Select Board Meeting Minutes February 14, 2022, 7:00PM

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

Chair Keyes called the meeting to order at 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Consent Items

Approval of January 19, 2022 Regular Minutes Approval of the January 24, 2022 Regular Minutes Approval of January 31, 2022 Regular Minutes Approval of February 10, 2022 Regular Minutes

Chair Keyes confirmed that all Board members were present for these regular meeting minutes. The Town Administrator stated that the Board can approve the regular minutes collectively if they so choose. The Board stated that they have read the minutes and do not have any question or comments regarding them.

Selectman Arcudi moved to approve the January 19, 2022 regular minutes, the January 24, 2022 regular minutes, the January 31 2022 regular minutes and the February 10, 2022 regular minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept the Donation from the Hopedale Foundation for \$1000 to the Bancroft Memorial Library Chair Keyes read the donation letter from the Hopedale Foundation and the letter provided by Library Director, Tricia Perry. Chair Keyes stated that this is an annual donation that the Hopedale Foundation continues to do. Chair Keyes thanked the Hopedale Foundation and all of those involved for their generosity to the Hopedale community. Selectman Arcudi and Selectwoman Hazard echoed Chair Keyes sentiments.

Selectwoman Hazard moved to accept the donation from the Hopedale Foundation for \$1000 to the Bancroft Memorial Library. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Appointment of Ian Michelson to the Finance Committee, 3 Year Term, effective February 14, 2022 Chair Keyes and the Board thanked Ian Michelson for his interested in the Hopedale Finance Committee. Michelson spoke to his background, professional life, and interest in the Town of Hopedale.

Selectman Arcudi moved to appoint Ian Michelson to the Finance Committee for a 3-year term, effective February 14, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Sarah Greco to the Master Plan Steering Committee, Unexpired Term, effective February 14, 2022

Chair Keyes introduced Sarah Greco to the Board and the residents watching the meeting. Sarah stated that she is very active in the community and wants to assist with the Master Plan process. Chair Keyes thanked Sarah for her interest in the Master Plan Steering Committee and her enthusiasm to assist with the Master Plan process.

Selectwoman Hazard moved to appoint Sarah Greco to the Master Plan Steering Committee for an unexpired term, effective February 14, 2022. Selectman Arcudi seconded the motion. Arcudi – Ave, Hazard – Ave, Keyes – Ave

Accept Resignation of Call Firefighter Candidate, Dylan Loporto, effective January 28, 2022 Chair Keyes read the resignation letter submitted by Dylan Loporto and the Fire Chief. The Board thanked Dylan for his time on the Hopedale Fire Department.

Selectman Arcudi moved to accept the resignation of Call Firefighter Candidate, Dylan Loporto, effective January 28, 2022. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Resignation of Hopedale Planning Board Member, Michael Lacovelli, effective immediately Chair Keyes read the resignation notice submitted to the Town Clerk from Michael Lacovelli. The Board thanked Michael for all of his time and efforts on the Planning Board.

Selectwoman Hazard moved to accept the resignation of Michael Lacovelli from the Hopedale Planning Board. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes read the public hearing notice below. Vote to Open Public Hearing: Selectwoman Hazard moved to open the public hearing. Selectman Arcudi seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes called the public hearing to order at 7:27PM. Present from the Hopedale Pizza Market, Ray Leung, Mike Shah, Steven Dubouis and Michael Delawyer.

Public Hearing - 7:15 PM - ABCC License Application - Hopedale Pizza Market Bar and Grill

The Select Board as the Local Licensing Authority of the Town of Hopedale: Application for a On-Premise Liquor License by NE Restaurant Group, Inc. DBA Hopedale Pizza Market Bar and Grill, Treasurer and Director, Mr. Mike Shah.

Notice is hereby given under Chapter 138 of the Massachusetts General Laws that Hopedale Pizza Market Bar and Grill, located at 1 Menfi Way, Hopedale, MA 01747 has petitioned the Hopedale Select Board for an On-Premise Liquor License, a Common Victualler license, a Non-Sunday Entertainment license and a automatic amusement license. A public hearing will be held on Monday, February 14, 2022 at 7:15 PM via Zoom.

Signed: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Hopedale Local Licensing Board/Select Board. Appeared in the Milford Daily on 02/05/2022.

Public Comment

Hopedale Resident, Len Guertin, asked how many on-premises licenses this application would bring the Town up to, if approved. Town Administrator Schindler stated that if approved, this would bring the Town to two on-premises licenses for alcohol. Selectman Arcudi stated that there was an on-premises license at this same location previously for a restaurant known as Liz's Diamond Bar and Grill. Selectman Arcudi asked the Town Administrator to confirm that the application packets are complete and that all taxes and payments have been paid and are up to date. Town Administrator Schindler confirmed that the licensing application packets are complete, Executive Assistant Lindsay Peterman has obtained sign off confirmation from all departments that they approve the issuance of these license applications, and the abutters were notified of this hearing. Upon request, Ray Leung stated that the amusement and entertainment licenses will be put to use mostly during the weekends (Friday/Saturday) for acoustic performances and there will be video games in the restaurant/grill. Ray Leung also stated that the Bar/Restaurant is about 3500 square feet fitting roughly 166 persons and there is a patio that fits about 66 persons. Town Administrator Schindler asked Ray Leung for a diagram of the patio area because that was not submitted to the Town. The public had no further comments or questions.

Vote to Close Public Hearing

Selectman Arcudi moved to close the public hearing. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes closed the public hearing at 7:34PM.

Board Decision and Roll Call Vote

Selectman Arcudi moved to grant an On-Premises Liquor License to the Hopedale Pizza Market Bar and Grill located at 1 Menfi Way, Hopedale Massachusetts 01747. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to grant a Common Victualler license to the Hopedale Pizza Market Bar and Grill. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to grant a Automatic Amusement License and a Non-Sunday Entertainment License to the Hopedale Pizza Market Bar and Grill. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Blackstone Valley Partnership for Public Health Inter-Municipal Agreement, Amendment #1, Reason for Amendment Authored by Bill Fisher

Town Administrator Schindler stated that the Select Board has signed an IMA for a Regional Health Agent. There were some updates regarding additional positions that need to be voted on. Hopedale Health Agent, Bill Fisher had submitted a written recommendation to the Select Board. The reason for amending the agreement is because the Blackstone Valley Partnership for Public Health received additional grant monies totaling \$200,000, this monies will be put toward hiring two additional people, n Epidemiologist and one RN Nurse.

Selectman Arcudi moved to approve the Blackstone Valley Partnership for Public Health Inter-Municipal Agreement, Amendment #1. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Girl Scouts Cookie Booths on Weekends in February 2022 at the Junior/Senior High School Parking Lot, Request; *Jen Rigdon Town Cookie Manager for Hopedale, Mendon-Upton Girl Scouts*

Chair Keyes stated that he was informed that the Girl Scouts have sold all of their inventory and no longer need to sell at the School parking lot meaning this item will need to be passed over.

Selectman Arcudi moved to pass over this item. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Approve ARPA Funding of \$3,205 for Council on Aging program, YCBT Yoga / Meditation Classes for Seniors

Director of the Council on Aging, Carole Mullen, stated that there is a dire need for programs like this that support mental illness. The programs are run by psychiatric professionals.

Selectman Arcudi moved to approve ARPA funding of \$3,205 for the Council on Aging Program, YCBT Yoga/Meditation Classes for Seniors. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Hopedale Volunteer Release Form (Vote)

Selectwoman Hazard stated that there have been a few times in Town where residents have wanted to volunteer, such as cleaning up a playground or cleaning up the parklands. Hazard and the Town Administrator felt it was best to have a Volunteer Release Form as a precaution. Hazard wanted to clarify that the Town will not be asking residents to volunteer for dangerous jobs. Town Administrator Schindler shared with the Board what the Insurance Providers thoughts and edits to the form were.

The Board tabled this agenda item for a future agenda.

Old Business

Board of Health Updates; Don Howes, Board of Health Chair COVID Update

Chair Howes stated that Governor Baker will be ending the State mask mandate on February 28, 2022. The COVID Omicron variant has reached its peak in January 2022 and has been on the decline since. The Hopedale Health Agent, Bill Fisher recommends that as of February 28, 2022 the mask mandate be terminated for Town Hall visitors and employees and in all municipal buildings including the senior center and the library. Wearing a mask will be a personal preference, there will be no limit to Town employees in a municipal vehicle and the plexi-glass dividers will remain in place in Town buildings. Lastly, fully remote meetings are discretionary, the Board of Health Agent will still need to sign off on large events/meetings, this goes for Town-wide.

Chair Keyes asked that the Health Agent provide a number for what is considered a large meeting, especially if in person board meetings are going to commence.

Animal Control Officer

Chair Keyes stated that the Select Board agrees with Chair Howes that this decision is under the Board of Health, however, Chair Keyes feels that the options should be discussed so the residents have transparency on why the decisions are made. Chair Howes stated that he has talk to the Police Chief in Uxbridge and Chief Montiminy has given him a new understanding of what the Regional IMA has to offer and is very interested in joining now. Howes stated that he has invited Chief Montiminy to the Board of Health's upcoming meeting so it can be discussed as a Board.

Status of Compliance Issues re Stormwater Management at Recycling Center Chair Howes stated that these are the 7 actions they are taking to become compliant, the oil tank in the recycling center must be in a concrete container, any porta-potties need to sit on a try in its own containment due to its proximity to the river, brush piles must be contained by haybales due to its proximity to the river, the wood and metal dumpsters that material gets thrown in needs a canopy, the household hazardous waste stay should be moved to another location, the piles of brush on the north side of the entrance should be moved away from the parklands, the schools buses need to be inspected daily for drips, leaks, etc.

Status of FY23 Trash Collection & Recycling Contracts

Chair Howes stated that he has met with a representative from EL Harvey and a Hopedale representative. The Board of Health understands that to stay with EL Harvey they may need to go to bid. Howes has asked EL Harvey to put together a workable plan. EL Harvey would like to maintain the 3% uptick in price. They are offering to provide each residence with a 65gal tote for trash and a 65gal tote for recycling. Chair Keyes recommended that the Board of Health speak with the Finance Committee since this item deals with the budget and the Finance Committee is an advisory board.

Evaluation of Impact Fees in Host Community Agreements for Marijuana Establishments (Vote) Chair Keyes stated that this discussion is geared towards the impact fees in the Host Community Agreement, no other items in the Host Community Agreements are to be changed. Chair Keyes proposed to the Board an amendment of the impact fee percentage collection quarterly down to 1% and a cap of their payment at \$15,000. This would allow the businesses, on a quarterly basis, to contribute the 1% of their revenues. The funding will be in the account if there is an expenditure from an impact. Town Administrator Schindler stated that High Hopes has paid \$45,000 and Caroline's Cannabis has paid \$21,000. Chair Keyes stated that the Town would return those monies, so the businesses are at the maximum amount of \$15,000. Chair Keyes opened the meeting up for public comment. Resident, Chris Hodgens, Sr. stated that the Town should not get rid of impact fees because the Town could be spending this money by putting it towards road improvements, building sidewalks, exploring water sourcing etc. Chair Keyes stated that the impact fees cannot be put towards any Town improvement, there needs to be proof that the impact fees are being spent on impacts made by the cannabis business, the impact funding cannot be spent on any neighborhood in the Town. Chair Keyes wanted to clarify that he is not suggesting the Town removes the impact fees completely, just reduce the 3% to 1%, Chair Keyes told Chris Hodgens that if he can find a way to legally spend the impact fees on Town expenses that are not from the Cannabis businesses then he is welcome to share it with the Board. Selectman Arcudi stated that he would like to have more clarification provided by Town Counsel as so how the Town can use the money and how the money can be moved from the accounts. Resident Len Guertin suggested possibly using the impact fees for drug awareness programs with the Schools. Town Administrator and Chair Keyes stated that they will look into that, Chair Keyes mentioned that most of these businesses already make contributions to drug awareness programs. Town Administrator Schindler stated that there are drug resistance impact programs that the School Superintendent is interested in some programs if the impact fee funding is available for it. Selectwoman Hazard stated that she would like the impacts from the businesses to be more clearly defined. Selectman Arcudi agree with Hazard's statement and requested that Town Administrator Schindler work with Town Counsel to provide those parameters. Selectman Arcudi stated that in the meeting packet, there is statements from Police, Fire and Highway that they have not seen impacts that the impact fees could be put towards, the Select Board has also received responses from Town Counsel regarding impact fees. Selectman Arcudi stated that the Select Board has done the research and he is comfortable with moving forward tonight with a motion. Selectwoman Hazard suggested raising the percentage to 1.5% and raising the cap to \$40,000 due to not knowing the possible impacts with this new business. Chair Keyes agreed with this suggestion, but he would prefer the cap was at \$30,000.

Selectman Arcudi moved to raise the percentage to 1.5% and to cap the maximum amount at \$35,000. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

FY23 Budget

Town Administrator Schindler suggested tabling this discussion due to the late hour. Schindler stated that the Finance Committee will be meeting in a couple weeks and are meeting with the Schools and the Department heads. Schindler will provide updates from those meetings as they come.

Chair Keyes stated that the executive sessions are brought about from the guidance of Town Counsel. Resident, Ed Burt stated that if the Board is discussing wells then that is not allowed because that is the Water Commission's jurisdiction. Chair Keyes stated that the wells are not in the purpose of the executive session and the Board was not planning on discussing the wells but will make sure not to.

Chair Keyes read the paragraph below pertaining to the Executive Session parameters and purpose. Selectman Arcudi moved to enter executive session per the purpose Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

The Board entered executive session at 10:05PM

Executive Session

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (3): To discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares. Roll Call Vote

Purpose: Litigation strategy re: <u>Town</u> v. <u>Jon Delli Priscoli</u>, <u>Trustee of the One Hundred Forty Realty</u> Trust, et als,

Attorneys Brian Riley and Peter Durning present.*

The Board returned to open session at 10:50PM

Old Business, Continued:

Update regarding 364 West Street Acquisition and Litigation

Attorney Durning provided an update to the participants of the meeting. Durning reported that there is no change from what was given at the open session from last Thursday. The Town will be filing a notice of appeal and will be pursing an injunction which was the Board's recommendation and vote that was taken last Thursday.

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

Selectwoman Hazard stated that due to the meeting running very late and the depth the meeting topics need to be discussed, possibly putting a limit on meeting items on an agenda. Chair Keyes stated that this was just a part of the Select member position and some times meetings run long.

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

Xfinity – Programming Updates: On March 22, 2022 the following channel changes will occur, Afro will only be available in HD; Afro HD will move from Digital Preferred to Expanded Basic and Entertainment remaining on ch 1623. Kids Street HD will be added to Expanded Basic and Kids & Family ch 1772.

Central Massachusetts Mosquito Control Project-State Reclamation & Mosquito Control Board's (SRMCB) Budget Notification and Compliance Certification Policy, Form SRB-1

A/P Warrant #22-17, \$316,448.45, 2/10/2022

P/R Warrant #22-17, \$814,316.85, 2/10/2022

Letter Received from Drohan Tocio & Morgan PC, Threat of Court Action re: Overdale Parkway

Requests for Future Agenda Items:

Chair Keyes requested extending an invitation to Karen Crebase, School Superintendent and the School Committee to give updates regarding the Schools and an update on the mask mandate and COVID update.

Chair Keyes requested having Tim Watson, Manager of the Water Department on a future meeting to give the Select Board and public an update from their department.

Chair Keyes read the executive session paragraph and purpose below.

Selectman Arcudi moved to enter executive session per the purpose Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session

In accordance with G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the bargaining and litigation position of the public body and the chair so declares, which he does. <u>Attorney Katie Klein present</u>).

Chair Keyes dissolved the regular meeting at 11:21PM

Subm	tted by:
Li	dsay Mercier
Linds	ay Mercier, Executive Assistant
Adop	ed:

Select Board Regular Meeting Minutes REMOTE MEETING ONLY February 22, 2022, 6:00 pm

Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler

Chair Keyes called the meeting to order at 6:00PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Chair Keyes read the paragraph and the purpose of the executive session below.

Selectman Arcudi moved to enter executive session per the purpose that Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session:

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (3): To discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares. Roll Call Vote

Purpose: Litigation strategy re: <u>Town</u> v. <u>Jon Delli Priscoli</u>, <u>Trustee of the One Hundred Forty Realty Trust, et als</u>, Attorneys Brian Riley and Peter Durning present.

The Board returned to open session at 7:00PM.

Old Business

Update regarding <u>Town</u> v. <u>Jon Delli Priscoli</u>, <u>Trustee of the One Hundred Forty Realty Trust</u>, <u>et als</u>. Chair Keyes stated that there is not an update regarding legal for Town Council to provide.

Schedule Special Town Meeting and Open Warrant (vote)

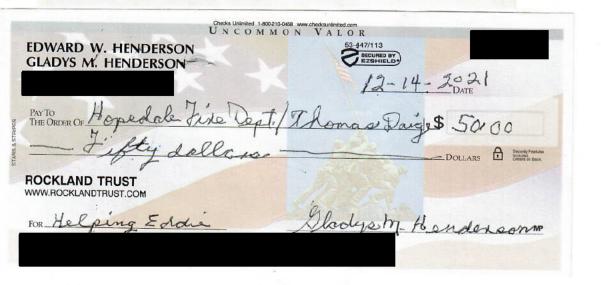
Chair Keyes stated that the Special Town Meeting registration will open at 10AM with an 11AM start time for the Special Town Meeting. Chair Keyes stated that the warrant will be opened tonight and closed on Monday. Selectman Arcudi moved to approve the date for the Special Town Meeting on March 26, 2022 at 11AM and to open the warrant tonight, February 22, 2022. Selectman Arcudi seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to adjourn. Selectwoman Hazard seconded the motion. Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the regular meeting at 7:17PM

Submitted by: Lindsay Mercie	•
,	Executive Assistant

1 Welward Enclosed is a small taken for the Time Cept. to thank them for responding to my husband when he fell on 12-10-2021 in our Family Room. They did a great job and we are forever grateful. Thanks again and onjoy the holiday. Sinceroly I. M. Kenderson



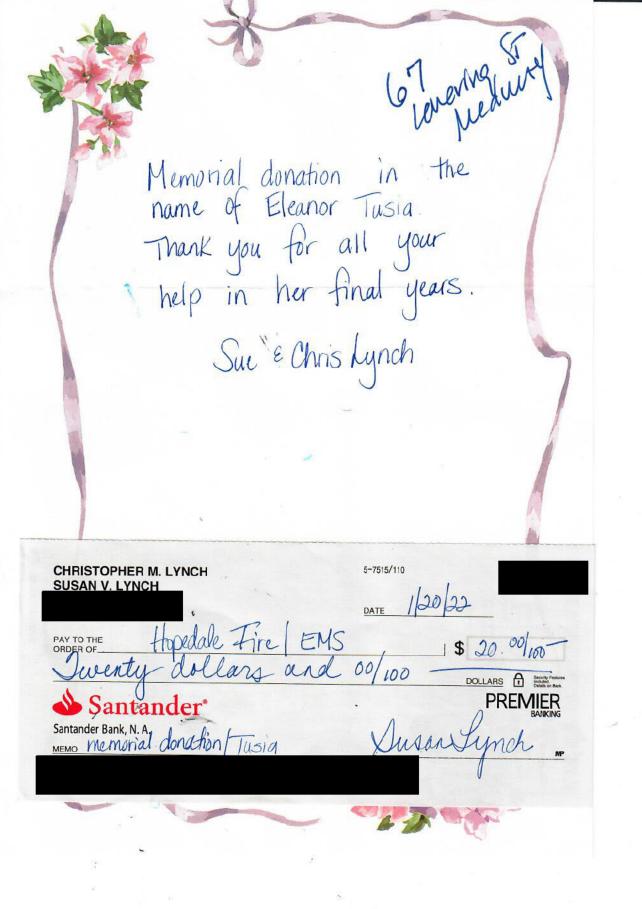
EDWARD W. HENDERSON
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GLADYS M. HENDERSON

PAY TO THE ORDER OF B opedale Jive Dept. \$100.

THE ORDER OF B opedale Jive Dept. \$100.

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FOR





Town of Hopedale CODE OF CONDUCT AND ETHICS

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1. ENABLING AUTHORITY - MGL Chapter 268A, Section 23 (e)

A municipality may have a Code of Conduct, provided it is consistent with State law and that the Select Board, as the chief appointing officials for the Town, vote to adopt such policy.

MGL Chapter 268A, §23 (e): Nothing in this section shall preclude any ... head of such agency from establishing and enforcing additional standards of conduct.

2. PURPOSE STATEMENT

The intent of this policy is to establish a clear statement and guidelines to serve as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect regarding how the Town and its officials conduct business. This policy will define and create a centralized policy regarding conduct and ethical standards.

The Select Board recognizes the importance of professional standards at all levels of the government including those who volunteer their time and services on behalf of the Town. The Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt this standard by reference thereby creating a **Unified Code of Conduct and Ethics for Town Officials** as a standard for expectations of public officials.

3. APPLICABILITY

This policy in all its sections shall apply to the boards, presiding officers, public officials, commissions and committees and other representatives appointed by the Select Board and those representatives appointed by the Board, more particularly defined below:

- The term "the Board" shall apply to the Select Board
- The term "member" shall apply to those appointed by the Select Board
- The term "official" shall apply to a Select Board member or a member appointed by the Select Board
- The term "chair or presiding officer" shall apply to the chairperson of a committee/board/commission or the officer serving in the absence of the chair
- The term "appointing authority" shall apply to the Select Board

 All the terms used herein including commission members, committee members, board members, representatives appointed by the Board or Town Administrator and other officials mentioned in this guideline are subject to this policy

4. CODE OF CONDUCT

4.1 Obligations

These obligations and commitments shall be assumed by all members of the Board and other officials defined in the Applicability section:

- Be well informed concerning the local and state duties of a board/committee member whenever applicable
- Remember that he/she always represents the Town of Hopedale
- Accept their position as a means of unselfish public service, not to benefit personally, professionally, or financially from his/her board/committee position
- Treat all members of the board/committee with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences
- Recognize that the chief function of local government always is to serve the best interests of all of the people
- Honor confidential information, seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest
- Conduct themselves to maintain public confidence in their local government and intheir performance of the public trust
- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law (MGL Chapter 39, Section 23B)

4.2 Relationships to Fellow Board Members and other Persons:

A member in his/her relations with fellow Select Board members and other persons shall:

- Accept differences of opinion as building blocks of our democratic process
- Always treat other members, the Town Administrator and employees with personal respect and act in a civil manner towards them
- Concentrate all dialogue on the issue and refrain from personal criticism
- Recognize that Board action at official meetings is binding and that he/she alone cannot bind the Select Board outside such meetings
- Realize that statements or promises should not be made regarding how he/she will vote on matters that will come before the Select Board

- Uphold the confidentiality of executive sessions and documents presented during such meeting and respect the privileged communications that exists in executive sessions
- Not withhold pertinent information on municipal matters or personnel problems, either from members of his/her own Select Board or from members of other bodies who may be seeking help and information on problems
- Make decisions only after all facts on an issue have been presented and discussed by the Select Board
- Cooperate with the Chair of the Board in the conduct of meetings
- Treat persons who appear before the Board with respect, and dignity and in a manner free from discrimination, abuse and harassment
- Act in a civil and professional manner at all Board meetings
- Speak in a civil manner and not harass or bully citizens, other Board members, the Town Administrator, and employees

4.3 Community Responsibility:

A member in his/her relations with the community should:

- Realize that his/her primary responsibility is to all Hopedale citizens
- Remember that he/she is one of a team and must abide by, and carry out, all Select Board decisions once they are made
- Be well informed concerning the duties of a Select Board member on both a local and state level and on the municipal issues in Hopedale
- Remember that he/she always represents the entire community of Hopedale
- Accept the office of Select Board member as a means of unselfish public service with no intent to "play politics" in any sense of the word, or to benefit personally from his/her Select Board activities

5. CODE OF ETHICS

5.1 Purpose

This policy is issued for the purpose of ensuring that the Board and all other officials defined in the Applicability section comply with the provisions of MGL Chapter 268A, the Conflict-of-Interest Law, including disclosures made under Sections 19 and 23 and more stringent policies adopted by the Board herein.

5.2 Actual Conflict of Interest (MGL Chapter 268A)

The Board and all other officials defined in the Applicability section must understand that there may be times when actions they take could be inconsistent with Conflict-of-Interest laws of the Commonwealth. There may also be times when an appearance of conflict exists.

The official should be proactive in recognizing, disclosing, and acting professionally, with the public trust and compliance of the laws at the forefront of their actions. It is the responsibility of each official to determine for themselves whether to make disclosures prior to acting on a particular matter where a conflict exists or might exist.

5.3 Procedure

- The official in question shall not participate in his/her official capacity in matters in which such participation is prohibited by the Conflict-of-Interest Law and the official in question shall disclose in writing the conflict of interest to their appointing authority and this disclosure shall be recorded into the minutes of the meeting
- The member shall leave the room for the duration of the discussion unless advised otherwise by Town Counsel or the State Ethics Commission
- When a conflict or appearance of conflict exists, the chair or presiding officer shall state the reason (s) for the conflict of potential conflict and will ensure that the member does not participate in the matter as a point of order
- The chair or presiding officer of the meeting shall ensure that the reasons for the conflict are clearly stated (as stated by the member in person) and this shall be recorded into the minutes of the meeting and made available for public view; if the member chooses to recuse himself from the meeting and is not present to state the reasons for recusal, then the presiding officer shall verbally enter the member's statement which will be recorded into the minutes
- The member shall re-enter the room only after the discussion has concluded and the chair or presiding officer of the meeting will state, upon re-entering the meeting by the member in question, that member has re-entered the meeting.
- This shall be repeated each time the subject in question is discussed at subsequent meetings
- All officials defined in the Applicability section should seek and adhere to advice from the Ethics Commission, their appointing authority and Town Counsel if necessary (Note: the State Ethics Commission offers free advice via phone or in writing)

5.4 Appearance of Conflict of Interest (MGL Chapter 268A, Section 23)

The Conflict-of-Interest Law provides that public officials and employees must avoid conduct that creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of kinship, rank, position or undue influence by any party or person.

MGL Chapter 268A, Section 23 allows public officials to act on certain matters, even if it creates the appearance of a conflict, if they openly admit all of the facts surrounding the appearance of bias prior to any official action.

MGL Chapter 268A, Section 23(b)(3):

- (b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:
 - (3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act because of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Under MGL Chapter 268A, Section 1 (definitions), an official may be classified as a "Special Municipal Employee" when such status is authorized by the Select Board Such a status provides greater latitude for officials serving in multiple roles. However, the Board's designation of an employee as a Special Municipal Employee will not preclude the expectation that the official must and will avoid conduct which creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of financial interests, kinship, rank, position or undue influence by any party or person.

Irrespective of governing statute, the Board urges all members and officials to exercise due diligence with respect to preserving the public trust. At times, this may mean an official or member must not act or participate until the matter has been determined by Town Counsel, the State Ethics Commission or any other governing entity if applicable That determination will also be made in writing and be made available for public view.

5.5 Procedure

- The member in question must fill out the appropriate disclosure form, available from the State Ethics Commission (www.mass.gov.ethics) or from the Town Clerk
- This form must be submitted to the appointing authority for review
- The member in question shall submit, in writing, all the facts surrounding the potential conflict to their appointing authority
- The member in question shall not participate in the matter until and unless the approving authority has granted written permission specific to the disclosure and has filed copy of such written permission with the Town Clerk
- The reason for the existence of the potential conflict, the granted permission and the compliance of these guidelines shall be stated by the member before participation and shall be verbally disclosed at the meeting and recorded into the minutes of the meeting
- This shall be repeated each time the subject in question is discussed in subsequent meetings
- It is the responsibility of the chair or presiding officer to oversee the procedure after initiation by the member in question; the chair or presiding officer shall also be

- responsible for ensuring that these disclosures are entered into the minutes and are appropriately filed with the Town Clerk for public view
- The Town Clerk shall maintain a separate file of disclosure statements which shall be kept available for public view

6. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy to all members as defined in the Applicability section upon its issuance and upon the subsequent appointment of reappointment of any member
- The Town Clerk shall also maintain and distribute educational materials from the State Ethics Commission to members
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict of Interest Law and this policy
- The Town Clerk shall have each member sign a statement that they have read these policies and will comply with all requirements set forth in this policy; this form shall be available for public view

7. ENFORCEMENT OF THE CODE OF CONDUCT AND ETHICS

- The Select Board shall enforce the Code of Conduct.
- Any Select Board member violating the Code of Conduct may be removed from Committee assignments and from Board assignments by the Chair and may be subject to public censure by the Select Board.
- During a meeting the Chair may, after an initial warning, remove a member or citizen from a meeting who acts in an inappropriate manner, is unruly or disorderly

Brian R. Keyes, Chair
Louis J. Arcudi, III
Glenda A. Hazard

From: Hopedale Zoning Board

To: <u>Lindsay Peterman</u>; <u>Diana Schindler</u>

Subject: Re: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Date: Wednesday, February 23, 2022 10:27:05 PM

Lindsay and Diana, my own thought on this is that it's fine for the Select Board to adopt, but I'm not sure of a couple of provisions. First, is there a reason the Select Board would adopt regulations governing itself only to be enforced by itself? That seems more aspirational than practical. Would any Select Board realistically find itself in violation? I think not. Second, I'm not aware of any widespread issues regarding other boards where a code of conduct is needed. I can only speak from my experience on the ZBA, and we've never had any issues with conduct. Third, there is a risk that we may discourage volunteers from stepping forward. What if someone on another board disagrees with a position taken by the Select Board? Can we guarantee a future Select Board would not use "ethics" as a weapon against other boards? If the Select Board enforces this code, the enforcement could be abused. I could easily see people not wanting to participate in government out of a fear that someone will launch the "ethics" missile. I'd suggest small steps. Limit application to the Select Board and see how it works out. If it works, maybe other boards can adopt. I would not include any enforcement provision. If there is a real ethics issue, we have a State Ethics Commission that is capable of addressing any claim. Boards policing other boards will only breed mistrust. Chris.

Christopher P. Hodgens

Chairman

Hopedale Zoning Board of Appeals

When communicating with the Hopedale Zoning Board of Appeals, please be advised that the Secretary of the Commonwealth of Massachusetts has determined that correspondence received or sent by a public entity is subject to disclosure as a public record under G.L. c. 4, § 7.

From: Lindsay Peterman < lpeterman@hopedale-ma.gov>

Sent: Tuesday, February 22, 2022 11:05:09 AM

To: Diana Schindler < DSchindler@hopedale-ma.gov>

Cc: eric@erickinsherfcpa.com <eric@erickinsherfcpa.com>; Ann Williams <awilliams@hopedale-ma.gov>; tperry <tperry@cwmars.org>; Carol Villa <cvilla@hopedale-ma.gov>; Bill Fisher

<br

ma.gov>; 'sdecelles@verizon.net' <sdecelles@verizon.net>; gsmall2@verizon.net <gsmall2@verizon.net>; Hopedale Finance Committee <Finance@hopedale-ma.gov>; Historical Commission <Historical@hopedale-ma.gov>; Hopedale Housing Authority (hopedalehousing@comcast.net) <hopedalehousing@comcast.net>; MPSC <MPSC@hopedale-ma.gov>; Open Space and Recreation Planning Committee <OSRPCommittee@hopedale-ma.gov>; Hopedale Planning Board <PlanningBoard@hopedale-ma.gov>; Jim Abbruzzese <jabbruzzese@gmail.com>; Hopedale Zoning Board <Zoning@hopedale-ma.gov> Subject: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Hi All,

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Lindsay Peterman
Executive Assistant to Town Administrator

Town of Hopedale 78 Hopedale Street, P.O. Box 7 Hopedale, MA 01747 Tel: 508-634-2203

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From: hopedalecoa@comcast.net
To: Lindsay Peterman

Subject: RE: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Date: Tuesday, February 22, 2022 1:41:42 PM
Attachments: Hopedale Code of Conduct DRAFT .pdf

Lindsay,

Just a few typos.

It is an excellent document.

Carole

From: Lindsay Peterman < lpeterman@hopedale-ma.gov>

Sent: Tuesday, February 22, 2022 11:05 AM

To: Diana Schindler < DSchindler@hopedale-ma.gov>

Cc: eric@erickinsherfcpa.com; Ann Williams <awilliams@hopedale-ma.gov>; tperry ma.gov>; Renee Polechronis gov>; Timothy Aicardi <taicardi@hopedale-ma.gov>; Carole Mullen - Council on Aging <hopedalecoa@comcast.net>; Chief Daige <firechief@hopedale-ma.gov>; Chris Nadeau <cnadeau@hopedale-ma.gov>; Hopedale Park Commission <parks@hopedale-ma.gov>; Chief Giovanella <ChiefGiovanella@hopedale-ma.gov>; kcrebase@hopedaleschools.org; McGuane, Jeanne <jmcguane@hopedaleschools.org>; Lisa Pedroli <lpedroli@hopedale-ma.gov>; Stephanie L'Etalien <sletalien@hopedale-ma.gov>; Hopedale Tree Warden <treewarden@hopedale-ma.gov>; Patrick Morris - Veteran's Agent (pmorris5920@charter.net) <pmorris5920@charter.net>; Sandra Holland <sholland@hopedalema.gov>; Tim Watson <twatson@hopedale-ma.gov>; Donna Lamphere <dlamphere@hopedalema.gov>; Patricia Sampson <psampson@hopedale-ma.gov>; BOH Members <bohmembers@hopedale-ma.gov>; Hopedale Conservation Commission <Conservation@hopedalema.gov>; 'sdecelles@verizon.net' <sdecelles@verizon.net>; gsmall2@verizon.net; Hopedale Finance Committee <Finance@hopedale-ma.gov>; Historical Commission <Historical@hopedale-ma.gov>; Hopedale Housing Authority (hopedalehousing@comcast.net) <hopedalehousing@comcast.net>; MPSC <MPSC@hopedale-ma.gov>; Open Space and Recreation Planning Committee <OSRPCommittee@hopedale-ma.gov>; Hopedale Planning Board <PlanningBoard@hopedalema.gov>; Jim Abbruzzese <jabbruzzese@gmail.com>; Hopedale Zoning Board <Zoning@hopedalema.gov>

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From: Patrick Morris
To: Lindsay Peterman

Subject: Re: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Date: Tuesday, February 22, 2022 4:59:06 PM **Attachments:** Hopedale Code of Conduct DRAFT .pdf

Lindsay
No comments
Pat

Sent from my iPhone

On Feb 22, 2022, at 11:06 AM, Lindsay Peterman < lpeterman@hopedalema.gov> wrote:

Hi All,

I hope you had a relaxing long weekend. The Select Board/Town Administrator has asked that you review the draft code of ethics and let myself and Diana know your feedback. The Select Board would like to get the code of ethics approved at an upcoming meeting but wants to hear from you before making a decision. I have attached the code of ethics draft to the email. Let me know if you have difficulty opening. **Please share with your Boards/Committees.**

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From: <u>Tricia Perry</u>

To: <u>Lindsay Peterman</u>; <u>Diana Schindler</u>

Subject: Re: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Date: Tuesday, February 22, 2022 12:40:47 PM **Attachments:** Code of Ethics (Tricia Perry comments).pdf

Lindsay and Diana --

I reviewed the document and will share it with the Trustees as well. One suggestion would be to add gender neutral pronouns throughout (copy with comments is attached).

Tricia

Tricia Perry
Library Director
Bancroft Memorial Library
50 Hopedale Street
Hopedale, MA 01747
tperry@cwmars.org

Phone: 508-634-2209

On Tue, Feb 22, 2022 at 11:05 AM Lindsay Peterman < lpeterman@hopedale-ma.gov> wrote:

Hi All,

I hope you had a relaxing long weekend. The Select Board/Town Administrator has asked that you review the draft code of ethics and let myself and Diana know your feedback. The Select Board would like to get the code of ethics approved at an upcoming meeting but wants to hear from you before making a decision. I have attached the code of ethics draft to the email. Let me know if you have difficulty opening. **Please share with your Boards/Committees.**

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 From:
 Tim Watson

 To:
 Lindsay Peterman

 Cc:
 Diana Schindler

Subject: RE: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Date: Wednesday, February 23, 2022 7:43:46 AM

Hi Lindsay,

Due to section 3 (Applicability), I don't think comments are needed form our departments but I will pass it along to the Board.

Thanks

Tim

From: Lindsay Peterman

Sent: Tuesday, February 22, 2022 11:05 AM

To: Diana Schindler < DSchindler@hopedale-ma.gov>

Cc: eric@erickinsherfcpa.com; Ann Williams <a williams@hopedale-ma.gov>; tperry <tperry@cwmars.org>; Carol Villa <cvilla@hopedale-ma.gov>; Bill Fisher
bfisher@hopedalema.gov>; Renee Polechronis gov>; Timothy Aicardi <taicardi@hopedale-ma.gov>; Carole Mullen - Council on Aging <hopedalecoa@comcast.net>; Chief Daige <firechief@hopedale-ma.gov>; Chris Nadeau <cnadeau@hopedale-ma.gov>; Hopedale Park Commission <parks@hopedale-ma.gov>; Chief Giovanella <ChiefGiovanella@hopedale-ma.gov>; kcrebase@hopedaleschools.org; McGuane, Jeanne <jmcguane@hopedaleschools.org>; Lisa Pedroli <lpedroli@hopedale-ma.gov>; Stephanie L'Etalien <sletalien@hopedale-ma.gov>; Hopedale Tree Warden <treewarden@hopedale-ma.gov>; Patrick Morris - Veteran's Agent (pmorris5920@charter.net) <pmorris5920@charter.net>; Sandra Holland <sholland@hopedalema.gov>; Tim Watson <twatson@hopedale-ma.gov>; Donna Lamphere <dlamphere@hopedalema.gov>; Patricia Sampson <psampson@hopedale-ma.gov>; BOH Members <bohmembers@hopedale-ma.gov>; Hopedale Conservation Commission <Conservation@hopedalema.gov>; 'sdecelles@verizon.net' <sdecelles@verizon.net>; gsmall2@verizon.net; Hopedale Finance Committee <Finance@hopedale-ma.gov>; Historical Commission <Historical@hopedale-ma.gov>; Hopedale Housing Authority (hopedalehousing@comcast.net) <hopedalehousing@comcast.net>; MPSC <MPSC@hopedale-ma.gov>; Open Space and Recreation Planning Committee <OSRPCommittee@hopedale-ma.gov>; Hopedale Planning Board <PlanningBoard@hopedalema.gov>; Jim Abbruzzese <jabbruzzese@gmail.com>; Hopedale Zoning Board <Zoning@hopedalema.gov>

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 From:
 Sally Decelles

 To:
 Lindsay Peterman

 Cc:
 billijo1@verizon.net

Subject: Re: Code of Ethics Draft & Updated Meeting Provisions from the Governor

Date: Monday, February 28, 2022 11:25:38 AM

The Hopedale Cultural Council met and at our meeting reviewed this request.

We do have a comment/recommendation:

The Hopedale Cultural Council feels that reference to he/she or his/hers should be changed to member/members.

Diversity, Equality and Inclusion is in the forefront of today's society. Therefore making this change shows recognition of DE&I in the Town of Hopedale.

Thank you, Sally Decelles Secretary, Hopedale Cultural Council

----Original Message-----

Cc: eric@erickinsherfcpa.com <eric@erickinsherfcpa.com>; Ann Williams <awilliams@hopedalema.gov>; tperry <tperry@cwmars.org>; Carol Villa <cvilla@hopedale-ma.gov>; Bill Fisher

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