

Board of Selectmen
January 12, 2021
7:00 pm

Call to order via Zoom Meeting

Chair Keyes called the meeting to order at 7:00PM

Pledge of Allegiance

Consent Items

Approval of January 4, 2021 Regular Minutes

Chair Keyes stated that he has read the minutes. Selectman Arcudi stated that he would like the Executive Assistant to edit a portion of the minutes prior to making a motion to approve the January 4, 2021 minutes. Regarding the COVID Update, he would like to modify the minutes to reflect that the restaurant has not been shut down or participating in take out only and has been open to customers. Selectman Hazard stated that before approving the January 4, 2021 meeting minutes, she would like to modify the portion of "Appointments and Resignations" to reflect that the Tree Warden position will be open to applicants within the week, not weeks.

Selectman Arcudi moved to approve the January 4, 2021 Regular Minutes, per the changes stated. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Rent Abatement for Month of December – Beyond Full

Town Administrator stated that on December 15, 2020 the Hopedale Health Agent had spoken to members of Beyond Full and asked them to maintain take out service due to COVID restrictions and ventilation issues. The Town Administrator stated that she was not aware that Beyond Full had reopened to dine-in service. Selectman Arcudi stated that he had driven past the restaurant twice and there is a sign on the door notifying the public of indoor available seating. Town Administrator stated that she is working with the Building Commissioner to get the number of reduced occupancy that the restaurant would be permitted to have as indoor seating (COVID Restrictions – 25% occupancy, does not include staff). The Town Administrator stated that she has attempted to contact the Owner of Beyond Full, Richard Yancey, but has not been able too. Chair Keyes asked the Board what their thoughts are regarding allowing the restaurant to stay open for take-out only or should the restaurant remain closed? Town Administrator stated that her concerns are the ventilation in Town Hall. She made the Board and the public aware that Town Hall does have a blower system that pushes the air outside, but it is located directly under the upstairs offices windows. This is not a true ventilation system.

Selectman Arcudi asked if the restaurant is asking for rent abatement for December 2020 or January 2021, since it is already January 12, 2021. Town Administrator Schindler stated that the restaurant is asking for rent abatement for December 2020. Selectman Arcudi stated he would prefer to give rent abatement for the month of January 2021 and allow the restaurant to do take-out only. Selectman Hazard asked to what extent was the restaurant able to operate during the month of December 2020, was it take-out only or partial. Selectman Arcudi stated that he is not aware what their operation capacity was for the month of December 2020, however, once the Town Administrator speaks with the Owner the Board of Selectmen can revisit this question/item. Selectman Arcudi stated that his immediate issue is to create a safe environment for the Town Employees.

Selectman Arcudi made a motion to grant Beyond Full rent abatement for the month of January 2021, with the stipulation that they will only be able to do take-out only until the ventilation system issue is resolved. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Hopedale Fire Department – Request to Waive (One Time Fee of \$5.00) Burning Permit Fee for 2021 Open Air Burning Season; Letter Attached

Chair Keyes read the letter provided by the Fire Chief regarding waiving the Burning Permit Fee for 2021. It is noted in the letter the revenue generated by the burning permit fees are \$600 annually. Chair Keyes stated that it is not a revenue issue it is a safety issue due to COVID. Chief Daige stated that to obtain the burning permit, residents need to come to the fire house, fill out the forms and pay in cash. The current COVID protocol discourages these interactions with the public. The Fire Chief stated that open air burning begins on January 15, 2021 to May 1, 2021. Residents will still be allowed to partake in open air burning but should call the fire department prior to. Chief Daige stated that hopefully by next year there will be an online permitting portal for residents to use.

Selectman Hazard made a motion to waive the burning fees for the 2021 season. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Appointments and Resignations

Appointment of Kevin Kokansky as a Full-Time Police Officer effective January 18, 2021 (Letter Attached).

Chair Keyes read the letter provided by Chief Giovanella. Chair Keyes congratulated Kevin Kokansky on being selected for this position.

Selectman Arcudi made a motion to appoint Kevin Kokansky as a Full-Time Police Officer effective January 18, 2021. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Zachary Perro as a Full-Time Officer to the Hopedale Police Department, effective February 15, 2021. (Letter Attached)

Chair Keyes read the letter provided by Chief Giovanella. Chair Keyes stated that Zachary is an excellent candidate and an asset to the Hopedale Police Department. Chief Giovanella stated that the Hopedale Police Department is very lucky to have him as an officer.

Selectman Hazard made a motion to appoint Zachary Perro as a Full-Time Police Officer effective February 15, 2021. Selectman Arcudi seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Resignation of Karla Hopkins from the Hopedale Finance Committee, effective January 7, 2021

Chair Keyes read the resignation letter provided by Karla Hopkins. Chair Keyes thanked Karla Hopkins for all of her years of service and dedication and that he looks forward to seeing her during the Town Meetings. Selectman Arcudi stated that Karla has been an asset to Hopedale and thanked her for her service. Selectman Hazard stated that Karla will be missed on the Committees. Town Administrator Schindler thanked Karla for all of her help with the budget and on the Finance Committee.

Selectman Arcudi made a motion to accept the resignation of Karla Hopkins from the Hopedale Capitol Planning Committee and Finance Committee effective January 7, 2021. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Becca Solomon as the Tree Warden, effective January 12, 2021

Chair Keyes read the email letter provided by Becca Solomon to the Town Administrator regarding the Tree Warden vacancy. Chair Keyes stated that he is very impressed with the level of course work and experience that Becca has. Town Administrator Schindler thanked Becca for stepping up in several roles in the Town. Town Administrator Schindler also thanked Walter Swift for offering to fill the Tree Warden position as well in Hopedale's time of need.

Selectman Arcudi made a motion to appoint Becca Solomon as the Hopedale Tree Warden, effective January 12, 2021. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business*

License Agreement for Town Well Work

Town Administrator Schindler stated that the Water Sewer Commission is interested in storing some equipment on the Golf Course property. To limit the risk of the town and make this legitimate, the Town Administrator has drafted a license agreement. This agreement was reviewed and signed on Monday, Jan 11, 2021. This agreement stated that the Town can store an excavator and backhoe on the Golf Course property during the Water Sewer Commission's well exploration and the Water Sewer Commission can create an access road. Once completed the Water Sewer Commission will make sure there is no disturbance to the property.

Selectman Arcudi made a motion to approve the license agreement for the Town Well Work between the Town of Hopedale and the Hopedale Country Club. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

COVID Updates

Town Administrator stated that the Governor extended the restrictions through the end of January 2021. Due to this, the Town will continue with the current guidelines. The vaccinations have begun to be given to first responders.

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

Attorney Peter F. Durning stated that as of now there is nothing to report back to the broader group. The mediation process is a confidential process by agreement of the parties and the mediation process is not yet concluded. He assured the residents that if/when there is something to be considered at a public meeting, it will be posted, and the Board will follow up on that.

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

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

KP Law – Response to Public Records Request by John Deli Priscoli – December 31, 2020

Requests for Future Agenda Items:

Joint Meeting with Finance Committee, Tentative January 21, 2021, 7 pm – Town Administrator Schindler confirmed that this meeting will take place on Thursday, January 21, 2021 at 7PM.

Complete Streets Public Hearing, January 25, 2021, 7:15 pm – Town Administrator Schindler confirmed this meeting will take place on Wednesday, January 25, 2021 at 7:15PM

Joint Meeting with Planning Board for Board Appointment, TBD – Town Administrator stated that there is a candidate for this position, appointing this candidate will require a joint meeting. The Town Administrator has not yet heard from the Chair of the Planning Board regarding confirming a joint meeting date. The joint meeting will also be an opportunity for the Planning Board to provide updates to the Board of Selectmen.

Water Commission Vacancy – Town Administrator Schindler stated that as candidates come in she will discuss with the Water Commission. Currently, there are no candidates for this position. This appointment will require a joint meeting with the Board of Selectmen.

Selectman Hazard asked to revisit the item on a future agenda regarding the name change from Board of Selectmen to the Select Board.

Administrator Updates (In Packet)

Chair Keyes opened the meeting up for resident inquires:

Mr. Fahey asked Selectman Arcudi what his position is on the proposed development on 364 West Street and if so, why? Attorney Durning intervened and stated to Selectman Arcudi that he does not feel he needs to answer that question at this time. Attorney Durning stated that there are some aspects of the matter that are sensitive. Attorney Durning stated that the Board is committed to conducting a full deliberation in a public session if/when there is a matter to pursue. Mr. Fahey asked Attorney Durning what the statement of full transparency means? Will this take place at the end of mediation or during it? When will the public be updated? Attorney During responded that during the process there is not much that can be provided as this is a confidential process. Attorney Durning reiterated that the Board has committed to come back to the public and deliberating during public session if one is warranted.

Liz Reilly asked when the next session for mediation will take place? Attorney During stated that they will need to report back to the Court on January 25, 2021. Attorney During specified that this date is for the Board to report back to the Land Court regarding the status of the process. Attorney During stated that they are in the mediation process and cannot provide any dates pertaining to when the next mediation meeting will be.

Linda Sarkisian asked the Board, how long does mediation typically last? Attorney During responded that he is going to refer to his response to Liz Reilly, there is a date by which they need to report back to the Land Court regarding the status. Otherwise, they are in the mediation process.

Executive Session

Motion: 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

Present: Chair Keyes, Selectman Arcudi, Selectman Hazard, Town Administrator Schindler, Attorney Durning, Eric Kelly – Environmental Partners

Selectman Hazard made a motion to move into executive session. Selectman Arcudi seconded the motion.

Roll Call Hazard – Aye, Arcudi – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 7:53PM