



TOWN OF HOPEDALE

78 Hopedale Street - P.O. Box 7
Hopedale, Massachusetts 01747

Tel: 508-634-2203 Fax: 508-634-2200
Email: ssette@hopedale-ma.gov

Board of Selectmen

Robert P. Burns
Thomas A. Wesley
Louis J. Arcudi, III

Town Administrator

Steven A. Sette

BOARD OF SELECTMEN

Regular Minutes

Thursday, November 10, 2016

Chairman Burns called the meeting of the Board of Selectmen to order at 5:00 p.m. in the Draper Room at Town Hall.

Present: Chair Robert Burns, Selectman Louis Arcudi, Town Administrator Steven Sette, Executive Assistant Susan Brouwer, members of the public and Videographer Jeffrey Ellis. Selectman Thomas Wesley was absent

Chairman Burns began the meeting with the Pledge of Allegiance

Public Comment on Agenda Items

Consent Items

1. Approval of October 13, 2016 Regular Minutes

MSDV to approve of October 13, 2016 Regular Minutes

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

Appointments and Resignations

1. Appointment of a Dog Hearing Officer

Administrator Sette said there is a potential conflict on a dog hearing that needs to be held and after speaking with Town Counsel the best thing for the Town to do is to have the Board of Selectmen sit as the hearing authority as they have power by statute. Steve recommends that the Board of Selectmen sit as the hearing authority for this case and going forward appoint the Chair of the Board of Health (BOH) as the official Dog Hearing Officer. Selectman Arcudi responded that a motion could be made going forward the Board of Health Chair would act at the Dog Hearing Officer.

Selectman Arcudi made the following motion “***Motion to appoint the BOH Chair as the Dog Hearing Officer with the exception of this particular meeting***”.

Discussion: Administrator Sette recommended assigning the role of Dog Hearing Officer to the BOH Chair not a person as the Board of Health Chair changes.

Point of order: by Selectman Arcudi wants the Board of Selectmen to hold the hearing as soon as possible and put together the proper paperwork making a recommendation for next week.

- a) Chair Burns clarified Selectman Arcudi’s motion breaking the motion down into (2)

motions; seconding ***"Motion to appoint the Chair of the BOH as the Dog Hearing Officer"***.

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

- b) Selectman Arcudi stated because of a conflict of interest with the Dog Hearing Officer the role reverts back to the Board of Selectmen and *Selectman Arcudi made the following motion* **"Motion to hold a dog hearing as quickly as possible and as soon as next week"**. The motion was seconded by Chair Burns.

MSDV Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

New Business

1. Planning Board Chair Brian Keyes – Discussion and Vote to Support S. Main Street Commercial Zoning Article – November 22, 2016 STM Warrant

Chairman Burns referred to Planning Board Chair Brian Keyes who informed members that he has maps of the area as a reference; he then gave an explanation of the STM warrant article stating the Planning Board held a public hearing on November 2 to consider amending the zoning by-laws by rezoning certain parcels of land along both sides of South Main Street (Route 140) from residential to commercial use as General Business –A. Mr. Keyes advised he recused himself from participating in the hearing and the vote because his property is located within the abutting radius. At the close of the public hearing, the Planning Board voted unanimously 3-0 to approve the recommendation to the Board of Selectman. Selectman Arcudi asked if there were any concerns shared at the public hearing that may come before the town meeting. Chairman Keyes responded questions were asked as to the types of development that could go in if the zoning passes. Mr. Keyes advised small to medium size businesses could go in but that larger retail stores would not fit on the parcels. In future years, the planning board visions the area being more developed with the road probably doubling in size and becoming more attractive on both sides for small and medium size businesses to open. He continued that many of the properties are nonconforming residential lots today. The rezoning will allow property owners the opportunity to sell at a premium; advising the area may not be a desirable residential district down the road. Selectmen had no objection to placing the article before town meeting for a vote.

MSDV to support placing the S. Main Street Commercial Zoning Article on the STM Warrant
Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

2. Rockwell Automation, Inc. donation of 161 Freedom Street Property - November 22, 2016 STM Warrant

Administrator Sette said he provided information from KP Law to the Board regarding acquisition of 161 Freedom Street, which is also known as the old dump. Mr. Sette advised there is an article on the STM warrant to accept the property donation and if approved, Rockwell Automation, Inc. would deed said property to the Town. The site is approximately 28.3 acres and includes the Draper Fields; capped landfill and surrounding area. The property is subject to certain Activity and Use Limitations (AUL) that has been recorded with the Worcester Registry of Deeds. Rockwell will be required under AUL to continue to monitor the environmental condition of the property. Administrator Sette said what Town Meeting will do is allow the Board of Selectmen to enter into a donation agreement, which will permit the Board to move forward in negotiating a donation agreement with Rockwell Automation, Inc. If this article passes, the Board may want to consider other items such as the monitoring; which is now set at 30 years. Town Counsel has

made some additional recommendations which will be considered as part of the donation agreement.

Administrator Sette is asking that the Board to support putting this article on the STM warrant noting that the article will only allow the Board of Selectmen to enter into a donation agreement. The article will not to determine who will oversee the property uses. The Board held a brief discussion.

MSDV to support placing the Rockwell Automation, Inc. donation agreement article (61 Freedom Street) on the STM Warrant

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

3. Vote to Close November 22, 2016 Special Town Meeting Warrant

MSDV to close the November 22, 2016 STM Warrant

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

Administrator Sette reviewed the Town Meeting Warrant for public information.

4. Discuss a Policy for Signing of Weekly Vendor and Bi-Weekly Payroll Warrants

Administrator Sette provided a policy for signing vendor and payroll warrants. The policy states that the Town Administrator and one member of the Board of Selectmen will sign off on the weekly warrants. Administrator Sette reviewed language in the Governor's Municipal Modernization Act that took effect on November 7, advising the bills and warrants would then be reported to the Board at the next meeting by the signatory. This item will be listed as a Consent Item. The member would state that the warrant or invoice was reviewed and either denied or approved for payment.

MSDV to adopt policy for signing vendor and payroll warrants having one board member and the Town Administrator as mandated by Municipal Modernization Act. The Board did not appoint one individual member.

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

Old Business

1. Vote to approve Remote Participation Policy

Administrator Sette said back in May the Board reviewed the M.G.L. Remote Participation Law. At that time Steve was asked to draft Remote Participation Policy for the Board to adopt. Mr. Sette is recommended the Board adopt the following policy;

- Minimum Requirements for Remote Participation.
 (a) *Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;*
 (b) *A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);*
 (c) *Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.*
- Permissible Reasons for Remote Participation. *If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:*

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance

1. Technology

- (a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.
- (i) telephone, internet, or satellite enabled audio or video conferencing;
- (ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
- (b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- (c) The public body shall determine which of the acceptable methods may be used by its members.
- (d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.
- (e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

- Procedures for Remote Participation

- (a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
- (b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.
- (c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- (d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.
- (e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22

MSDV to approve Remote Participation Policy. The Board asked that Administrator Sette share the policy with other boards and committees so they can participate remotely and to place this on the website.

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent

2. Draft Policy for Issuing Liquor Licenses and Violations

Administrator Sette stated that Susan provided you with draft policy from another community. This policy is a draft and Mr. Sette recommends the board review the language and members have any recommended changes please forward to Susan. The item will be placed on the next agenda under old business for adoption by the Board. Both members stated they want a full board present for adoption.

Public and Board Member Comments

1. Chair Burns acknowledged Veterans Day; thanking all who have served and continue to serve our country.

Correspondence and Selectmen Informational Items

1. Annual License Renewal Schedule

Requests for Future Agenda Items

1. None

Administrator News

1. Regional Substance and Navigational Program

Administrator Sette referred to an article that was recently published in the Milford Daily News regarding grants to deal with the opioid crisis. There is an opioid task force that meets monthly in Town. The grant will help with outreach in the schools. The focus will be that once a person is identified as having an issue, the grant will provide support to the families. The Friends of Historic Hopedale (FOHH) has offered to make a donation to this program.

2. Board of Assessors is looking to hold a Tax Classification Hearing. Administrator Sette is recommending holding it on the same night as Town Meeting at 6:00 p.m.

3. Letter from a resident recognizing the response from Police and Fire Departments and their handling of a child. The resident stated the departments played a role in saving the child's life.

4. Annual MMA Meeting and Trade Show taking place on January 20 & 21. Please let us know if you wish to attend.


Adjournment

With no further business before them the board adjourned their regular meeting at 6:05 p.m. not to return to open session.

Chairman Burns – Aye; Selectman Arcudi – Aye; Selectman Thomas Wesley– Absent


Robert P. Burns

Thomas A. Wesley


Louis J. Arcudi, III

Hopedale Board of Selectmen

* MSDV - Moved, Seconded, Discussed and Voted

**RCV - Roll Call Vote