the Town look deeper into the documentation regarding these parcels and the land change ownership before making a decision. Resident, Carole Mullen, asked the Board why this item has sat dormant since 1985 and what would the impact be if the Railroad abuts this property and what type of access would the Railroad have to this property? Attorney McLaughlin stated that the Railroad has no claim over these 10 lots. If the approvals are granted from the various Boards, the 10 lots are to be constructed, limited to only the lots, no access will be granted to any other portion of Hopedale. Selectman Arcudi stated that this is a private road, the Railroad would not have access to this road. If homes are constructed, there would be a 20ft buffer around it that was discussed earlier, making it so the Railroad would have no access to it. Selectman Arcudi feels that we need to do our due diligence and look into these parcels to identify if they are considered Parklands. Attorney McLaughlin clarified that these 10 lots are considered 10 single family residences. Residents that live on Overdale Parkway expressed concern regarding drainage and water supply and how building on these lots would affect them. These residents asked for conservation and health studies to be done. Attorney Klein recommended to hold on voting for this article until the Town has pulled a title report. A vote was not taken during this meeting.

Bancroft Memorial Library Contract/Bid for Historic Roof Restoration & Repairs – Notice to Award Contract in the amount of \$218,490 to Almar LLC (Vote)

Town Administrator, Diana Schindler stated that this is the roof renovation and repairs project that the Bancroft Library has received funding along with grant funding from Mass Historic for \$55,000. Almar LLC was the low bidder that was able to meet the historic qualification specified in the bid. Library Director, Robyn York thanked everyone involved and the project is targeted to be completed by the end of June 2021.

Selectman Arcudi made a motion reward the notice to award contract in the amount of \$218,490 to Almar LLC for the Bancroft Memorial Library Bid for historic roof restoration and repairs. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Approve Addition of Warrant Article for ATM to Petition Legislature to Change the name of Board of Selectmen to Selectboard

Town Administrator, Diana Schindler stated that this item, if approved at tonight's meeting, will go to Town Meeting, then if approved, it will move onto the Legislature. Selectman Hazard asked Town Administrator Schindler to clarify the costs that will be acquired regarding this item. Town Administrator Schindler stated the costs will be from updating the general by-laws. This published materials/by-laws state "Board of Selectmen", this will need to be updated. The by-laws are in the process of getting reviewed/ and getting the zoning by-laws codified, the Town Clerk is getting quotes from general code who currently maintains the Towns general by-law.

Selectman Hazard moved to place a name change from Board of Selectmen to Select Board on the Annual Town Meeting warrant. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Review draft Annual Town Meeting 2021 Warrant Schedule

A vote was not taken on this item. Town Administrator Schindler shared the schedule with the Board of Selectmen and stated that this item will be put on a future agenda for further discussion.

Old Business

COVID Updates

Town Administrator Schindler stated the Town has moved into the "green" section due to decreased COVID cases.

GU RR Settlement Agreement Execution Updates

Town Administrator Schindler has requested that the Water/Sewer Commission add an agenda item at their next meeting regarding the Cost Shared Agreement.

Request Treasurer Begin Process of Bonding for Acquisition of Land Known As 364 West Street/364 West Street Adj

Selectman Arcudi made a motion to request that the Treasurer begin process of bonding for acquisition of land known as 364 West Street/364 West Street Adjacent. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

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

Xfinity – Programming Advisory (Letter Attached)

Requests for Future Agenda Items:

Administrator Updates (Ongoing – In Packet)

Tennessee Gas Side Trimming (letter)

Draper Mill Demo – Watering Down (email from Building Commissioner)

Selectman Arcudi made a motion to move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (3): To discuss strategy with respect to collective bargaining or 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: Collective Bargaining; All units. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 9:39PM

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 collective bargaining or 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: Collective Bargaining; All units.

Submitted by:

Lindsay Mercier
Lindsay Mercier, Executive Assistant

Adopted: _____