



TOWN OF HOPEDALE

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Board of Selectmen
Janet Orff Jacaruso, Chair
Robert P. Burns
Sandra Biagetti
Town Coordinator
Steve Sette

BOARD OF SELECTMEN AGENDA Monday, November 17, 2014

Call to order 7:00 pm

Chairwoman Jacaruso opened the Regular Meeting of the Board and Selectmen at 7:00 p.m. in the Draper Room of Town Hall and moved into the agenda. Present: Chair Janet Orff Jacaruso, Selectwoman Sandra Biagetti, Selectmen Robert Burns, Town Coordinator Steven Sette, Executive Assistant Susan Brouwer, members of the public, and Videographer Jeffrey Ellis.

Consent Items

Approval of Regular Minutes November 3, 2014

MSDV to passover the Regular Minutes of November 3, 2014
Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

Correspondence

2015 License Renewals – Town Bylaw §270-3 Denial, revocation or suspension of license or permit

Chair Jacaruso read portions of Article I, Delinquent Taxpayers Bylaw which states “the Town of Hopedale may deny any application for, or revoke or suspend a building permit or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under MGL c. 40 §21D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate who owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.”

Coordinator Sette reminded property owners that taxes must be current on all properties owned in the Town of Hopedale and not just the property a license or permit is being sought for.

Appointments and Resignations

1. **Kathleen Ledoux - Appointment to the Planning Board to fill term until next election on May 12, 2015**

Chair Jacaruso welcomed Ms. Ledoux to the joint meeting of the Board of Selectmen and Planning Board. Ms. Jacaruso requested the Planning Board open their meeting. Members present were Acting Chair Steve Gallagher, Members Bill Campbell, Brian Keys and Mike Iacovelli. Janet thanked Ms. Ledoux for coming forward to fill the vacancy created by long time Planning Board Member Edward Small who recently passed. Mr. Gallagher stated the Planning Board reviewed Kathleen Ledoux's Talent Bank Form and found her to be a very qualified candidate. The Planning Board and Board of Selectmen
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members were in all in agreement with her qualifications and unanimously supported appointing Ms. Ledoux to fill the position until the next election on May 12, 2015 at which time the position will be placed on the ballot.

MSDV to appoint Kathleen Ledoux until the next election on May 12, 2015

Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

Planning Board Members unanimously supported Ms. Ledoux's appointment. Town Clerk Jacaruso asked Ms. Ledoux to stop by her office to be sworn in as she did not have her appointment book with her.

New Business

1. Continued Public Hearing Package Store License Transfer from Hopedale Mart, LLC to 404 Main Street LLC dba Mutual Mart

Chair Jacaruso opened the public hearing at 7:11 p.m. and requested the attorneys representing both the current Manager Mouna Doudak for Hopedale Mart, LLC and new manager Kinjal Patel for 404 Main Street Hopedale LLC dba Mutual Mart to come forward. Attorney George Matta reintroduced himself and said he is representing Hopedale Mart, LLC and Attorney Lawrence Beane reintroduced himself stating he is representing 404 Main Street Hopedale, LLC.

Ms. Biagetti commented after reviewing the provided information, she has the following questions regarding the application;

- a. Worker's Compensation Affidavit – listed as "Sole Proprietorship", confused as they are listed as an LLC not a sole proprietorship.
- b. Ms. Biagetti advised she has been in the store several times and noticed the current manager and two LLC members who state they are the ones that will be running the store are never present at the store. Ms. Biagetti said she would like to know how many hours the LLC members (Kinjal Patel and Etk Patel) plan on working at the store.
- c. Sandra said she noticed that Samir Patel and Kinjal Patel are listed as owners of 44 Express – She would like to know if they are current owners of another alcohol license.
- d. Sandra asked what specific sources of money were used to fund \$30,001.00
- e. Sandra said she noticed that the Purchase and Sale was signed by Samir Patel yet he is not an owner of the current LLC; she wants the purchase and sale amended
- f. UCC filing dated in May 2012 would like to know why there is a lien on all inventory, alcohol cannot be transported without a license. Sandra would like an explanation of the UCC
- g. Sandra is requesting a list of all workers in the store and wants all workers TIPS certified.

Attorney Beane stated at the last meeting he advised that Kinjal would be out of town. In her absence, Etk has been covering the store but is still working at another store, so their husbands have been filling in. Attorney Beane advised that once the license transfers the only people working the store will be Kinjal and Etk and they plan to work as many hours as it takes working as many as 60 hours a week if necessary. Ms. Biagetti advised that if the new owners plan to have others working in the store they must have a Worker's Compensation policy – otherwise they will be violating the law and if an investigator walks in, they will issue an immediate store work order. Attorney Beane reiterated that the only two employees will be Etk and Kinjal. As for the 44 Express, Attorney Beane stated they do not sell alcohol at that location. Attorney Beane responded to Samir signing the Purchase and Sale stating Samir was the one that located the store and only signed the Purchase and Sale but has no interest in the license. As for the funds, they are using cash from the banks accounts provided. Ms. Biagetti

responded a person that does not have an interest in the license should be signing the purchase and sale and said she wants this amended.

Mr. Burns then made a motion to submit the Transfer of License application to the ABCC for approval but not to release the license until the following contingencies are met;

- a. A list of all employees working the store will be provided to the LLA
- b. All employees working the store will be TIPS certified
- c. A current status of the UCC will be provided to the LLA
- d. The Purchase and Sale Agreement will be amended and signed by members of the LLC

MSDV to approve forwarding the Transfer of License application to the ABCC. If the ABCC approves the transfer of license application, the license will be issued once the above contingencies are met.

Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

MSDV to close the public hearing of Hopedale Mart at 7:40 p.m.

Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

2. Continued Public Hearing Hopedale Country Club License Status

Ms. Jacaruso opened the Public Hearing of the Hopedale Country Club. Chair Jacaruso recognized Erik Luce who is the current President of the Hopedale Country Club. Mr. Luce stated he believes the application is now complete for the Change of Board of Directors and is asking that the Board of Selectmen approve the new Board of Directors and submit the application to the ABCC for approval. In addition, Mr. Luce would like the Change of Manager resubmitted to the ABCC for approval.

MSDV to approve the Board of Director's and will forward the applications for the Board of Director's and resubmit the Change of Manager to the ABCC for review and approval.

Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

MSDV to close the public hearing of Hopedale Country Club at 7:49 p.m.

Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

3. Planning Board Request to hold Public Hearing Adult Entertainment Bylaw

Acting Planning Board Chair Steve Gallagher said the Planning Board has been working on the Adult Entertainment Bylaw and is asking the Board of Selectmen to approve the Planning Board holding a public hearing sometime in January either the second or fourth week.

MSDV to approve the Planning Board holding a public hearing in January 2015 on the Adult Entertainment Bylaw

Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

4. FY 16 Budget Discussion

Coordinator Sette said he is looking for direction from the Board of Selectmen as far as parameters for departments on the budget. Is the board looking to flat line the budget or make cuts in the budget? Steve is also working on a capital needs lists looking at one time expense items that may be funded from savings and funding projects from free cash versus funding items long term. Mr. Burns said he would like to see capital items wait another year.

Old Business

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1. Town Mechanic

Chair Jacaruso recognized Mr. Burns and the Road Commissioners who were present stating Mr. Burns requested this topic to be added to the agenda. Mr. Burns asked about job description of the mechanic versus a laborer. Bob said he is concerned some mechanical work being by laborers that is not listed in their job description. Bob said if a laborer gets injured doing mechanical work they may not be covered under worker's compensation. Highway Superintendent Bob DePonte stated that light mechanical work is in the laborers job descriptions such as oil changes and other minor adjustments made on vehicles. Mr. Burns asked the Town Coordinator to check and see if a laborer was injured doing this type of work, would the laborer be covered. Steve advised that he would check with Berry Insurance.

Mr. Burns said he would like to see if it makes financial sense to have the current Town Mechanic work on other Town Department vehicles, specifically would this save the Town money? Bob asked the Road Commissioners to have the mechanic create a monthly log showing the number of hours to perform general mechanic work on vehicles, records and schedules of all vehicles worked on in the month of December. Mr. Burns asked the Road Commissioners to come to the Board of Selectmen meeting on January 5, 2015 to review the information.

Other topics not reasonably anticipated by Chair 48 hours before meeting

- Park Commission Chair Dan Iacovelli asked to be recognized to give an update on the Pond Study. There has been no change in testing in the last ten years; there is still high fecal matter, phosphorus and detergents containing phosphates. Mr. Iacovelli states the problem is coming from Northrop Street. Dan would like to apply for grants however; the Park Commission needs plans and maps. Dan said he has been talking with the Water and Sewer Commissioners to come up with a plan.
- Don Howes inquired about Fitzgerald Drive and the possibility of taking the land by eminent domain. He also asked if there was a public safety issue is the town authorized to move the blocks temporarily
- Bill Redden said Fitzgerald Drive has been used as a public way for more than fifty years. He asked if signage could be placed at both entrances advising motorist that the road is closed. Mr. Redden also mentioned there is a storm drain blockage at the SW corner of Bancroft Park for the past 3 -4 years.

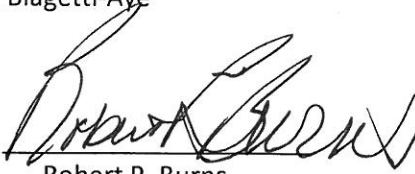
Coordinator News

- Julie Costello, CPA has been hired as an interim accountant on per diem basis to fill in for approximately 6-8 weeks or until a permanent accountant is hired. The ad was placed in the paper this week and will also be listed on the MMA and Beacon.
- Coordinator Sette reminded the residents of the Special Town Meeting tomorrow evening in the High School Auditorium.
- Coordinator Sette informed the residents there is still Housing Rehabilitation Grant money available to residents who qualify. Applications are available on the website and at Town Hall.
- Congratulations to the Boys Cross Country Team, they are the Division II State Champions.
- The Tax Classification Meeting is scheduled for November 24, 2014.

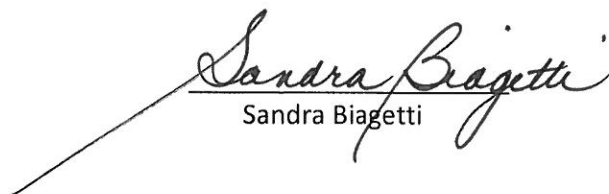
Adjournment

With no further business before them at 8:52 p.m. the board adjourned.
Chair Jacaruso-Aye; Selectman Burns-Aye; Selectwoman Biagetti-Aye

Janet Orff Jacaruso, Chair



Robert P. Burns



Sandra Biagetti

Hopedale Board of Selectmen
*Moved, Seconded, Discussed and Voted ** Roll Call Vote