

**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.

Please list the name of the board/committee you wish to be considered for:

Community Preservation 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: Jim Abbruzzese

Are you a registered voter? Yes No

Address: 16 Patrick Rd, Hopedale, MA

How long have you lived in Hopedale? 26 years

Home Phone: _____ Cell Phone: 508-926-9139 E-Mail: jabbruzzese@gmail.com

How would you like to be contacted? email

Occupation: IT - Unified Communications

Have you ever been convicted of a felony? Yes No

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

none

Education and Experience: HHS Class of 1992, Former Park Commissioner, Downtown Revitalization Committee

Chair of Master Plan Steering Committee, Former Chair of the Recreational Field Ad Hoc Committee

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? There haven't been any yet

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: Given my experience in the town groups mentioned above I feel as though I am among a small group of residents who have had the privilege to listen to and then speak on behalf of a wide range personas in town, and I feel I can continue to represent all residents with their best interests in mind

Activities, e.g. Government/Civic & Community/Charitable & Educational: See experince listed above

Reasons for wanting to serve: As a third generation resident in town my roots here run deep and I am passionate about enabling our community to continue to be a home to any all who seek the quality of life my family and others have enjoyed for decades

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 Jim Abbruzzoso Date Feb 1, 2023

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

Board, Commission or Committee applying for:

The Community Preservation Committee

Please return completed forms to:

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Name: Herbert T. Potter, Jr.

Are you a registered voter? Yes

Address: 17 Driftway

How long have you lived in Hopedale? 7 years and
Four-plus months

Home Phone: 508-309-6812

E-Mail: connieherbpotter@gmail.com

How would you like to be contacted? #1 e-mail; #2 home phone

Occupation: Retired. I was a Congregational Clergyman (United Church of Christ) for 20 years and then a High School Social Studies Teacher (U.S. History, Consumer Economics, Geography and Civics) at Henry Abbott Regional Vocational-Technical High School in Danbury, CT for 17 years.

Please list any potential conflicts of interest, e.g., membership in an organization or your business: N/A

Education and Experience: Eight years at college level, BA in Psychology (1967) and BA in Pastoral Theology (1968). Four years at Boston University School of Theology, Master of Theology (Th.M) in 1972. While in the parish ministry I served in Illinois, Massachusetts and Mississippi. In 1985 and 1986 I attended Central Connecticut State College to earn teaching certification and began my teaching career in 1987.

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment: This Committee has not yet formed

Have you ever had business before the Board/Committee to which you are requesting an appointment?
No

Special interests and skills: Gardening, fishing, boating. I grew up in Jacksonville, Florida. My parents owned a thirty-three-acre pecan grove on the Jean Ribault River and ran a Fish Camp. As the oldest son I was busy bailing boats, catching bait and splitting firewood for the barbeque pit. I've built several small boats.

My wife and I designed and built a home in Morris, CT in 1993 and lived there 20 years. I was active in church and community. My wife's parents, Bill and Ruth Nelson, were life-long leaders in the American Youth Hostels (now Hostelling USA). Bill, at age 18 traveled with Monroe Smith, the founder of AYH in the first American group to make a European trip in 1934 and years later Ruth ran the AYH hostel in Morris, CT, in addition to raising four daughters, one of who is my wife, Connie. A farmer sold them 27 acres of land next to the hostel and they gave us five and a half acres on which to build our house.

At the Morris church I chaired the Bylaws Committee which was charged with rewriting that document. (I was not the Pastor of that church; Connie and I were members.) One summer I scraped and painted the church steeple. For the Town of Morris I served several years on the Zoning Board of Appeals.

Reasons for wanting to serve: Wherever I have lived I have found ways to work with others to make our lives better together. Connie and I moved to Hopedale in 2015 to be helpful to our youngest daughter, and her family. Our granddaughter, Kiera is now a senior at Ashland High School and has been accepted at several colleges and will decide which one in the next two months. Grandson Quinn will begin high school in the fall so we will be at his games and such. This summer we will work on a boat for him and his pals.

As these family responsibilities subside, I see the possibility of working with the Hopedale Community Preservation Committee as a great opportunity to be helpful to our town.

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

Herbert T. Patten, Jr.

Date

02/13/2023



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

February 22, 2023

To: Select Board
From: Martha White, Interim Executive Assistant
RE: Blackstone Valley Curling Club One-Day Liquor License

The Blackstone Valley Curling Club has applied for a One-Day Liquor License for their tournament scheduled for March 25, 2023 at the Blackstone Valley IcePlex at 121 Plain Street in Hopedale. A copy of their application is attached.

As required, the application has been sent to certain municipal departments and their responses are as follows:

- Police Department: No police detail is required
- Fire Department: No fire detail is required
- Treasurer/Collector: Blackstone Valley Curling Club is current on all taxes and municipal fees
- Board of Health: No food permit is required
- Building Inspector: No concerns

The Club will need a Raffle Permit from the Town Clerk; I have advised them that they must obtain this prior to the event.

All other requirements have been fulfilled and documentation provided.

The Licensing board will not grant a liquor license without a letter from the property owner.

Name of Event: Bay State Games _____ Date(s) of Event: March 25, 2023 _____

Start time of Event: 11:00 am _____ End Time: 11:00pm _____

Is the event open to the General Public? No _____

Event Location (name and address): Blackstone Valley Iceplex 121 Plain St., Hopedale MA 01569 _____

Where in building or if outside will the entertainment be located?

Inside

Event Details: Inside Outside Both

Number of Expected Guests 75 _____ Age range of attendees? 13-99 _____

Alcohol must be purchased from an authorized source as required by ABCC

Name of authorized ABCC Vendor: HGD Beer _____

Address: 190 Mechanic St., Bellingham MA 02019 _____

License Number: WA-LIC-000362

You may be asked for proof of where alcohol was purchased

Describe the manner in which alcohol will be served to your guests to ensure compliance with the existing laws (check IDs, table service/bar, etc.) and specify the manner by which service of such beverages, if minors attend, will be controlled. Minors are not allowed within the area where alcohol beverages are being served.

Guests 21 plus who show proper identification will be provided with a wristband. The wristband must be worn at all times. Alcohol will be stored in a separate location not accessible to the guests and will be sold by authorized club members. Sale and consumption of alcohol will be in an area not accessible to minors.

Town of Hopedale, MA Special One Day License Information

Town of Hopedale Liability Disclaimer for Special One Day License

By exercising the privileges of the One Day Liquor License in serving persons with alcoholic beverages, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this Special One Day License will be deemed acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of this One Day License and the appropriate precautions to avoid injuries, damage and liability to others with your legal advisor. The Town of Hopedale and the Select Board acting as the Local License Authority shall not be liable to the Licensee or to others if injury or damage shall result from the exercise of this One Day Liquor License. By signing this form, the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Alcoholic Beverages Control Commission and the Licensing Authority of the Town of Hopedale.

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control laws of the State of Massachusetts and policies of the Town of Hopedale.

Signature of Applicant: _____

Date: 2/10/2023

Select Board Meeting February 27, 2023

Summary of Highway Department Update

1. Update of where we are so far this winter as far as equipment, employees, and snow budget.
2. Update on New Fuel System
3. Update on Route 16 Intersection
4. Update on the 2022 Leaf Season with new Leaf Vac Truck
5. Talk about new Ford F-550
6. Upcoming Possible Grants (Complete Streets & Mass Works)
7. Stormwater Update

**STATUTES REGULATING EXPENDITURE OF TOWN FUNDS
ON PRIVATE WAYS**

The Town has no inherent power to spend municipal funds or use municipal resources to plow private ways or to make temporary repairs on private ways. Each type of action has particular statutory preconditions, but, unfortunately, the statutes that govern each type of activity are not parallel, either in the way the authority is acquired and the manner in which the power, once acquired, is exercised.

The following are the sections of the General Laws that control the most frequently asked questions concerning public and private roads:

Chapter 40: Section 6C. Removal of ice and snow from private ways; conditions

A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.

Chapter 40: Section 6D. Removal of ice and snow from private ways; submission to electorate; ballot

Section six C shall be submitted for acceptance to the registered voters of a city at a regular city election if the city council thereof so votes, and of a town at an annual town election upon petition of two hundred registered voters or of twenty per cent of the total number of registered voters, substantially in the form of the following question, which shall be placed on the official ballot used for the election of officers at such city or town election:

Shall the city (or town) vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes in answer to said question is in the affirmative, then said section shall thereupon take full effect in such city or town, but not otherwise.

Chapter 40: Section 6N. Private ways; temporary repairs, ordinances or by-laws

Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.

I. TEMPORARY REPAIR OF PRIVATE WAYS

A municipality has no obligation to maintain or repair a private way; however it may expend funds for the temporary repairs of private ways, pursuant to a by-law enacted pursuant to G. L. c.40, §6N, without affecting the status of the way. Various provisions are commonly seen in bylaws, such as a requirement that the private way have been opened to the public use for six years or more; however, these are not imposed by statutes, but are chosen as a matter of policy by each municipality and incorporated into the bylaw.

If a municipality should decide to make temporary repairs to a private way, after having enacted the necessary bylaw, it is recommended that the town take measures to limit its liability. These typically include posting a warning at the entry of such ways and obtaining agreements from abutters to indemnify and hold the town harmless from personal and property injury resulting from any defects in such ways. The town should also obtain a recordable agreement from abutters that requires future maintenance and repair by the abutters.

II. REMOVAL OF SNOW AND ICE FROM PRIVATE WAYS OPEN TO THE PUBLIC

A. What is required to authorize the Town to Plow Private Ways?

A municipality may expend public funds for the removal of snow and ice from private ways open to public use if Section 6C of Chapter 40 has been accepted in the manner provided by G. L. c.40, §6D. Section 6D requires that specific language be included within a town-wide ballot question placed before the voters at a City or Town election. Section 6C provides that the removal of snow and ice from a way does not constitute repair of that way.

B. Does the plowing of snow on private roads result in increased responsibility of the Town for such roads?

In my opinion, the plowing of private ways, as permitted by G. L. c.40, §6C, does not result in the road in question becoming "way . . . maintained and used as a public way," as that phrase is used in the Subdivision Control Law, at G. L. c.41, 81L, nor in its becoming the permanent responsibility of the Town.

C. May the Board of Selectmen set standards which authorize snow and ice removal on some but not all private roads?

In my opinion, it is the clear intent of the statute to empower the Board of Selectmen, in the exercise of its reasonable discretion, to designate fewer than all the private ways for snow removal by the Town. G. L. c.40, §6D provides that, following the acceptance by the voters of G. L. c.40, §6C, the Town may fund private snow removal "from such private ways within its limits and open to the public use as may be designated

by the...selectmen...." [emphasis added] Clearly then, for the Town to choose to fund snow removal on a private way there are two necessary characteristics of any road in question:

1. The road must be "open to the public use;" and
2. The road must have been "designated" by the Board of Selectmen for snow and ice removal.

These prerequisites indicate that not every private road in any town will qualify for the expenditure of public funds for plowing, sanding and so forth.

As to the first requirement, "open to the public use" has been held by the Supreme Judicial Court of Massachusetts to mean that the way is "actually susceptible of use by the public other than for purposes that are merely incidental to the use of the way by the owner thereof, and also that the way is open to the public at large for purposes of travel, not merely incidental to its use by the owner thereof, in a manner similar to the ordinary use for purposes of travel of a public way of the same general nature." [emphasis added] Opinion of the Justices to the Senate, 313 Mass. 779, 783 (1943).

The two quoted phrases, in my opinion, indicate that, in order for the expenditure of public funds to meet the constitutional test relied upon the Opinion of the Justices, that "money raised by taxation can be used only for public purposes and not for the advantage of private individuals," the road must, at least for the period during which Town plowing occurs, be of such design and location (be "susceptible of use") that the general public is able to use the road, other than as a guest or invitee of an abutters to that road. Under this analysis, neither a dead end street nor a typical subdivision road would ordinarily be "susceptible of use by the public" as required by G. L. c.40, §6C.

To be "open to the public," in my opinion means that the owners of the road, which are ordinarily, but not always, its abutters, allow the general public to travel the road. This might be done by means of a temporary or permanent license or by oral or written permission. Although such permission may be informal or implicit, it would be inconsistent with the intent of the statute that a road be marked as "private" or "residents only" while public funds are expended for plowing or other snow and ice removal activities on such road.

The designation by the Board of Selectmen which G. L. c.40, §6C requires must, therefore, at the least, be based upon the determination that by design and in fact, the road is adequate to, and does, carry general public traffic. In addition, however, because public funds are finite and variable from year to year, a road which qualifies pursuant to Section 6C may nevertheless be excluded from plowing, even if previously plowed. The statute charges the Board of Selectmen with making choices among the total number of roads which qualify for plowing under the Section 6C standard.

D. What criteria may be or have been used to designate which private roads open to public use may be plowed by the Town?

Unlike the statute providing for temporary repair of private ways, G. L. c.40, §6N, which requires an authorizing by-law, Section 6C empowers the Board of Selectmen to choose among the qualifying roads. Standards, which are reasonable and consistent with the statute, are not susceptible to challenge, and may be put into effect by vote of the Board, to adopt a policy or regulations concerning the conditions under which the board will authorize snow plowing of any private way. In addition to the two standards set out in Section 6C, the Board's policy or regulations may consider many factors, relating to the degree to which a public purpose is served by plowing, as well as concern for public safety and efficient use of scarce Town funds. For example, reasonable conditions for a policy on qualification for private road snow plowing might include:

- Road design relative to safe plowing;
- Degree to which road handles public traffic, relative to other roads;
- Timing of request by petitioners, relative to Town funding decisions
- Relative number of residents using the road; and
- Length of road per resident or relative to its importance for maintaining traffic circulation or alternate routing.

Attached is a copy of the standards for snow removal from private ways as set out by the Town of Mashpee in its general by-laws. It is not necessary to employ a by-law, but this by-law sets very basic standards, which may be used in a regulation as well. Design standards, such as the speed bump prohibition or reference to standards set by another Town employee are also reasonable, if not necessary, factors which the Board of Selectmen may consider in its designation of private roads which may be plowed pursuant to G. L. c.40, §6C.

E. Does the Town incur liability for plowing private ways without benefit of proper authorization?

In my opinion, absent acceptance of G.L. c.40, §6C or suitable special legislation, the Town may expose itself to potential liability injuries resulting from any defect in a private way which is attributable to unauthorized snow removal. A plaintiff's attorney might consider naming Town officials as defendants.

As you are aware, the expenditure of funds for an unauthorized purpose may violate G.L. c.44, §53, which forbids the expenditure of funds for purposes for which there is no appropriation. The Inspector General of the Commonwealth has recently informed certain Massachusetts municipalities that they are in violation of that statute, by virtue of having plowed private roads without first complying with the statutory procedures. In addition, General Laws, chapter 44, §62 sets forth enforcement provisions. It provides, in pertinent part, as follows:

Any city, town or district officer who knowingly violates, or authorizes or directs any official or employee to violate, any provision of this chapter, or any other provision of general law relating to the incurring of liability or expenditure of public funds on account of any city, town or district, or any provision of special law relating to the incurring of liability or expenditure of public funds as aforesaid, shall, except as otherwise provided, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

F. Does the Town incur liability for discontinuing snowplowing of private ways?

I know of no authority that would impose liability for discontinuing unauthorized plowing of any private way. You may of course give some form of public notice prior to cessation of any unauthorized snowplowing of private ways, but, since there is no requirement for such notice, any such notice may be minimal and in such form as you deem sufficient under the circumstances. The purpose of any such notification would be only to forestall surprise to any abutter to a private way who may be unaware of the road's status as a private way or unaware that any past plowing has been gratuitous or the result of mistake on the part of the Town.

In my opinion, neither performing temporary repairs to private ways, as permitted by G. L. c.40, §6N (assuming that the Town adopts the necessary bylaw) nor plowing of private ways, as permitted by G. L. c.40, §6C and Bylaw Section 9-64-050, creates a "way . . . maintained and used as a public way," as that phrase is used in G. L. c.41, 81L. General Laws c.40, §6C refers to "removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the . . . selectmen. . . ." [emphasis added]. General Laws c.40, §6N provides that a town may by bylaw "provide for making temporary repairs on private ways." Such bylaw shall determine, among other matters, "if the ways shall have been opened to public use for a terms of years." The term "open to public use," used in these statutes, does not have the same meaning as "used as a public way," in my opinion. Furthermore, each of these statutes refers to "private ways." Plowing and repairing private ways under these statutes actually can serve to show that these ways have been treated by the Town as private ways.

G. May the Board of Selectmen submit the necessary ballot question as provided in G.L. c.40, §6D, without the petition of two hundred voters or 20% of registered voters as provided in G. L. c.40, §6D?

In my opinion, the Board of Selectmen may not cause a ballot question, in the form provided in G. L. c.40, §6D, to be submitted at "an annual town election. This opinion is based on the wording of §6D, which makes no reference to any procedure other than a voters' petition.

ROADWAY NAME	SURFACE	DISTANCE	ANNUAL SPEND	PLOWED/DI E-ICING BY TOWN	TOWN OWNED BUT NOT ACCEPTED	PRIVATE	SIDEWALKS	BERM	END OF STREET	ROAD CONDITION	STRUCTURES
1 BOYD ROAD	PAVED	L=300' W=23'		YES	YES	NO	NO	NO	PARKING LOT	POOR	1 DSMH
2 BRIARCLIFF ROAD	PAVED	L=642' W=26'		YES	NO	YES	NO	YES	DEAD END	FAIR	4 CB, 5 DSMH
3 CATHERINE STREET	PAVED	L=260' W=19'		YES	YES	NO	NO	NO	DEAD END	GOOD	NONE
4 CENTENIAL ROAD	PAVED	L=550' W=25'		YES	YES	NO	1 SIDE	YES	CULDESAC	GOOD	6 CB, 10 DSMH
5 DEC COURT	PAVED	L=165' W=17'		YES	YES	NO	NO	NO	DEAD END	FAIR	1 CB, 1 DSMH
6 OLD SALT BOX ROAD	PAVED	L=145' L=19'		YES	YES	NO	NO	NO	DEAD END	FAIR	2 CB
7 OLD WEST STREET	GRAVEL	L=540' W=15'		YES	YES	NO	NO	NO	THRUWAY	POOR	NONE
8 OVERDALE PARKWAY	PAVED	L=1450' W=13'		YES	YES	NO	NO	IN PLACES	DEAD END	FAIR	2 CB, 1 DSMH
9 UNNAMED ROAD	PAVED	L=300' W=15'		YES	YES	NO	NO	YES	PARKING LOT	POOR	NONE
10 VILLA DRIVE	PAVED	L=590' W=20'		YES	YES	NO	NO	YES	CULDESAC	GOOD	2 CB, 4 DSMH
Total Length		4942									
Total accept streets											

LAURELWOOD	PAVED	L=572' W=22'		YES	NO	YES	NO	NO	THRUWAY	GOOD	4 CB, 1 DSMH
LAURELWOOD	PAVED	L=728' W=22'		YES	NO	YES	NO	NO	THRUWAY	GOOD	6 CB, 9 DSMH
LAURELWOOD DRIVE	PAVED	L=4300' W=26'		YES	NO	YES	NO	YES	THRUWAY	GOOD	35 CB, 38 DSMH
STEELE ROAD	PAVED	L=2530' W=22'		YES	NO	YES	NO	NO	CULDESAC	GOOD	19 CB, 25 DSMH



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Jayme Last Name: Solomon-Zissu

Address: 6 Larkin Ln

City: Hopedale State: MA Zip Code: 01747

Phone Number: 5089325869 Ext. _____

Email: jaymes-z@verizon.net

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Hopedale Select Board

Specific person(s), if any, you allege committed the violation: Brian Keyes

Date of alleged violation: 2/16/23

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

the town had a select board meeting last night and that was closed and then we went to a financial summit. during the summit, Brian Keyes got up and opionated about the Grafton Upton RR and their activities at 364 West St which is a subject before the select board and falls 7nder their jurisdiction. All of the Select Board members were in attendance. As such, that would be deliberating outside of public meeting. There is a recording of it. here is the link and he beins around the 1:20 mark.

https://server2.rtgsecure.com/vod/_definst_/mp4:hopedale_ma/2023-02-16_8487662_Financial_Summit.mp4/playlist.m3u8?wowzaplaystart=0

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

he has done this several times and does it on the Hopedale Bulletin Board as well. he needs to be reprimanded and re-educated at the minimum

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Jaime Solomon-Zissu

Date: 2/17/23

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

February 22, 2023

Brian W. Riley
briley@k-plaw.com

Carrie Benedon, Esq. (openmeeting@state.ma.us)
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Hopedale Select Board -
Response to Complaint of Jayme Solomon-Zissu dated February 17, 2023

Dear Ms. Benedon:

This office serves as Town Counsel to the Town of Hopedale, and this letter is in response to an Open Meeting Law (“OML”) complaint filed against the Town’s Select Board (“Board”) by Ms. Jayme Solomon-Zissu, a copy of which is enclosed (“Complaint”). The Board reviewed the Complaint and approved this response at its meeting on February 27, 2023. The Complaint claims that a Select Board member, Brian Keyes, violated the OML by speaking at a public gathering (not a meeting of another public body) on a subject that is before the Select Board while all three Select Board members were in attendance.

The Board denies that Mr. Keyes or any other member of the Select Board committed a violation of the Open Meeting Law, and the Complaint offers no evidence of such a violation. The “financial summit” referenced in the Complaint was coordinated by the Interim Town Administrator as a means for Town officials and employees and the general public to hear preliminary information regarding the development of the Fiscal Year 2024 budget:

<https://www.hopedale-ma.gov/home/news/hopedale-financial-summit-take-place-thursday-february-16-2023-630pm-public-welcome>

This summit was not a “meeting” of the Select Board (as acknowledged in the Complaint) or any other Town public body. It is clearly not a violation for a member of a public body to talk about a matter that is before his own board outside of a meeting. In fact, this is addressed in the definition of “meeting” at G.L. c.30A, §18:

“Meeting”, a deliberation by a public body with respect to any matter within the body's jurisdiction; provided however, “meeting” shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate.*
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate.*



Carrie Benedon, Esq.
February 22, 2023
Page 2

While the members of the Select Board were at the financial summit, they did not deliberate (nor does the Complaint claim they did) and it was not a violation for one or more of the members to make comments at the summit. No violation occurred and not further remediation is necessary.

Very truly yours,

A handwritten signature in blue ink, appearing to read "B. W. Riley".

Brian W. Riley

Enc.

BWR/

cc: Select Board
Ms. Jayme Solomon-Zissu (jaymes-z@verizon.net)

851613/HOPD/0001



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

Town of Hopedale
Zoning Board of Appeals
78 Hopedale Street
Hopedale, MA 01747

RE: Proposed Addition to the 75 Plain Street Project

Dear Chair and Members of the Zoning Board of Appeals:

I am writing to ask that you favorably consider the expansion of the project at 75 Plain Street. In my short time here, it has become apparent that Hopedale is a community in great need of more revenue, and this project would help address this critical need.

Hopedale's annual operating and capital expenses exceed available revenues and there are only a couple of means available to address this problem. Clearly, expanding the industrial/commercial tax base is a far better option than seeking to raise residential property taxes through a Proposition 2 ½ override.

The first phase of this project has been approved. With the approval of the second – smaller – phase critical tax revenue will be generated, revenue that is badly needed by the Town.

I appreciate the concerns of the neighbors related to the traffic, however it was not long ago that countless Rosenfeld cement trucks came and went from that location daily.

It is always difficult to weigh the concerns of a neighborhood against the greater good of the Town. However, a positive vote would be a step in the right direction with respect to the fiscal stability of this community.

Regards,

Jeff Nutting
Interim Town Administrator

CC Select Board
Finance Committee



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

Town Administrator
Jeff Nutting
Interim Town Administrator

February 22, 2023

To: Select Board
From: Martha White, Interim Executive Assistant
RE: DCR Order to Conduct a Dam Safety Phase I Inspection
CC: Jeff Nutting, Interim Town Administrator
Chris Nadeau, Highway Superintendent

We received the attached Order to Conduct a Dam Safety Phase I Inspection from the MA Department of Conservation and Recreation; the Order pertains to the dam at Spindleville Pond.

I have reached out to Tighe & Bond, the engineering firm we have used for several recent projects; they will be submitting a Letter Proposal in the next week or so. Preliminarily, they estimate that this work would be in the range of \$5,000 - \$6,000. This was not an anticipated expense, but we are required to complete the inspection by May 31, 2023.



February 13, 2023

First Class Mail
Certified Mail No. 7017 0190 0000 9701 6930
Return Receipt Requested

Town of Hopedale
Board of Selectmen
PO Box 7
Hopedale, MA 01747

Subject: Order to Conduct a Dam Safety Phase I Inspection

Dam Name: Spindleville Pond Dam
Location of Dam: Hopedale
National ID No.: MA00936
Hazard Potential: Significant

Dear Dam Owner:

As provided for in GL c.253, section 46 and 302 CMR 10.07, all dams classified as "Significant Hazard Potential" are required to undergo an inspection every five (5) years by a professional engineer at the owner's expense. As the owner of a dam classified "Significant Hazard Potential" you are subject to this requirement. Our records indicate that the most recent Phase I Inspection Report for this dam was completed on November 10, 2017.

Therefore, the Department of Conservation and Recreation, Office of Dam Safety ("ODS") is issuing the following order:

Conduct Dam Safety Phase I Inspection

This order is to notify you that as owner of the above-referenced dam, you are required to complete a Phase I Inspection no later than May 31, 2023. You are hereby **ORDERED** to have the above-referenced dam inspected by a Commonwealth of Massachusetts Registered Professional Engineer and submit a completed inspection report to the ODS at the Department of Conservation and Recreation within 30 days of the date of inspection. The Phase I Inspection Report must be received by ODS no later than June 30, 2023.

For dams determined to be in Poor or Unsafe condition and also required to have Follow-up Inspections completed, a Phase I inspection, being more comprehensive than a Follow-up Inspection, will satisfy a Poor or Unsafe condition Follow-up inspection requirement for that dam for one cycle. The next Poor or Unsafe condition Follow-up Inspection would therefore be due six (6) or three (3) months, respectively, from the date of the Phase I Inspection. If this is unclear, please contact our office for clarification.

Please note that our office has revised the required form and inspection template. Please ensure that when you submit your Phase I Inspection Report that you are using the correct documents. For your use and that of your professional engineer, the revised inspection guidelines and the inspection form required to be completed and filed with the ODS can be found at and downloaded from our website: www.mass.gov/office-of-dam-safety.

If you have an up-to-date Phase I Inspection report on file, please forward a copy of the report to the ODS within 21 days of receipt of this order for review.

Failure to comply with these Orders will subject you to fines of up to \$5,000.00 per violation, with each day of violation being subject to a \$5,000.00 fine.

It is the obligation of the dam owner to contact and notify all applicable local, state and federal permitting agencies prior to conducting any work at a dam including manipulation of water levels. Additionally, any dam owner planning to conduct any material alterations or repairs to a dam it is their obligation to file with the Office of Dam Safety a Chapter 253 Dam Safety Permit Application

Should you have any questions regarding this Order, please feel free to contact the ODS as follows:

- 1 Write to the Department of Conservation and Recreation, Office of Dam Safety, 180 Beaman Street, West Boylston, MA 01583,
- 2 Contact the office by email at dam.safety@mass.gov, or
- 3 Call 617-620-8583.

Sincerely,



William C. Salomaa, Director
Office of Dam Safety



TOWN OF HOPEDALE

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

Tel: 508-634-2203 X215 Fax: 508-634-2200

Email: lpedroli@hopedale-ma.gov

Lisa M. Pedroli

Town Clerk
Justice of the Peace
Notary Public
Burial Agent

DATES TO REMEMBER

ANNUAL TOWN ELECTION – MAY 9, 2023

ANNUAL TOWN MEETING – MAY 16, 2023

- *Nomination papers are available from the Town Clerk's Office beginning: Tuesday February 7, 2023*
- *Number of signatures of registered voters required: twenty-five (25)*
- *Papers must be submitted to the Registrars in the Town Clerks office on or before Tuesday, March 21, 2023 at 5:00 PM*
- *Last day to withdraw as a candidate or object to nomination papers is Thursday, April 6, 2023 at 5:00 PM*
- *Last day to register to vote for the Annual Town Election is: Saturday April 29, 2023*
- *The last day to request mail-in ballot (absentee or early) is Tuesday, May 2nd at 5:00 PM*
- *Last day to register to vote at the Annual Town Meeting is: Saturday May 6, 2023*



TOWN OF HOPEDALE

78 Hopedale Street - P.O. Box 7
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Tel: 508-634-2203 X215 Fax: 508-634-2200

Email: lpedroli@hopedale-ma.gov

Town Clerk
Lisa M. Pedroli, CMMC

The following elected offices will appear on the Annual Town Election ballot scheduled for Tuesday May 9, 2023. Nomination papers are available in the Town Clerks office on Tuesday February 7, 2023.

SELECT BOARD3 YEARS
BOARD OF HEALTH 3 YEARS
LIBRARY TRUSTEE 3 YEARS
PARK COMMISSION3 YEARS
PLANNING BOARD5 YEARS
ROAD COMMISSIONER.....3 YEARS
SCHOOL COMMITTEE3 YEARS
TREE WARDEN 3 YEARS
WATER & SEWER COMMISSIONER..... 3 YEARS



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Jeff Nutting
Interim Town Administrator

February 22, 2023

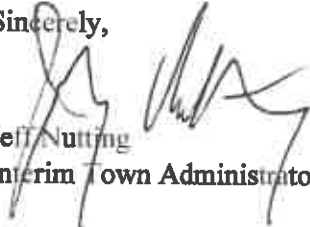
Mr. Michael A. Diorio, Administrator
The Hopedale Foundation
P.O. Box 123
Hopedale, MA 01747

Dear Mr. Diorio and Trustees of the Hopedale Foundation:

On behalf of the Hopedale Select Board and myself, please accept our sincere thanks for your recent donation to the Bancroft Memorial Library. Your continued support of the Library creates innumerable opportunities and initiatives that would otherwise not be possible.

Thank you for your support of the Bancroft Memorial Library and the Hopedale community.

Sincerely,


Jeff Nutting
Interim Town Administrator

C: Select Board