



TOWN OF HOPEDALE

78 Hopedale Street - P.O. Box 7
Hopedale, Massachusetts 01747
Tel: 508-634-2203 Fax: 508-634-2200
www.hopedale-ma.gov

Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Jeffrey Nutting
Interim Town Administrator

Select Board
Meeting Agenda
HYBRID MEETING
Hopedale Town Hall - Draper Room
March 27, 2023
7:15 p.m.

NOTE LATER MEETING START TIME

On July 16, 2022, Lt. Governor Polito, as Acting Governor, signed into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency.¹ This meeting will be held via HYBRID means.

If you wish to speak, please reserve comments until the Public Comment section of the meeting. If you are using video, you may either raise your hand to be acknowledged by the Chair or use the "Raise Your Hand" button. Please wait to speak until you are acknowledged by Chair. If participants cannot conduct themselves in accordance with these guidelines, they will not be recognized.

Also Streamed Live, click here: https://townhallstreams.com/towns/hopedale_ma

Join Zoom Meeting

<https://us02web.zoom.us/j/81873864755?pwd=Q2tDaDlNSm8xYktPdzc5Yy9ERWg1Zz09>

Meeting ID: 818 7386 4755

Passcode: 832484

One tap mobile

+13052241968,,81873864755#,,,,*832484# US

+13092053325,,81873864755#,,,,*832484# US

Call to order 7:15 p.m.

A. Consent Items

- a. Acknowledge Annette Smith for her work in the Select Board/Town Administrator Office
- b. Review/Approve Select Board Meeting Minutes – 10/24/22, 11/14/22, 3/6/23
- c. Announce Police Department grant for School Zone traffic control devices
- d. Accept \$38,500 donation from The Hopedale Foundation for Rustic Bridge assessment and engineering services
- e. Accept \$1,600.50 donation from anonymous donor to fund legal fees associated with West Street litigation

B. Appointments & Resignations

- a. Accept resignation of Ken Wilson from Finance Committee
- b. Interview/possible appointment of Finance Committee applicant David Arthur
- c. Promotion of Call Firefighter Candidate David Fantini to Call Firefighter

C. New Business

- a. Adoption of 2023 updated Hopedale Hazard Mitigation Plan
- b. ARPA Funds
 - Vote to rescind vote of \$200,000 for Hopedale Pond/Dam/Culverts
 - Vote to allocate \$70,000 for engineering for Adin Street
- c. Review/Possible Vote regarding Tighe & Bond proposal for Adin Street engineering services
- d. Discussion regarding upcoming meeting schedule
- e. Review/Possible Vote regarding Worcester Regional Retirement System request to consider additional 2% Cost of Living Increase for Retirees, applied retroactively to July 1, 2022
- f. Review KP Law information regarding recent court decision on Public Comments at Board and Committee meetings/Consider and Possible Vote on Proposed Policy
- g. FY 2024 Budget Discussion
 - Vote on amount for Proposition 2 ½ Override
 - Set Date for Special Election
 - General Budget Discussion

D. Old Business

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

F. Correspondence and Select Board Informational Items (votes will not be taken)

- a. Legislative "Earmark" Requests
- b. Letters from Comcast regarding programming and cost changes

G. Requests for Future Agenda Items

H. Administrator Updates

I. Executive Session(s):

- a. Move that the Board vote to enter into Executive Session pursuant to the provisions of G.L. c. 30A, §21(a)(3) to discuss litigation strategy in that an open meeting may have a detrimental effect on the negotiating position of the public body, and the Chair so declares (Berger v. Town of Hopedale)
- b. Move that the Board vote to enter into Executive Session pursuant to the provisions of G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares: Federal Multidistrict Litigation vs. CVS, Walgreens, Walmart, Teva, and Allergan.

Please note the Select Board agenda may be subject to change and items not anticipated may be discussed and all listed agenda items may be subject to a vote.

¹ This Act includes an extension, until March 31, 2023, of the remote meeting provisions of March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. Section (1) of the executive order allowing public access through adequate, alternative means is independent from Section (2), which allows members of the public body to participate remotely. The public body may conduct its proceedings under the relief provided in section (1)-or (2) or both.



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Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Jeff Nutting
Interim Town Administrator

March 22, 2023

TO: Select Board
FROM: Jeff Nutting, Interim Town Administrator
Martha White, Interim Executive Assistant
RE: Acknowledgement of Annette Smith

Over the past several weeks, Annette Smith has been working in the Select Board/Town Administrator's office through the Senior Citizen Real Estate Tax Credit Work Program. Annette had extensive office experience through her career with Fidelity Investments, and we were able to put to her organizational and other skills to good use.

Annette completely re-organized our filing system and created a searchable data base of every file in the office. The timing of Annette's work in our office was perfect as, during this time, we received a subpoena for office records on a far-reaching number of topics. In response to the subpoena, Annette compiled nearly two bankers' boxes full of records and worked with attorneys for the litigating parties to ensure we were fully responsive to the subpoena.

When Annette had fulfilled her requisite number of hours through the Tax Credit Work Program, she had not yet completed re-organizing the files. So, she volunteered her time to see the project through to the end!

Annette was an absolute pleasure to work with and her efforts will be appreciated by future Select Board members and administrative office staff for years to come.

Select Board
Regular Meeting Minutes
October 24, 2022, 6:30PM

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Town Administrator Schindler

Chair Hazard called the meeting to order at 6:30PM

Chair Hazard stated that the reason the Select Board and Town Administrator are conducting the meeting remotely is because tonight is early voting.

Consent Items: None

Appointments & Resignations

Accept Resignation of Christopher Hodgens, Sr. from ZBA, effectively immediately

Chair Hazard thanked Chris for the time, effort and expertise he has given to the Town of Hopedale. Hazard stated that the Board will address the applications that have been submitted for the open ZBA position at a future meeting.

Selectman Keyes motioned to accept the resignation of Christopher Hodgens, Sr from the Zoning Board of Appeals, effective October 24, 2022. Chair Hazard seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Request for Appointment to Cultural Council. Diane (Dee) Hughes. Term expires 6/30/2025

Selectman Stock moved to appoint Diane Hughes to the Cultural Council with a term expiring June 30, 2025. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Accept Resignation of Diana Schindler, Town Administrator, effective 11/18/2022

Chair Hazard read the resignation letter from Town Administrator Schindler. In her resignation letter, Schindler cited among the reasons for her departure as Town Administrator as not having been given job objectives by the Select Board, thus making a fair performance review impossible. Chair Hazard apologized to Schindler for not expediting a performance review. Selectman Keyes stated that he is reluctant to accept the resignation date as Schindler's employment contract stipulates a 60 day notice of resignation.

Selectman Keyes motioned to accept the resignation of Town Administrator, Diana Schindler, effective November 18, 2022. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – No

Passed 2:1

New Business

Update of Master Planning Process and Materials. Draft Chapters Completed: Land Use, Housing, Economic Development, and Historic/Cultural Resources. Status of Town Facilities and Services Chapter & Draft Implementation Plan/Matrix. Jim Abbruzzese, Chair, Master Planning Steering Committee

Abbruzzese stating that the Master Planning Steering Committee (MPSC) has completed the majority of the plan and is in the final stretch of the process. Abbruzzese informed the Select Board that at their meeting this coming Wednesday the MPSC intends to take a vote to deem the Master Plan complete and will now be passed on to the Planning Board for their review. Abbruzzese stated that the Planning Board will “own” this document, review and revise it, and give final approval. Abbruzzese stated that the MPSC worked on the Master Plan for 2 years, beginning with a community survey which gave the Committee insight into the desires of the residents. The MPSC also reached out to Town Departments for insight and investigated past planning documents that were created by the Town. Board members and Abbruzzese agreed that the Master Plan must not sit on the shelf and the Board members stressed their support to help ensure that the recommendations in the Master Plan get implemented. Abbruzzese stated that the Select Board needs to create a committee that will follow through with the implementation matrix.

Review Hopedale Code of Conduct and Ethics as adopted by Select Board in February 2022

Chair Hazard requested that residents weigh in on how to improve the code of conduct. Hazard stated that the Select Board will not vote on this item tonight.

Address Next Steps re: Town Administrator Position

Town Administrator Schindler stated that the Town used Community Paradigm for the previous Town Administrator recruitment, noting that there are other options. Schindler stated that the Select Board would need to discuss what consulting/recruiting firm they want to use and if they would like to recruit an interim Town Administrator. Selectman Keyes suggested that the Chair of the Select Board get a job description and have it posted in multiple places, that the Town should hold off on hiring a recruiter and see what response they get from these postings. Selectman Keyes asked the Town Administrator to compile a list all projects the Town Administrator is working on; this will make the transition to a new Administrator more organized. The Select Board agreed to work on an updated job description for the Town Administrator position, posting the updated job description on multiple platforms and seeing what kinds of applications the Town receives.

Old Business

Consider and Vote on Proposed Order of Taking for Land at 364 West Street Pursuant to Article 1 of the July 11, 2022 Special Town Meeting

Attorney Mina Makarious stated that Town Meeting voted \$3.9 million for the land acquisition, however, the appraised valued the land at \$4.4 million. Makarious stated that it is appropriate to update the amount in the order of taking document.

Selectman Stock moved the proposed order of taking for land at 364 West Street pursuant to Article 1 of the July 11, 2022 Special Town Meeting; Selectman Stock amended his motion to update the order of taking to stipulate an award of \$4.4 million. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Review Final Articles & Funding Sources; Vote and Sign Special Town Warrant for November 14, 2022

Town Administrator Schindler provided the Board and meeting participants with the final warrant articles.

Article 1 is for prior year bills, multiple departments submitted invoices and these will be paid with the current year budget.

Article 2 is to fund the Firefighter/EMS contract. Schindler stated that when a contract is agreed upon, Mass General Law requires funding for the contract be voted at Town Meeting.

Article 3 is Capital Funding, Schindler noted that the list of capital items will be determined in the next few weeks.

Article 4 pertains to Board of Health expenses, Schindler informed the Select Board that the Board of Health needs additional funds for the trash/recycling contract, the health nurse support and other Board of Health contracts; the total cost for this article is expected to be between \$50,000-\$60,000.

Article 5, Schindler stated that this article is to transfer funds to the correct accounts to pay for Police details.

Article 6, Health Insurance Expenses, Schindler informed the Select Board that this budget needs supplemental funds of approximately \$200,000. Schindler noted that there were funds remaining in this budget at the end of last fiscal year and these funds contributed to the Town's free cash.

Article 7 is to supplement the Fire Department budget.; Schindler stated that the Fire Chief is working to determine the amount.

Article 8, Police Department Vehicle. Schindler stated that she left this article on the warrant at the request of the Police Chief. This item was also included in the ARPA request.

Article 9, Add Juneteenth to Legal Holidays

Article 10, Exempt Fire/EMS from Civil Service. Schindler stated that this is the first step to get Fire/EMS out of civil service., noting that Senator Fattman had said this process should take about a year to go through the legislature.

Article 11, Amend Zoning Bylaw. Schindler provided the list of proposed amendments noting that the Planning Board has held a hearing and will recommend that Town Meeting approve these amendments.

Article 12, Amend Zoning Bylaw to Create Marijuana Overlay District. Schindler stated the Planning Board will also recommend favorably on this article at Town Meeting.

Article 13, Reserve Fund Transfer to Planning Board Salaries. This was discussed at a previous meeting.

Article 14 and Article 15 are Citizen Petitions. Schindler stated that Article 12 covers the proposals in Articles 14 and 15; she is hopeful that there will be a motion to pass over these Articles.

Schindler stated that there will be \$1.4 million in free cash. Selectman Keyes requested a breakdown of the free cash to compare to other years.

Selectman Stock motioned to close the warrant. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Address ARPA Priorities Presented by Department Heads for Allocating Spending

Prioritized APRA Requests:

Fire Department – Lucas Auto Pulse, \$15,000
Highway Department – 2024 Freightliner 108SD Plow Truck, \$279,000
Library – Statue of Hope preservation/repairs, \$25,000
Parks Commission – Town Park Feasibility & Cost Determinations, \$17,500
Police Department – Cruiser (Chevy Tahoe), \$56,770
Schools – JSHS Boiler, \$100,000
Town Hall – Security System/Cameras, \$5,000
Various Departments – Fuel Dispensing Equipment Upgrade, \$19,000
Town/Schools – Generators at Schools, \$400,000

Town Administrator Schindler shared the APRA requests submitted and prioritized by Department Heads. The prioritized APRA requests total \$918,027. Schindler stated that there is \$1.187 million of APRA funds available; to date, the Town has committed \$700,000 of ARPA funds. Selectman Stock stated that he would like to look into these cost estimates and asked that the Board not vote on the prioritized list until he had an opportunity to do so. Stock also stated that, regarding the generators, the High School should take priority because this is the emergency shelter for the Town. Selectman Keyes stated that some of these items are urgent and need to be voted on tonight, the Town has over \$1 million available to assist the Departments and the Select Board should take action now. Superintendent of Schools, Karen Crebase, agreed with Selectman Keyes stating that the boiler has been a priority for the Schools for a long time and, if the boiler fails, they will be relying on only one boiler and will have to close until repairs are made. Selectman Stock agreed to act on the boilers. Crebase spoke on the Department Heads behalf stating that this is a prioritized list, compiled by all Department Heads, and that all the items on the list are critical needs. Chair Hazard stated that the Department Heads collaborated to create a priority list that is best for the Town. Hazard stated that there will be ARPA money left over after this list is approved and there is nothing to gain by waiting. Selectman Stock agreed, stating that the Town has kicked the can down the road long enough.

Selectman Keyes moved to approve the ARPA expenditures list, totaling \$918,027. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Review and Sign Host Community Agreement for Lifted Genetics; Tier I and Tier II Cultivation for Recreational Use at 5-6 Condon Way

Town Administrator Schindler stated that David Griffiths from Lifted Genetics and Nicole Costanzo, attorney for the Town, are present. Schindler stated the draft host community agreement is in the meeting packet; Attorney Costanzo stated that this Agreement has been negotiated by the Town and Lifted Genetics including hours of operation (7AM-6PM), odor mitigation prevention, dark sky lighting, pest mitigation, and compliance with state law relative to waste disposal at marijuana establishments. Attorney Costanzo continued that the HCA stipulates that if Lifted Genetics does not begin operations within one year they must request an extension to the terms of the agreement from the Select Board or the agreement expires. The agreement also includes a community impact fee of 1.5% gross sales, up to \$35,000. Town Administrator stated that the host community agreement can be signed electronically.

Selectman Keyes moved to approve and sign the Host Community Agreement from Lifted Genetics; Tier I and Tier II Cultivation for Recreational Use at 5-6 Condon Way. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

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

Correspondence and Select Board Informational Items (votes will not be taken)

- Flu Shot Clinic, Oct. 27, 4-6 pm, Hopedale High School
- Veterans Day Ceremony, Sponsored by Hopedale Council on Aging, Nov. 10, 2022, 9 am
- Benefit for Toys for Tots, Sponsored by the US Marines: Saturday, Nov. 26th, 2022, 10:00 am-1:00 pm; Roadside Collection for Spare Change, Rt. 16, Main St., and the Cumberland Farms Store.
- A/P Warrant #23-08, \$880,450.01, 10/20/2022
- P/R Warrant #23-08, \$964,753.32, 10/20/2022

Requests for Future Agenda Items

- Special Town Meeting, 11/14/22
- Select Board Meeting/Classification Hearing, 11/21/22

Administrator Updates (In Packet)

Executive Sessions: Motion:

To move into Executive Session, pursuant to G.L. c.30A, §21(a)(3), for the purpose of discussing strategy with respect to litigation regarding the action entitled, Grafton & Upton RR Co. v Town of Hopedale, Civil Action No. 4:22-cv-40080-ADB, which concerns the property at 364 West Street. The Chair has determined that a discussion of this matter in an open session will have a detrimental effect on the litigating position of the Town. Review Appraisal for 364 West Street.

Select Board
Regular Meeting Minutes
November 14, 2022, 5:30PM

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Town Administrator Schindler

Chair Hazard called the meeting to order at 5:30PM.

Consent Items

Review and Approve Request for Fire Department to Host Gobble Wobble Race, November 24, 2022

Selectman Stock moved to approve the Fire Departments request to host the Gobble Wobble Race on November 24, 2022. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Appointments & Resignations

Accept Resignation of Career FF Matthew Berger effective 11/13/2022

Selectman Stock moved to accept the resignation of Career Firefighter, Matthew Berger, effective November 13, 2022. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Appointments to Zoning Board of Appeals: One Regular Member and Two Alternates:
Applicants: Wayne Ashworth, 32 Anthony Rd.; Nicole G. Small, 4 Bancroft Park; Hope Ann Perkins, 9 Mellen St.

Town Administrator Schindler stated that the regular member position will expire in 2025. Chair Hazard disclosed that Hope Perkins is a friend of hers from High School. Hazard called the Ethics Commission and was informed that it is not an issue; Hazard has filed a disclosure form with the Town Clerk. Selectman Keyes stated that Nicole Small is a third cousin on his wife's side of the family, he also filed a disclosure form with the Town Clerk and was informed by Town Counsel that it is a non-issue. Chair Hazard stated that all three applicants wanted the regular member position; the Select Board will need to decide who gets the regular member position. Selectman Keyes stated that Nicole Small has been active in other Boards/Committees and has a record of participation. Selectman Keyes would like to speak with the other applicants to discuss their interests and qualifications for the Zoning Board of Appeals. Wayne Ashworth's wife, Linda informed the Select Board that Wayne is an engineer and is familiar with working with Zoning Boards. Selectman Keyes asked Ms. Small how she would handle controversy on the Zoning Board. Ms. Small requested that the record reflects that she is Nicole G. Small, there has been confusion in the past as there is another Nicole Small with the same date of birth in the state of Massachusetts. Small responded to Selectman Keyes stating that she has been an active member of the Town, serving on the Master Plan Steering Committee, she also summarized her

work experience and background and how it would apply to the Zoning Board of Appeals. Small stated that she wants to be a regular member, not an alternate. Selectman Keyes asked Small if she would be swayed by the public opinion or follow facts and bylaws. Small stated that she is not swayed by others opinions and would follow Town bylaws and facts.

Chair Hazard spoke on behalf of Hope Perkins, stating that Perkins has followed the ZBA meetings and she would be able to step up to be Chair of the Zoning Board. Scott Savage, member of the Zoning Board, asked that the Select Board choose someone that has a strong knowledge of the Zoning Bylaws and can contribute to the clerical leg work. Resident Len Guertin stated that Nicole G. Small is a very active member of the community and would be a good fit for the Zoning Board. Ms. Small asked for these items to be put on record: there was a comment in the chat box that she is aggressive; Small responded that she may speak in a loud tone but that is not her being aggressive. Further, Small referred to Chair Hazard's comment that Hope Perkins has attended all of the Zoning Board meetings, stating that per Perkins' talent bank form, she has attended six Zoning Board meetings. Lastly, Small stated there is currently a public record request regarding this Zoning Board position, the Town Clerk and Selectman Keyes have already responded but Selectman Stock and Chair Hazard have not. Chair Hazard stated that Selectman Stock and herself have ten days to respond. A member of the Zoning Board urged the Select Board to proceed with an appointment to the ZBA.

Selectman Keyes moved to appoint Nicole G. Small as a regular member of the Zoning Board of Appeals. There was no second to the motion.

Chair Hazard moved to appoint Wayne Ashworth as a regular member of the Zoning Board of Appeals. There was no second to the motion.

Wayne Ashworth joined the meeting and reviewed his work experience with the Select Board stating that he is a chemical engineer and his job has given him experience with working with Boards and Committees. He noted that he plans on retiring in the next few years and is interested in serving the Town. In response to the same questions Selectman Keyes posed to Ms. Small, Ashworth stated that at his current job, there are decisions that he needs to make, he looks at the pros and cons of the situation, how it will affect the business, employees and what management response would be. Even if the management response is negative, he sometimes needs to go against the management's opinion.

Hope Perkins joined the meeting, noting that she is very interested in this position and wants to put her skills towards helping the Zoning Board address issues that come before it. She has worked in corporate America for twenty years assisting in creating contracts. Perkins stated that she is very receptive to all opinions. In response to a question from Selectman Keyes, Perkins responded that she does not have any relation to a member of the Zoning Board. Selectman Keyes asked Perkins the questions he posed to the other two candidates. Perkins responded that she would evaluate each issue, review the pros and cons, and gather all facts and statistics. She would have an open mind to listen to residents' opinions, but she would never compromise her beliefs or decisions. She would not be swayed by others and look to facts and data.

Selectman Keyes asked the applicants if they have ever been vocal on social media in favor or opposition to current issues and if any of them are on a petition opposing a current issue. Perkins responded that yes, she has made a comment on social media regarding 75 Plain Street and she signed a petition. Ashworth responded that he has commented and has signed a petition on an issue. Small responded that she does not believe she has commented on social media regarding current items. As a resident, she follows the Plain Street Development Facebook page. As a Development & Industrial Commission member, she has gone on record supporting the GFI Partners' Plain Street proposal. Selectman Keyes thanked the applicants for being transparent.

Selectman Keyes moved to appoint Nicole G. Small as a regular member of the Hopedale Zoning Board of Appeals. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – No Passed 2:1

Chair Hazard stated that the Select Board will revisit the alternate appointments at a later date.

New Business

Old Business

ARPA Request for \$120,000 for Year 4 Contract for Stormwater MS4 Permitting

Town Administrator Schindler stated that at Annual Town Meeting the Finance Committee had deferred the stormwater management costs and asked the Select Board to use ARPA funds. Schindler stated that there are enough funds in ARPA to pay for this.

Selectman Stock moved to approve \$120,000 of ARPA funds for year 4 contract for Stormwater MS4 permitting. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Review Final Motions & Funding Sources for Special Town Meeting at 7 pm

Chair Hazard stated that there is not enough time to review the final motions as a Board.

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

Correspondence and Select Board Informational Items (votes will not be taken)

- Rosenfeld Concrete v. Town of Hopedale. Default Judgment. Recorded 10/27/2022
- GU RR Access Agreement. Executed 11/2/2022
- A/P Warrant #23-09. \$373,110.87. 11/3/2022
- P/R Warrant #23-09. \$814,430.27. 11/3/2022
- A/P Special Warrant. #23-09C. \$5,000. 11/4/2022
- Issuance of Constructive Grant for Hopedale Ridge (a.k.a. Overdale Parkway)

- Benefit for Toys for Tots, Sponsored by the US Marines: Saturday, Nov. 26th, 2022, 10:00 am-1:00 pm; Roadside Collection for Spare Change, Rt. 16, Main St., and the Cumberland Farms Store

Requests for Future Agenda Items

- Select Board Meeting/Classification Hearing, 11/21/22
- Fire/EMS Appointments, 11/21/22
- Approve 9/12/22 Select Board Minutes, 11/21/22
- Interviews for Interim Town Administrator, 11/21/22
- Annual Select Board License Renewals, 12/12/22

Administrator Updates (In Packet)

Executive Session: None

Selectman Stock motioned to adjourn the regular meeting, seconded by Selectman Keyes.

Stock – Aye, Keyes – Aye, Hazard – Aye

Chair Hazard dissolved the meeting at 6:46PM.

Submitted by: Lindsay Peterman

Board Adopted:

**Select Board
Regular Meeting Minutes
March 6, 2023 6:30PM**

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Interim Town Administrator Jeff Nutting

**AGENDA:
FINANCIAL SUMMIT #2**

Chair Hazard called the meeting to order at 6:30PM in the Junior-Senior High School Auditorium.

The Interim Town Administrator presented the financial forecast for the Town with suggested reductions in the School and Town budgets to balance a \$1.9 million deficit.

He also presented Proposition 2 ½ Override options in various amounts to help offset the reductions. He recommended that the school department reduce their budget by about \$1,275,000 and the Town by \$653,000. He further recommended a \$1,250,000 override.

There were questions from the audience. Each Board member spoke briefly about the challenges for the budget. No votes were taken.

The Chair adjourned the meeting at 7:35PM.

**Submitted by Martha White
Board approved:**

The Chief of Police received the following notice from MassDOT regarding a grant award:

Congratulations. This email is being sent to inform you that MassDOT has reviewed and scored your application for the ***Combination Dynamic Speed Feedback and School Zone Speed Limit Sign Assemblies***. I'm pleased to inform you that your municipality will be awarded these units under the conditions outlined in the Memorandum of Agreement (MOA). The municipality must have a school zone established on the section of roadway where these sign assemblies are to be placed or have an expected date in the near-term when the school zone will be established.

MassDOT expects to provide delivery of the sign assemblies via our vendor to your municipality in late spring or early summer and are hopeful that they can be installed prior to the beginning of the 2023/2024 school year. MassDOT is providing the sign assemblies and delivery of the units at no cost to your municipality. The municipality, or your contractor, will be responsible for installation of the units.

Soon, we will be providing you dates and times in late April for virtual training, hosted by our vendor, on how to install the units.

We look forward to working with you and, should you have any questions or concerns, please feel free to reach out to us by email or call me at (978) 771-1125.

Jim Terlizzi, P.E.
Highway Safety Engineer
MassDOT/Highway Division/Traffic Safety Section

Team,

As I mentioned at the Financial Summit, I will have to step down from the board effective March 23, 2023. I have had numerous personal and professional demands placed on me which will not allow me to contribute to this team going forward.

Over the last couple of years, I have had the privilege of working with this team as we tackled two budgets and several other topics. I am very grateful for the opportunity to make contributions, while growing personally and professionally in the process.

Thank you all for your kind words, partnership, support and continued service to the Town of Hopedale.

Regards,

Ken Wilson

3 Patrick Road

Hopedale, MA 01747

(401) 787-1379

kenjamwilson@comcast.net

**TOWN OF HOPEDALE
BOARD, COMMISSION OR COMMITTEE
TALENT BANK FORM**

Local Government needs citizens to give of their time and talents serving the Town of Hopedale. A Talent Bank has been established to compile a list of interested citizens, willing to serve on a voluntary basis on boards, commissions and committees. Some groups meet often, others require less time, and still others are busy only at specific times of the year. Occasionally, there are requirements for ad hoc committees or sub-committees appointed to work on specific projects. Experience indicates that the two most appropriate qualities for successful service are an open mind and exercise of common sense.

If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

Finance Committee

Please return completed forms to:

Town Administrator's Office -- Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

Please Note:

- > The Board of Selectmen may fill vacancies until next election.
- > It is recommended that you attend a few meetings of the committee or board you are contemplating joining to help determine your interest.
- > The board/committee will be asked for their recommendation on each applicant appointment.

Name: David Arthur

Are you a registered voter? Yes | No

Address: 74 Steel Rd.

How long have you lived in Hopedale? 9 mo

Home Phone: 619-609-7859 Cell Phone: same E-Mail: dba1@horma.com

How would you like to be contacted? email or phone

Occupation: Medical Director

Please list any potential conflicts of interest, e.g. membership in an organization or your

business: none

Education and Experience: BS, Ph.D., MBA

Served on non-profit Board of Directors

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? 2

Have you ever had business before the Board/Committee to which you are requesting an appointment?

Yes No If yes what type of business? _____

Special interests and skills: Financial Accounting (Personal); OPEX management (Industry); Investment Research + Strategy (Personal)

Activities, e.g. Government/Civic & Community/Charitable & Educational: _____

Reasons for wanting to serve: Support management of the town I now live in with my family

The completion of this form in no way assures appointment. Citizens deemed most qualified to serve in a particular capacity will fill all board, commission or committee vacancies.

Applicant's Signature



Date

3-9-23



HOPEDALE FIRE DEPARTMENT

40 Dutcher Street - Hopedale MA. 01747

Tel: (508) 473-1050 Fax: (508) 902-0076

www.hopedale-ma.gov/fire-department

Thomas M. Daige - Fire Chief

David J. McMorrow - Deputy Chief



Select Board
Town Hall Office
78 Hopedale Street
Hopedale MA 01747

March 21, 2023

Re: Promotion of Call Firefighter Candidate Jacob Fantini to Call Firefighter

Madam Chair,

As of March 16th, Call Firefighter Candidate Jacob Fantini has successfully completed the required training and standards set forth to be promoted from Call Firefighter Candidate to Call Firefighter. *effective March 28, 2023*

I recommend the Board promote Jacob Fantini to the position of Call Firefighter.

Respectfully,


Thomas Daige
Fire Chief

Adoption of 2023 Hazardous Mitigation Plan

Local Hazard mitigation plans are investment strategies that communities develop throughout the planning process to identify hazards, asses risks and vulnerabilities, and develop mitigation strategies that can be funded using a wide range of resources. These plans form the foundation of a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction and repetitive damage. These plans must be updated at least once every five years, and then adopted by the Selectboard. Having a current plan is vital for grant procurement, such as the \$444,800 grant funding opportunity from Congressman Jake Auchincloss that the town is applying for.

ARPA Request for Adin Street Complete Streets Project

The highway department is requesting \$70,000 for design engineering for a project they are planning on Adin Street. The scope of this project will to be to construct a 10-foot-wide multi-use path on the Southern Side of the street from Hopedale Street to Mendon Street (Route 16), construction of four crosswalks, sidewalk improvements to the northern side of the road to make them ADA accessible. The upgrades to this street will both improve safety concerns as well as accelerate community and economic development. The sidewalk upgrades to the northern side of the street will finally make the road ADA accessible. This is important for the entire community by providing ADA accessibility to both town schools as well as connecting both schools. These sidewalks will also allow for safe travel from both residential institutes located on the street to Milford Regional Hospital as well as the center of town providing access that was never an option to things such as churches, medical buildings, restaurants, Hopedale Community House, Town Library, hair salon, police and fire stations, parks, fields, the town pond, and parklands. The 10-foot-wide path addresses both safety and economic development. By connecting both schools, this path will be able to address the large crowds of children walking from one school to the other. Currently, the one regular sized, poor condition sidewalk unintentionally forces pedestrian traffic into the streets during high volume times. The entrance to the elementary school will be expanded out where the current cross walk is to force the slowing of traffic as well as increasing the line of sight to pedestrians which is currently lacking as cars park along the street due to no off-street parking. The center of town, once a large textile mill, is currently in the design phase for a privately owned mix-use development. This development will new housing units as well as commercial development of restaurants, retail, etc. This path will connect this property as well as the Hopedale Housing Authority safely and effectively to the Milford Regional Hospital, which is not only a hospital, but a transit station as well.

Submitted by:
David Butler
Operations Supervisor
Hopedale Water/Sewer Department



TOWN OF HOPEDALE

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

Tel: 508-634-2203 Fax: 508-634-2200
www.hopedale-ma.gov

Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Jeff Nutting
Interim Town Administrator

CERTIFICATE OF ADOPTION SELECT BOARD TOWN OF HOPEDALE, MASSACHUSETTS

A RESOLUTION ADOPTING THE HOPEDALE HAZARD MITIGATION PLAN

WHEREAS, the Town of Hopedale established a Committee to prepare the 2023 update of the *Hopedale Hazard Mitigation Plan*; and

WHEREAS, the updated *Hopedale Hazard Mitigation Plan* contains several potential future projects to mitigate potential impacts from natural hazards in the Town of Hopedale; and

WHEREAS, duly-noticed public meetings were held by the LOCAL HAZARD MITIGATION PLANNING TEAM on April 27, 2022 and September 26, 2022; and

WHEREAS, the Town of Hopedale authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan.

NOW, THEREFORE BE IT RESOLVED that the Town of Hopedale SELECT BOARD adopts the 2023 update of the *Hopedale Hazard Mitigation Plan*, in accordance with M.G.L. 40 or the charter and bylaws of the Town of Hopedale.

ADOPTED AND SIGNED this 27th day of March, 2023.

Names	Glenda A. Hazard	Brian R. Keyes	Bernard J. Stock
Title	Chair	Member	Member

Signature



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Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Jeff Nutting
Interim Town Administrator

March 22, 2023

TO: Select Board
FROM: Jeff Nutting, Interim Town Administrator
CC: David Butler, Operations Supervisor, Water/Sewer Department
RE: Proposed Re-Allocation of ARPA Funds

The Select Board is asked to rescind your prior vote to allocate \$200,000 towards the Hopedale Pond/Dam/Culverts project. This allocation was intended to be used as matching funds for a federal grant but, as ARPA funds are also federal, they cannot be used for this purpose. We'll propose that Free Cash be used instead.

We further request that the Board vote to allocation \$70,000 toward engineering costs for Adin Street. Information about this proposal has been provided by David Butler, Operations Supervisor for the Water/Sewer Department – see attached. Also attached is an updated spreadsheet depicting the amount of committed and remaining ARPA funds if the Board approves this proposal, as well as a proposal from Tighe & Bond. We are seeking your approval of this proposal.

Mr. Butler will be in attendance Monday night if you have any questions.

Adoption of 2023 Hazardous Mitigation Plan

Local Hazard mitigation plans are investment strategies that communities develop throughout the planning process to identify hazards, asses risks and vulnerabilities, and develop mitigation strategies that can be funded using a wide range of resources. These plans form the foundation of a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction and repetitive damage. These plans must be updated at least once every five years, and then adopted by the Selectboard. Having a current plan is vital for grant procurement, such as the \$444,800 grant funding opportunity from Congressman Jake Auchincloss that the town is applying for.


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Submitted by:
David Butler
Operations Supervisor
Hopedale Water/Sewer Department

Hopedale ARPA Funding 12/7/2022

Non-Entitlement Community Allocation	Total	Received to date	Outstanding
Non-functional County Redistribution Amount	\$622,883	\$311,441.28	\$311,441.28
	\$1,155,912	\$577,956	\$577,956
Total:	\$1,778,795	\$889,397.27	\$889,397.27

<u>Item/Project</u>	<u>Department</u>	<u>Committed</u>	<u>Expended thru 12/7/22</u>	
			<u>FY22</u>	<u>FY23</u>
Water Sourcing	Water	200,000	200,000.00	-
Water Tank	Water	165,000		32,445
COVID Tests	Police	122	122.34	-
COVID Test Kits for Distribution	Town	4,408	4408	-
COA Pandemic-related services	COA	3,800	1456	-
				
Emergency Tree Work - Town Trees	Tree Warden	17,500	0	15,275
Lucas Auto Pulse	Fire	15,000	0	
2024 Freightliner 108SD Plow Truck	Highway	279,757		
Statue of Hope	Library	25,000		
Town Park Renovations & Cost Determinations	Parks	17,500		
Cruiser (Chevy Tahoe)	Police	56,770		71,500
JSHS Boiler	Schools	100,000		4,940
Security System/Cameras	Town Hall	5,000		
Fuel Dispensing Equipment Upgrade	Various Depts	19,000		
Generators @ Schools (for sheltering)	Town	400,000		
Hire Recruiter for TA search	Town	10,000		
MS4 Stormwater Permitting	Town	120,000		
Dam inspection	Town	12,500		
Adin Street Engineering		70,000		
Total Allocated		1,521,357		
Balance Available:		257,438		
			205,986.34	47,720.00

1750250.P009

March 7, 2023

Jeff Nutting
Town of Hopedale, Interim Town Administrator
Town Hall
78 Hopedale Street
Hopedale, MA 01747

**Re: Proposal for Engineering Services for Adin Street Shared Use Path
Hopedale, MA**

Dear David:

As has been discussed, the Town of Hopedale intends to request Complete Streets Tier III funding for construction of a shared use path on Adin Street from Steel Road to Hopedale Memorial School (Phase 2) and from Hopedale Memorial School to Dutcher Street and the Hopedale Junior Senior High School (Phase 3), through the Massachusetts Department of Transportation (MassDOT) Complete Streets Program. Though Phase 1 from Mendon Street (Route 16) to Steel Road will be included in the design of the project, it is anticipated that the funding request for Phases 2 and 3 will exceed the maximum community allotment and Phase 1 will be funded from other sources.

Project Understanding

The Adin Street shared use path project is listed as three projects in the Town's Complete Streets Project Prioritization Plan (PP); Adin Street Multi Use Path, Phases 1 through 3, (Ranked #11 through #13 in the PP, respectively). We understand the project work limits and scope to be as follows:

Adin Street Multi Use Path Phase 1 (PP Rank #11)

- Construct an 8- to 10-foot shared use path on the south side of Adin Street between Mendon Street (Route 16) and Steel Road (approximately 760 feet)
- Construct sidewalk improvements on the north side of Adin Street, adding a crosswalk at Steel Road
- Install a bump-out or curb extension on the south side, opposite the Hopedale Memorial School driveway crosswalk for improved pedestrian visibility

Adin Street Multi Use Path Phase 2 (PP Rank #12)

- Construct an 8- to 10-foot shared use path on the south side of Adin Street between Steel Road and Hopedale Memorial School (approximately 1,030 feet)
- Construct sidewalk improvements on the north side of Adin Street
- Install ADA-compliant crosswalk and pedestrian curb ramp upgrades at Steel Road and at the school driveway
- Install a bump-out or curb extension on the south side, opposite the Hopedale Memorial School driveway crosswalk for improved pedestrian visibility

Adin Street Multi Use Path Phase 3 (PP Rank #13)

- Construct an 8- to 10-foot shared use path on the south side of Adin Street between Hopedale Memorial School and Dutcher Street/ Hopedale Junior Senior High School (approximately 1,000 feet)
- Construct sidewalk Improvements on the north side of Adin Street
- Install ADA-compliant crosswalk and pedestrian curb ramp upgrades at Dutcher Street

Scope of Services

Tighe & Bond's scope of services includes the tasks necessary, initially, to support the Town in their Tier III application for Phases 2 and 3 by preparing a conceptual plan for each project and assisting in preparation of project narratives and budget for each. Tighe & Bond will also prepare a Project Notification Form for the Town to submit to Massachusetts Historical Commission.

After submission of the Tier III application, Tighe & Bond will develop technical specifications and construction documents. Our proposal is based on preparing the bid documents as a "book job" and anticipates that the shared-use path, sidewalk, and accessible ramps will be provided within the existing right-of-way. The construction documents will include location and sketch layout plans and construction details required to describe the work but will not include detailed construction or grading plans.

Our services include the following engineering tasks.

Task 1 – Conceptual Design and Tier III Application Support

Tighe & Bond will prepare a conceptual level design plan suitable for inclusion, as Exhibit C, in the Complete Streets Tier III funding application and related submission to Mass Historic Commission with the Project Notification form.

The plan will be prepared on aerial imagery and will be appropriately annotated to indicate project limits, approximate location of improvements and intended materials.

Tighe & Bond will also assist with Exhibit A – Narrative, Exhibit B – Budget, and complete the Environmental Checklist for each project.

Task 2 – 75% Design

Tighe & Bond will receive comments from the Town on the Phase 2 and 3 Concept Plan as prepared for the Tier III application and advance the drawings to 75% Design, after authorization to proceed from the Town, which we assume would occur following funding approval. The comprehensive plan will be delivered to the Town for review.

Tighe & Bond will work with a surveyor to conduct a survey of Adin Street and develop a base plan for the project area. We have assumed that the project limits will be from the existing back of sidewalk to the opposite back of sidewalk. We also assume that no right-of-way actions will be required in support of the proposed sidewalk/multi use path. The survey will include topography, site features, utility structures, utility information from available record drawings, and property lines based on assessor linework and the location of recoverable monumentation.

75% Design Plans

The path and sidewalk design will comply with accessibility requirements established by the Americans with Disabilities Act (ADA), the Massachusetts Architectural Access Board (MAAB), and MassDOT. The intended submittal is a "book job", meaning large format detailed drawings will not be provided. Sketch drawings will be included in a book format describing the proposed construction activities. The sketch drawings will include:

1. Project location plan(s)
2. Sidewalk layout sheets
3. Typical sections & construction details
4. Wheelchair ramp tables

As noted above, it is anticipated that all proposed work will be completed within the existing roadway layout without impact to adjacent properties.

Opinion of Probable Construction Costs (OPCC)

An OPCC will be prepared in conformity with the standards and nomenclature established by MassDOT. The OPCC will identify construction activities by unit price items. It will be based on the 75% design plans and checked to be consistent with the Town's funding for this work.

Design Meeting

We will review the submittal with the Town. We will confirm the scope of work and the project limits. Special attention will be paid to potential property impacts, or specific site issues identified during the design development process. We will also discuss the schedule for preparing bid documents, advertisement, and advancing the project to construction.

Task 3 – Final Design and Bid Documents**Final Design**

Final Design Submittal – Provide electronic copies (PDF format) of the Final drawings, specifications, and OPCC for Town review.

Final Design Meeting – We will organize and attend a meeting to discuss the Final Design plans, specifications, and OPCC and obtain the Town's review comments. We will prepare an agenda for the meeting and develop a meeting summary.

Constructability Site Walk – Perform a site walk of the project area to confirm constructability of the design.

Bid Documents

Tighe & Bond will incorporate comments received from the Town into the Bid Documents. Provide two (2) hard copies of the stamped drawings and project manual along with an updated OPCC for the Town's record and use.

Design details and specific property concerns will be addressed, and "front end" contract documents and technical specifications will be developed.

The sketch drawings will be further detailed to address comments, updates may include:

1. Limits of sidewalk work
2. Accessible ramp details and tables
3. Temporary traffic control plan (TTCP) and details



Specifications will be developed including:

- Division 0 – Bidding and Contract Requirements
- Division 1 – General Requirements (Measurement and Payment, Project Controls, etc.)
- Division 2 – Technical Specifications (MassDOT Special Provision format)

Opinion of Probable Construction Costs (OPCC)

The OPCC will be revised to reflect the final design and current cost information.

Assumptions and Exclusions

The Scope of Services for this Agreement is inclusive only of those tasks described herein. Should any other work be required, including but not limited to the items listed below, Tighe & Bond will prepare an amendment to complete the additional work items.

- Bid Administration Assistance
- Property Boundary Survey
- Collection of traffic volume data
- Traffic analysis or traffic signal design
- Drainage analysis
- Right-of-way acquisition and associated plans
- Environmental or Land Use Permitting
- Posting bid advertisement in the Commonwealth's COMMBUYS database.
- Advertisement fees, the Town will pay any fees required for submission of advertisement.
- Construction Phase Services – Tighe & Bond will provide the Town with a proposal for Construction Services prior to commencement of construction

Schedule

The following is the preliminary schedule for the key tasks and milestones of the project:

Authorization to Proceed	March 15, 2023
Conceptual Design and Application Support	May 1, 2023
75% Design	July 2023
90% Design	September 2023
Bidding Phase	November 2023
Award Phase	January 2024
Construction Notice to Proceed (Estimated)	April 2024



Fee

Tighe & Bond will perform these services for a lump sum fee of \$70,000, invoiced monthly based on percentage complete. In the event that the scope of work is increased for any reason, the lump sum fee to complete the work shall be mutually revised by written amendment. Our attached Terms and Conditions is part of this letter agreement. The Included schedule and fees are based on the above scope of work and assumptions. The schedule Includes reasonable allowances for review and approval times by applicable parties. This schedule may need to be adjusted as the project progresses, allowing for changes in scope, character or size of the project requested by you, or for delays or other causes beyond our reasonable control.

For information purposes, the below summary provides the anticipated break out of the project. The summary is presented to give the Town of Hopedale a better understanding of how the project budget was developed. Invoices will be submitted based on the total project fee and not individual line item budgets.

Task	Fee
Task 1 – Conceptual Design and Application Support	\$10,000
Task 2 – Preliminary Design	\$14,000
Task 3 – Final Design and Bld Documents	\$21,000
Task 4 – Survey Expense	\$25,000
Total Fee:	\$70,000

We appreciate this opportunity to work with the Town of Hopedale to provide Engineering Services relative to the multi use path design on Adin Street. If you require additional information, or have any questions regarding this proposal, please do not hesitate to contact Daniel L Murphy, Jr., PE, who will be the Project Manager for this effort. He can be reached at 781-375-2573, or at dlmurphy@tighebond.com.

Very truly yours,

TIGHE & BOND, INC.



Daniel L Murphy, Jr., PE
Senior Project Manager



Christopher O. Granatini
Vice President

Enclosures: Terms & Conditions REV. 04/2020

Acceptance:

On behalf of the **Town of Hopedale** the scope, fee, and attached terms and conditions are hereby accepted.

Authorized Representative Title Date





TOWN OF HOPEDALE

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Hopedale, Massachusetts 01747

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Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Jeff Nutting
Interim Town Administrator

March 22, 2023

TO: Select Board
FROM: Jeff Nutting, Interim Town Administrator
CC: Lisa Pedroli, Town Clerk
RE: Upcoming Meeting Schedule

Given the discussions we are engaged in regarding the FY 2024 Budget and Proposition 2 ½ Override, as well as the upcoming Annual Town Meeting, Special Town Meeting and Special Election, I would ask that the Select Board consider meeting more frequently over the next few weeks.

At present, your scheduled meetings prior to Town Meeting are: April 10, April 24, May 8 and May 15. I would suggest that, at a minimum, the Select Board plan to meet on April 3rd. It is likely that the Board will consider scheduling additional meetings between now and Town Meeting, but you can do so at a later time.

Commonwealth of Massachusetts
Worcester Regional Retirement System

Kevin P. Blanchette • Chairman

Board Members: Rebecca L. Tuttle • Pauline M. Lajoie • Michael J. Donoghue • Eugene J. Durgin, Jr.

Michael Sacco, Esquire • Chief Executive Officer

MEMORANDUM

TO: Member Unit Boards of Selectmen

FROM: Kevin P. Blanchette, Chairman
Rebecca Tuttle, Member
Michael Donoghue, Elected Member
Pauline Lajoie, Elected Member
Eugene Durgin, Member

DATE: January 6, 2023

RE: Chapter 269 of the Acts of 2022 - Cost-of-Living Adjustment

At its meeting on December 20, 2022, the Worcester Regional Retirement Board voted to approve the additional 2% cost-of-living adjustment as authorized by Chapter 269 of the Acts of 2022, which Governor Baker signed into law on November 16, 2022.

Chapter 269 further requires the approval of 2/3 of the Chief Executive authorities of our member towns. It is our hope that your Board will consider approval of the COLA as soon as possible, however the votes must be held before June 30, 2023. Should 34 of our towns approve, the additional 2% COLA will be applied retroactive to July 1, 2022. The Board stands ready to assist you in any way as you consider this matter. Our Chief Executive Officer, Michael Sacco will be available to attend any meetings should you deem it appropriate.

As a reminder, any COLA granted is based only on the first \$16,000 paid to our retirees, and the WRRB previously voted to grant a 3% COLA to the WRRS' retirees and survivor beneficiaries effective July 1, 2022.

The WRRB will be conducting its annual meeting with the WRRS member unit Treasurers and Collectors on January 19, 2023 at the Auburn Elks, 754 Southbridge Street, Auburn at 8:30 a.m. The WRRB's Actuary, Linda Bournival from KMS Actuaries, will be present to not only discuss the annual member unit assessments, but also to discuss the cost the member units will incur if the additional 2% COLA is approved and how it will be allocated in future assessments. Please note, as Linda will discuss in more detail, approval of the COLA will not impact your FY 24 or FY 25 assessment.

Should you have any questions please contact the WRRS's Chief Executive Officer, Michael Sacco, who will be able to assist you.

MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: 5% Local COLA option

DATE: November 18, 2022

On November 16, 2022, the Governor signed Chapter 269 of the Acts of 2022 into law. This act provides the local retirement systems with a local option to increase the Cost of Living Adjustment ("COLA") for Fiscal Year 2023 to up to 5 percent on the base amount specified pursuant to G.L. c. 32, § 103. The approval of the increase can occur at any time during the fiscal year and will take effect as of July 1, 2022.

The local approval mechanism is different than traditional COLA increases and COLA base increases. In order for a system to adopt a COLA increase pursuant to this act, the retirement board must vote for the increased amount and then it must also receive local approval.

For purposes of this act, local approval means:

- In a city, the mayor must recommend the increase to the city council and the council must vote in favor.
- In a city having a Plan D or Plan E charter, the city manager must recommend the increase to the city council and the council must vote in favor.
- In a town, the chief executive officer¹ - the select board in nearly all cases - must vote in favor to accept the increase rather than the town meeting as is the case for COLA base increases.
- In a district, or other political subdivision, the governing board, commission or committee must vote in favor to accept the COLA increase.

¹ As defined in G.L. c. 4, § 7, "chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the select board in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.



Supreme Judicial Court Declares Public Comment Policy Unconstitutional

March 8, 2023

On March 7, 2023, the Massachusetts Supreme Judicial Court issued its much-anticipated decision in Barron v. Kolenda, SJC-13284 (“Southborough”) concerning the constitutionality of a select board policy addressing participation during “public comment” periods of its meetings. The Court concluded that the policy, which sought to implement standards of civility for public comment periods by limiting critique and rude or disparaging remarks, violated Articles 19 and 16 of the Massachusetts Declaration of Rights. In short, the Southborough court observed that “[a]lthough civility can and should be encouraged in political discourse, it cannot be required.” This case has important implications for public bodies.

By way of background, in Southborough, the Select Board held a public meeting which included a public comment period. At the beginning of the public comment period, the Chair referenced the Board’s public comment policy, which required, in part, that all public comments be “respectful and courteous, [and] free of rude, personal or slanderous remarks.” During that portion of the meeting, an attendee held up a sign criticizing the Board for violating the Open Meeting Law and spending frivolously, and, when recognized by the Chair, made comments critical of the Board. The Chair requested that the attendee not slander volunteer public officials and informed the attendee that the Board would take a recess if the attendee continued. The attendee then proceeded to twice refer to the Chair using the name of a reviled historical figure. During a meeting recess, a video of the meeting showed an apparent animated exchange between the Chair and the attendee, during which the Chair threatened to remove the attendee. The attendee then left the meeting.

The Southborough court analyzed both the 19th and 16th Articles of the Massachusetts Declaration of Rights, which provide rights analogous to the First Amendment to the U.S. Constitution. The Court reviewed the history of discourse at public meetings dating back to the Revolutionary War era, noting that such meetings were at times rancorous and discourteous. Article 19 confers upon the public the rights to assemble and petition the government regarding their grievances. In its decision, the Court concluded that the right to assembly and to petition the government extends to persons making statements during a public comment period at a meeting.

The Court further concluded that Article 19’s reference to assembling in an “orderly and peaceable manner” is not the equivalent of a “polite and courteous” discourse. The Court stated, essentially, that regulation of a public comment period can only be accomplished through reasonable “time, place, and manner restrictions” permitted under the First Amendment. The Court also analyzed Article 16, which protects the rights of free speech, and applied a strict scrutiny standard in concluding that the Select Board’s “civility code” unconstitutionally regulates

THE LEADER IN PUBLIC SECTOR LAW

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protected political speech. The Court held that the public comment policy also appeared viewpoint-based in that the policy appeared to allow praise of public officials but not criticism.

While this case did not examine the application of the Open Meeting Law, the Court seemed to premise its conclusions on the fact that the Board invited public comment by including "public comment" on its meeting agenda. Once public comment was included as an item for discussion during the meeting, the Court concluded that constitutional considerations applied to the Board's efforts to regulate public comments.

We encourage municipalities to review the form and practice of their public comment policies, ensuring that there is no attempt to regulate civility, rude or disparaging remarks, or other content-based criticisms of public officials. In our view, public comment policies may continue to regulate, for example, content-neutral time limits for public comments, the duration of the public comment period as a whole, at which part of the meeting the public comment will occur, individual speaking time limits, rules preventing speakers from speaking over others, and acting in a non-peaceable and disorderly manner.

In summary, state law does not require municipalities to provide public comment periods during board and committee meetings. Some charters and special acts do require such public comment periods, however. Each municipality should review its governing documents to determine whether public comment is mandated. To the extent that public comment is permitted, the rights of individuals participating will be protected by Articles 16 and 19 of the Massachusetts Declaration of Rights. For these reasons, following the decision in Southborough, great care should be taken to ensure that any regulation of public comment periods is limited to reasonable time, place, and manner restrictions, rather than mandated civility, or other content-based, restrictions.

The scope and extent of the Southborough case cannot be fully anticipated. This area of law will both rapidly evolve and require ongoing analysis.

In the meantime, please contact your KP Law attorney with any specific questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

THE LEADER IN PUBLIC SECTOR LAW

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Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Jeff Nutting
Interim Town Administrator

March 23, 2023

To: Select Board
From: Jeff Nutting, Interim Town Administrator
Re: Court Decision re: Public Comment Policy

Given the recent Supreme Judicial Court decision of conduct of citizens at public meetings, the Board may wish to draft a policy regarding the portion of your meeting that allows Citizens Comments.

Below is a Draft Policy:

Citizens Comments – The Hopedale Select Board encourages citizens to attend its meetings and welcomes their views on pertinent subjects. Anyone may comment for up to five minutes during the Citizens Comments section about an issue that is not on the agenda. The Select Board will not engage in a dialogue during Citizens Comments but will give your regards appropriate consideration.

Anyone may also comment during any agenda item for up to three minutes.



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Select Board
Glenda A. Hazard, Chair
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Town Administrator
Jeff Nutting
Interim Town Administrator

March 23, 2023

To: Select Board
From: Jeff Nutting, Interim Town Administrator
Re: Proposition 2 ½ Override
CC: Finance Committee
School Superintendent
Boards and Committees
Department Heads

The current budget deficit stands at \$1,900,000. In order to put forward a balanced budget, dramatic reductions in services have been proposed including a \$1,142,000 reduction in the School Department budget resulting in layoffs, fewer class offerings, higher fees, and more, as presented by the Superintendent of Schools. Further, the Town's budget shortfall of \$762,000 would result in closing the Senior Center, Library and Recreation Departments.

The Finance Committee met on March 22nd and, after a healthy discussion, voted 4-1 to recommend that the Select Board consider a Proposition 2 ½ Override in the amount of \$1,200,000 as well as the use of \$250,000 in Free Cash for a total of \$1,450,000 to offset the budget deficit. **A \$1,200,000 Override would cost the average taxpayer \$497 a year or about \$10 a week.**

While this is a slightly different approach, it matches the original recommendation for raising \$1,450,000 towards the deficit.

However, even if the Override passes, the overall level-service FY24 budget will still need to be reduced by approximately \$450,000.

Under this plan, if the voters approve the Override and \$250,000 of Free Cash is used, the service reductions noted in paragraph 1 would be restored.

I would normally be very uneasy with the use of this much Free Cash, but I believe the Board should give serious consideration to the Finance Committee's recommendation.

We recently received information regarding the building permit fee for the Plain Street Development, which is expected to be in the range of \$500,000; these funds will be available when Free Cash is certified this Fall. If the Town uses \$250,000 in Free cash to balance the FY24 budget, you can set aside the other \$250,000 of Free Cash for use towards the FY25 budget and finally "wean" the community off of the use of Free Cash by FY26 at the latest.

In summary I recommend that the Board:

- Support using \$250,000 in Free Cash towards the deficit.
- Limit any additional use of Free Cash, such that the Town can begin to stabilize its Finances.
- Finalize the Board's priorities of the Town's portion of the deficit scenario at its next meeting.
- Meet with the Finance Committee if there are any differences between their recommendations and those of the Select Board.

I believe the current proposal, if adopted by the Select Board and the Finance Committee - with support of the School Committee - gives the voters a very clear and focused proposal. If they wish to support a properly funded School Department, and keep the Library, Recreation and Senior Center open, they can vote yes for an additional cost to average taxpayer of \$497 a year. If they do not wish to pay the additional taxes, they can vote no.

Let the voters decide and honor the outcome of the election.

I am happy to answer any questions.

3/20/2023

FY 24 BUDGET	FY 24 Level
<u>100 - GENERAL GOVERNMENT</u>	\$1,354,153
<u>200 - PUBLIC SAFETY</u>	\$3,679,867
<u>300 - EDUCATION - Town</u>	\$13,970,866
<u>300 - BVT</u>	\$1,008,525
<u>400 - PUBLIC WORKS</u>	\$1,177,431
<u>500 - HUMAN SERVICES</u>	\$932,921
<u>600 - CULTURE & RECREATION</u>	\$404,404
<u>700 - DEBT AND INTEREST</u>	\$345,123
<u>800 - INTERGOVERNMENTAL</u>	\$1,383,382
<u>900 - UNCLASSIFIED</u>	\$4,720,000
Total FY Requests	\$28,976,672
Proposed FY 24 Revenues	\$27,072,777
Net	(\$1,903,895)
School	\$13,970,866
Town Budget	\$13,997,281
less 700, 800 , 900, BVT	\$7,457,030
Net Town budgets	\$6,540,251
Deficit	(\$1,903,895)
Initial Discussion	
School Cuts 60%	(\$1,142,337)
Town Cuts 40%	(\$761,558)
Deficit	(1,903,895)

RECOMMEND	\$1,350,000
Override	Cut
\$1,500,000	\$162,000

TOWN	TOWN
Balance Budget	Cut
\$1,250,000	\$262,000
\$27,380	\$27,380
\$75,000	\$75,000
\$15,000	\$15,000
\$17,500	\$17,500
\$7,500	\$7,500
\$14,000	\$14,000
\$6,400	\$6,400
\$50,000	\$50,000
\$30,400	\$30,400
\$5,000	\$5,000
\$248,190	\$248,190
CUT	
Restore	Restore
\$62,000	\$62,000
\$314,024	\$314,024
\$130,191	\$130,191
\$506,215	\$506,215
\$754,405	\$248,190
\$762,000	\$262,000
(\$7,596)	(\$13,810)

Proposed Town Cuts

All Stipends

TA budget

Buildings/Facilities

Forestry - Capital Item

Police OT - From \$150,000

Fire OT - From \$281,000

Highway wages

Highway - Storm Water

Snow and Ice

Street lights

Subtotal

Partis - Close - \$ for weeds

Library - Close

Council of Aging - Close

Total Cuts

Target

NET

Final CB numbers
Will increase in FY 25 to \$400,000 +/-
Should slowly increase over time
Level fund
Reductions

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Cut Town Planner position

Consider funding in capital budget

Final CB numbers

Will increase in FY 25 to \$400,000 +/-

Should slowly increase over time

Level fund

Reductions

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Restore

Override	SCHOOL CUTS	SCHOOL CUTS	TOWN CUTS	TOWN CUTS	TOWN NET CUTS	TOWN NET CUTS	OVERRIDE TAX INCREASE	Ave annual Tax Increase	Total Increase
	\$	\$	\$	\$	\$	\$			
Override	\$1,200,000	\$1,142,000	\$720,000	\$762,000	\$480,000	\$282,000	\$497	\$268	\$765
Override	\$1,250,000	\$1,142,000	\$750,000	\$762,000	\$500,000	\$282,000	\$618	\$268	\$786
Override	\$1,350,000	\$1,142,000	\$810,000	\$762,000	\$540,000	\$222,000	\$562	\$268	\$830
Override	\$1,500,000	\$1,142,000	\$900,000	\$762,000	\$600,000	\$182,000	\$625	\$268	\$893
With a \$1,350,000 Override the Schools cut \$332,000 - We use \$100,000 from Free cash to reduce to the cut to \$232,000					Total Increase		\$1,450,000		
Finance Committee recommends a \$1,200,000 override and the use of \$250,000 of Free cash					Total Increase		\$1,450,000		

The cost of the override for the average taxpayer is \$10 a week

The "normal" average annual tax increase is \$268 (see below)

Final Outcome

School cuts \$232,000 from request

Town cuts \$222,000 from request

** The override amounts are based on this year tax rate for the average single family value of \$450,000.

Town of Hopedale Tax Information

Fiscal Year	Single Family Values	Single Family Parcels	Average Single Family Value	Average % Value Increase	Single Family Tax Bill	Annual Tax Increase	Percentage Increase from Previous FY
2014	438,344,100	1,480	296,178		4,825		
2015	440,467,500	1,482	297,212	0.35%	4,928	103	2.09%
2016	456,325,400	1,481	308,120	3.67%	5,186	258	4.97%
2017	463,429,100	1,484	312,284	1.35%	5,399	213	3.95%
2018	491,128,500	1,480	331,844	6.26%	5,834	435	7.46%
2019	512,507,100	1,477	346,992	4.56%	6,097	263	4.31%
2020	547,940,500	1,476	371,233	6.99%	6,463	366	5.66%
2021	554,079,800	1,477	375,139	1.05%	6,704	241	3.59%
2022	608,345,400	1,478	411,600	9.72%	7,042	338	4.80%
2023	661,946,100	1,477	448,169	8.88%	7,238	196	2.71%
			\$151,991	4.8%	\$2,413	\$268	0.0439

Summary of changes to home values and tax bills for the "average" single family home from 2014 to 2023

Total increase in assessed home value	\$151,991
Average increase in homes value per year	\$16,888
Average percent increase in value	4.8%
Total increase in Tax bill	\$2,413
Average increase in tax bill per year	\$268
Average percent increase in tax bill	4.39%

The average tax bill goes up 4.39% the average value goes up 4.8%

**SPECIAL TOWN ELECTION
HOPEDALE, MASSACHUSETTS
MAY 23, 2023**

BALLOT QUESTION

Question 1: Shall the Town of Hopedale be allowed to assess an additional \$_____ in real estate and personal property taxes for the purpose of funding the Town's contingent operational budget for the fiscal year beginning July 1, two thousand and twenty-three?

YES_____

NO_____

From: Suazo, Crawling (HOU) <Crawling.Suazo@mahouse.gov>
Sent: Tuesday, March 7, 2023 2:24 PM
To: Jeff Nutting <jnutting@hopedale-ma.gov>
Subject: FY24 Budget Request

Dear Mr. Nutting,

My name is Crawling Suazo, Representative Murray's legislative aide. I hope all is well! I am reaching out since budget season is upon us, and the House of Representatives is preparing to formulate the FY24 budget.

Representative Murray has asked that I contact you for any budget requests that your department may have. Please forward any such requests, along with a brief summary of the requests, as I will be compiling these requests for the Representative to present as possible budget amendments. It would be appreciated if you could provide this information by the **deadline of March 16th at 5 pm.**

If you have any questions, please feel free to contact me. Thank you for your anticipated assistance.

Hello Ms. Suazo,

I'm following up on your March 7 email to Jeff Nutting, Interim Town Administrator in Hopedale, regarding budget requests. We are submitting two requests; if we should only have submitted one, please choose the one you think might be most likely to be funded. Thank you, and please thank Rep. Murray as well. Do not hesitate to contact me should you have any questions or need further information. Jeff is not in this week so, again contact me for any follow-up.

Thank you,
Martha

Martha White
Interim Executive Assistant
Town Administrator's Office
508-634-2203 ext. 210

Replacement of Furnace at the Bancroft Memorial Library, Hopedale, MA

Proposal: The natural gas furnace at the Bancroft Memorial Library was installed in 1991 and is now more than 30 years old. The existing equipment is underperforming in terms of energy efficiency due to its age and usage, and components fail on a regular basis. The Library has dutifully maintained the furnace, with annual maintenance services undertaken each year, hoping we could extend its useful life.

For the past several years, the Library has submitted a capital request to the Town for upgrades to the HVAC system, including installation of a new furnace. Unfortunately, given the Town's many capital needs, funds have not yet been available for this project.

With the installation of a new high-efficiency boiler, the Bancroft Memorial Library would realize a much higher energy-efficiency heating system, and almost certainly lower our operating costs. Our proposal is to install two high-efficiency boilers; thus ensuring that if one boiler fails there would be built-in redundancy. This dual boiler proposal would ensure the sustainability and safe-keeping of this timeless and priceless historical building.

Historical Significance: The Bancroft Memorial Library, located at 50 Hopedale Street, is a lovely example of the Town's late 19th century institutional development. The Library, along with the adjacent Statue of Hope Fountain, was listed on the National Register of Historic Places on February 12, 1999. The Library was designed in 1898 by C. Howard Walker of the Boston architectural firm of Walker and Kimball in the Romanesque Revival style. The Merton Chapel at Oxford University served as the inspiration. Mr. Joseph Burbier Bancroft (1821-1909), Vice-President of the Draper Company, had the Library built as a tribute to his wife, Sylvia Willard Thwing Bancroft; unfortunately, Mrs. Bancroft died prior to completion of the building. The Library was dedicated in her memory, and Mr. Bancroft then transferred ownership to the Town of Hopedale for one dollar. Portraits of Joseph and Sylvia Bancroft hang above the fireplace in the reading room, located to the right of the front entry.

Constructed of Milford granite trimmed with white ashlar, the Library is a one-story building on a raised basement. The roof has slate shingles and copper flashing; gutters and downspouts are also copper. The building is roughly L-shaped; the side-gabled block has exterior end-wall chimneys, faced in granite at either end. A gabled porch, one bay wide and two bays deep, provides a covered entrance canopy. The original wood door survives. A secondary entrance is located on the southwest elevation; this entrance was modified in 1999 to provide barrier-free accessibility.

Inside, the Library's original floor plan and finishes are well-preserved. The main decorative features of the interior consist of a system of oak round-arched ceiling trusses, carried over three of the library's public spaces - the lobby, reading room, and reference room. Other original features include moldings, windows, and two fireplaces. Directly across from the entry is the original, semi-circular, oak circulation desk.

Repairs to Phillips Field, Including New Irrigation System and Well Hopedale, MA

Proposal: The Town of Hopedale has 9 athletic fields (excluding the Tennis/Basketball Courts at Town Park), all of which are the primary facilities for our community, school sports teams and adult leagues. Phillips/Mellen Field is among the most used recreational areas, providing softball, soccer and lacrosse fields for youth programs and high school sports.

Almost all the recreational areas within town are in tremendous need of improvement. Unfortunately, the capital budgets to support the improvement and general upkeep of these facilities is in limited supply and most have fallen into a state of disrepair. Our high school teams are currently not able to leverage our Tennis Courts, or Draper Field for Field Hockey due to the deterioration. Most of these facilities will require substantial capital expenditures to rectify the situation (likely millions of dollars) but Phillips/Mellen Field is more turnkey.

The existing well that that services the irrigation system, as well as the irrigation system itself, are insufficient and essentially not useable for facility upkeep. The field areas are also in need of re-grading, seeding, and fertilization but without an up-to-date irrigation system, this would be a wasted expenditure.

In speaking with local companies and contractors, the estimate for all this work would be ~\$100K. This project would create a recreational facility that could be maintained and improved on a regular basis (seeding, fertilization, weed control.... etc.) versus what is happening today, which is cutting the grass and hoping we get enough rain to have playable fields.

In 2020, Hopedale was very grateful State Rep. Brian Murray office facilitated a much appreciated \$25K earmark grant for rehab of a little league field at Draper and a Phillips/Mellen Field softball field, as well as funding to reseed and aerate Phillips/Mellen. This funding resulted in much needed safety improvements for players as well as greatly improved the playing conditions.



March 3, 2023

Board of Selectmen
Town of Hopedale
78 Hopedale Street
Hopedale, MA 01747

Dear Chairman and Members of the Board:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note the following changes to the Xfinity Rate Card provided in your community:

- *Effective April 2, 2023, the monthly subscription for HBO and HBO Max will increase from \$14.99 to \$15.99 per month as a result of a recent increase in HBO and HBO Max programming costs.*

Customers are receiving notice of change in their bill. Please do not hesitate to contact me with any questions at Catherine_Maloney@comcast.com.

Very truly yours,

Catherine Maloney

Catherine Maloney, Sr. Manager
Government Affairs



March 13, 2023

**Board of Selectmen
Town of Hopedale
78 Hopedale Street
Hopedale, MA 01747**

Re: Programming Advisory

Dear Chairman and Members of the Board:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note the following change:

- **Effective March 31, 2023, Band Internacional is ceasing operations and will no longer be available through Xfinity. The package Brazilian 4 Pack will be renamed Brazilian 3 Pack and will include TV Globo, SporTV (formerly PFC), and Record TV. The price of the Pack has been reduced from \$34.99 to \$29.99 per month, plus applicable taxes and fees.**

Please do not hesitate to contact me with any questions at Catherine_Maloney@comcast.com.

Very truly yours,

Catherine Maloney

**Catherine Maloney, Sr. Manager
Government Affairs**