

**Board of Selectmen
Regular Meeting Minutes
January 4, 2021**

Call to order 7:00 p.m. via Zoom Meeting

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

Chair Keyes convened the meeting at 7:00PM

Pledge of Allegiance

Consent Items

Approval of December 28, 2020 Regular Minutes

Chair Keyes asked if the December 28, 2020 minutes need to be updated regarding the discussion at last weeks meeting about the Tree Warden vacancy and what the protocol is regarding contacting a Town Employee. Selectman Arcudi stated that the minutes should not be changed as they are “for the record” the Board and Town Administrator will be able to clarify the Tree Warden vacancy at tonight’s meeting.

Selectman Arcudi made a motion to approve the December 28, 2020 Regular Minutes. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Chair Keyes stated that there are no appointments or resignations for tonight’s meeting. Town Administrator Schindler explained to the Board and residents that the Tree Warden position is available for interested residents, more information regarding this vacancy can be found on the Town Website. The Town will be accepting candidates throughout the coming week. Town Administrator Schindler stated that we are hoping to get the appointment of the next Tree Warden on a the next agenda. Town Administrator Schindler clarified that Chris Nadeau, Highway Superintendent, is the point of contact for Tree Warden inquires, he is not the interim Tree Warden since he is not a resident of Hopedale. Schindler stated that we have had some applicants turn in their application already. If anyone else is interested in the Tree Warden vacancy to fill out a talent bank form that can be found on the website.

Town Administrator Schindler stated that regarding future Tree Warden inquires, until a new Tree Warden has been appointed, if there is an emergency to call 911 or Dispatch. If a resident has an issue with a tree, the Town does not yet have a Tree Warden to be able to assist residents with those issues. Once the new Tree Warden gets appointed, the Town will forward the residents inquires and information to the Tree Warden.

New Business*

Complete Streets Policy (Adopted by Road Commissioners on September 16, 2020); First Reading & Schedule Public Hearing

Town Administrator Schindler explained that the Hopedale Road Commissioner's voted to adopt this Policy at their meeting on September 16, 2020. A Complete Streets policy is indicating that a Town, when looking to do any road work is going to look at their streets as "Complete Streets". The Town is looking to see if they can implement any conditions that would help walkability, biking, accessibility for people of all ages and abilities. By setting this policy were making the commitment to do that each time we do some type of road construction. It does not mean we are always going to include Complete Streets amenities, that would be based on affordability and also the conditions of the road. The policy contains all the criteria that primarily would fall to the Highway Superintendent and Road Commissioners to be looking at those projects and then deciding regarding Complete Streets. The advantage of having a policy is you can get into a funding portal on through the mass DOT twice a year they give out \$400,000 of construction money and Town's can use that construction money to basically update or install sidewalks, crossings, bike paths or bike accommodations on roads. Most of Hopedale's streets are already what you would consider Complete Streets, the streets try to accommodate people of all ages and abilities. We generally would be just looking at areas where there are gaps in this or areas that could be improved.

Normally a Town will adopt the policy, this would require the Town to hold a public hearing. Town Administrator Schindler recommended we would advertise to get the policy out for the public hearing, take comments, and incorporate those into the policy. Then the Town would adopt it and then we would submit it to DOT. Once it's accepted and you are in the program, the next phase of it is that we are given a grant of \$35,000 for a prioritization plan so you would partner with an engineer consultant and the consultant and Town officials would review and determine what areas would be applicable.

Selectman Arcudi asked Town Administrator Schindler if this policy would require the Town of add bike lanes to the Downtown area? Town Administrator Schindler responded that the Town is not required to add bike lanes to the Downtown area. The policy is a commitment to review each project and see if complete streets would be able to be incorporated. However, it is not required to add bike lanes if the Town cannot support it or if it would affect other development of the Downtown area. Town Administrator Schindler stated that the Public Hearing is scheduled tentatively for January 25, 2021.

Old Business

License Renewal 2021 – Cumberland Farms, Common Victualler (Vote)

Selectman Hazard made a motion to accept the 2021 Common Victualler License Renewal for Cumberland Farms. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

COVID Updates

Town Administrator Schindler stated that the Town Hall is still closed to the public, but appointments are available. Last week the Town was notified that the CARES Act funding that was expected to expire on December 30, 2020 has been extended for another year (December 2021). We expect at least \$100,000 or more depending on our final numbers on our FEMA reimbursement. We received communication from our Public Health Nursing contractor, Salmon VNA, they are contracted for some money for this year (roughly \$3,200). Salmon VNA asked for some additional monies for the work that they have done in the last few months and some money going into next year based on the work they expect to do regarding vaccines. Town Administrator Schindler stated that after reviewing the budget, she believes that we could support this request. The Town has been purchasing remote work devices to optimize Town employees working from home experience (battery backups, laptops, etc.).

Selectman Arcudi asked if there is a conflict between Town Hall being closed to residents and restaurants being allowed to be open at a certain percentage since it is a dual building? Town Administrator Schindler responded that she has been communicating with the owner, Richard Yancey, of Beyond Full, the restaurant located in the Town Hall building. They have discussed scheduling a meeting. Richard Yancey has agreed to doing take out only for the time being, instead of 25% capacity (this does not include staff). It is to be noted that Beyond Full has been open to customers and not just take out. Town Administrator Schindler stated that the Town Hall does not have efficient ventilation. If customers are sitting in the restaurant unmasked, this will be ventilated throughout Town Hall. Beyond Full asked for a full abatement of their rent for the month of January since they are only doing take out. Town Administrator stated that she has a meeting with Richard Yancey to discuss how to move forward with this item. Administrator Schindler stated that she had spoke with a contractor regarding updated the Town Hall's ventilation system, however, the cost was more than the budget allowed. Selectman Arcudi asked if the Town could use some of the CARES Act funding to upgrade Town Halls ventilation system? Also, what is the plan of action to rectify this? Will we have a plan by next week? Selectman Arcudi feels that he would rather approve the rent abatement for Beyond Full for the month of January and come up with a strategy to upgrade the Town Hall's ventilation system than to put Town employee's health at risk. Town Administrator Schindler responded that she would put the rent abatement on the January 12, 2021 agenda.

Chair Keyes opened the meeting for comments. Town Administrator Schindler stated that most of the correspondence she has had with residents is regarding Tree's. Town Administrator Schindler stated that all other Departments are doing extremely well, almost every department is managing 1-2 grants, project initiatives and their day-to-day operations.

Right of First Refusal, 364 West Street, *Attorney Peter F. Durning, Special Counsel*

Attorney Durning provided a brief update from the last time he in front of the Board of Selectmen on December 21, 2020. At a previous meeting he stated that the Town will be going into mediation brokered by the Real Estate Board Association (REBA) with Judge Lombardi, a retired land court Judge, who will be serving as a third party neutral. This will take place on Friday, January 8, 2021. As part of the mediation agreement, the Board agrees to come back to not vote at the mediation session which is an executive session and come back to a public hearing on Monday January 11, 2021. Any material from the mediation that can be discussed openly and any agreement coming from the mediation will be discussed at the public portion of the meeting on January 11, 2021 meeting. Town Administrator stated that at a previous meeting, a question had been raised by a member of the public regarding bringing other persons into the mediation. Administrator Schindler stated that based on Attorney Durning's guidance, that the Board of Selectmen and the Town Administrator will be present at the mediation and that the information from the mediation will be brought back to an open session.

Chair Keyes opened this item for public questions. Resident Robert Fahey asked Chairman Keyes what his position is on the development at 364 West Street and if Chair Keyes supports this development? If yes, why? Chair Keyes stated that he supports development in the Town, and it is their duty to selectively explore what the Town should and should not develop. Chair Keyes stated that he is an advocate for listening. This will be an opportunity, based on guidance from Town Counsel, Attorney Durning and a strong recommendation and motion by a Judge in land court to listen and explore a potential agreement, in this case it is with the Railroad. Chair Keyes stated that he does not know what that development will consist of. He stated that he is not looking to compromise anything regarding water quality, water source, water protection or items associated with the environment. A resident asked Chair Keyes regarding the Freedom of Information Request that have been received by the Town and why all the requests wouldn't be brought up at public meetings? Chair Keyes stated that he asks that he be made aware of any requests regarding the Board and Department Heads. Chair Keyes stated that he does not have any apprehension regarding sharing these requested. Chair Keyes asked Town Administrator Schindler if every request could be made public? Town Administrator stated that going forward, she will begin adding these records requests to the Correspondence item on the agenda. Mainly, she is responsible for assisting with facilitate and organize these requests with the Town Clerk. The requests and responses are public. Town Administrator Schindler stated that the five Freedom of Information Act requests we have received for Town Officials are primarily for Water & Sewer Officials and the requests were made by the Grafton Upton Railroad, these have been responded to and the response is public. The first response is that the Town is not providing the records because the Town is currently in a mediation and litigation situation. Attorney Durning added that Brian Riley from KP Law with these requests, Durning feels that Riley is dealing with these requests well and correct. Attorney Durning stated that under the public request law in Massachusetts, there is no absolute requirement to bring awareness of a request being made to a public hearing.

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

Chair Keyes opened the meeting to the public and the Selectmen. Ed Burt, Chair of the Water & Sewer Commissioner's followed up on the email that was sent to Tim Watson and himself on December 31, 2020 regarding calls from residents regarding Water & Sewer equipment located at Tim Watson's, Water & Sewer Manager's property. Ed Burt stated that Tim Watson responded to Chair Keyes email that they were doing exploration on Ben's Way, they had cut a path through the golf course. Tim has worked out a pack with the abutters and that by storing the equipment on the golf course property, abutting Tim's property, Tim is saving the hassle of transporting the equipment back and forth and somewhere near \$10,000. Chair Keyes asked what the \$10,000 in savings is? Ed Burt responded that the savings is coming from not having to transport the equipment back and forth. Chair Keyes stated that Tim Watson did provide him with a detailed response regarding his inquiry. Chair Keyes concerns was the liability of the equipment while it is sitting at that property either vandalized or damaged. If the equipment was damaged while at the property, Chair Keyes was concern regarding the insurance coverage because the equipment is not parked where it states on the insurance. Ed Burt responded that Water & Sewer has taken care of these items.

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

Requests for Future Agenda Items:

Appointment of Tree Warden until regular election, January 11, 2021

Joint Meeting with Finance Committee, Date TBD

Complete Streets Public Hearing, January 25, 2021

Administrator Updates (In Packet)

Selectman Arcudi made a motion to enter executive session, not to return to regular session. Selectman Hazard seconded the motion.

Roll Call, Arcudi – Aye, Hazard – Aye, Keyes – Aye
Chair Keyes dissolved the meeting at 7:45PM

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, et als, Attorney Durning present.