# TOWN OF HOPEDALE – ANNUAL TOWN MEETING MINUTES

Tuesday, May 17th, 2016 at 7:00 o’clock in the evening

 in the Dennett Auditorium of the Junior/Senior High School

The inhabitants of the Town of Hopedale qualified to vote in elections and Town affairs met in the Dennett Auditorium of the Junior/Senior High School on Tuesday May, 19, 2016. The meeting was called under the Warrant dated the 2nd day of May, 2016 which was posted in accordance with Town By-Laws. Moderator Judge Francis P. Larkin called the meeting to order at 7:11 PM. There were one hundred and five (105) registered voters recorded as present [a quorum being fifty (50) registered voters].

Moderator Francis J. Larkin lead the Town Meeting in the Pledge of Allegiance.

Privileges of the floor were extended to the following:

Thomas M. Daige, Fire Chief

Mark Giovanella, Police Chief

Laura Goldberg, Town Counsel

Pamela Smith, Interim School Superintendent

James G. Mullen Jr. Interim Town Clerk

Robert Speroni, Building Commissioner

Anne Reitmayer, Blue Wave Capital

Robert DePonte, Highway Superintendent

Stephanie L’Etalien, Town Treasurer

Paul Lawson, Property Owner

Ann Fields, Librarian

Lenny Izzo, Board of Health

Brian Falk – Mirick O’Connell for PSP LLC

Fran Marcoux, PSP LLC

Steve Sette, Town Administrator

Selectmen Thomas A. Wesley made some brief remarks thanking Sandra E. Slattery Biagetti for her years of service as Selectwoman, he also welcomed Louis J. Arcudi III as newest member of the Board of Selectmen. Mr. Wesley expressed his appreciation with the active involvement of the in Town citing over 1,000 voters at the Annual Town Election. He congratulated and welcomed Lisa M. Alberto and Kristen E. Poisson to the School Committee and Lisa M. Pedroli as Town Clerk.

Francis J. Larkin, Town Moderator requested a motion to appoint a temporary Moderator.

A motion was made and seconded to appoint Thomas A. Wesley as temporary Moderator at this meeting.

 The motion was seconded and carried.

**Article 1:** Louis J. Arcudi, III, member of the Board of Selectman, made a motion which was seconded to hear and act upon the report of the Selectmen and other offices, departments, or committees of said Town.

**The motion seconded and carried.**

**Article 2:** Steve Sette, Town Administrator, moved pursuant to M.G.L. c.41, §108 to fix the annual salary and compensation for each elected Town officer, and to fix the annual compensation for special appointed officials for service in fiscal year 2017, or take any other action related thereto.

|  |  |
| --- | --- |
| Town Moderator (1) | $ 200 |
| Board of Selectmen (3) | $ 5,850 |
| Town Clerk (1)\* | $ 45,000 |
| Road Commissioners (3) | $ 1,980 |
| Board of Health (3) | $ 1,665 |
| Park Commissioners (3) | $ 1,440 |
| Water/Sewer Commissioners (3) | $ 1,980 |
| Tree Warden (1) | $ 900 |
| Planning Board (5) | $ 3,330 |
| Board of Assessors (3) | $ 1,665 |
| Board of Registrars (3) appt. | $ 1,600 |
| Clerk to Registrars (1) | $ 500 |
| Zoning Board of Appeals (5) appt. | $ 2,340 |
| Finance Committee (9) appt. | $ 4,140 |
| School Committee (5) | $ 4,950 |
| Conservation Committee (5) | $ 2,340 |
| Library Trustees (3) | $ 1,440 |
| Parking Clerk | $ 600 |

\*Town Clerk is paid bi-weekly; all others twice per year

 **The motion was seconded and carried.**

**Article 3:** Karla J. Hopkins, Chairman of the Finance Committee, moved to pass over this article. (Stabilization Fund)

 **The motion was seconded and carried.**

**Article 4:** Walter R. Swift, Chairman of the Board of Health moved to authorize the continued use of a revolving fund pursuant to M.G.L. c. 44, §53E1/2 for the purpose of funding the Towns recycling center to include composting and yard waste and other related costs, which fund shall be credited with receipts received in connection with the collection of recycling and hazardous waste, to be expended under the authority of the Board of Health, such expenditures not to exceed $30,000.00 for the fiscal year 2017, and to carry forward any existing monies in such fund for FY2017

 **The motion was seconded and carried**.

**Article 5:** Walter R. Swift, Chairman of the Board of Health moved to authorize the continued use of a revolving fund pursuant to M.G.L. c. 44, §53E1/2 for the purpose of funding the operating costs of the animal control division of the Board of Health, which fund will be credited with receipts for the boarding of stray animals, fines for violations, and the licensing of animals, to be expended under the authority of the Board of Health, such expenditures not to exceed $15,000.00 for the fiscal year 2017, and to carry forward any existing monies in such fund for FY2017.

 **The motion was seconded and carried.**

**Article 6:** Steven Sette, Town Administrator, moved to authorize the Conservation Commission to spend without further appropriation in accordance with M.G.L. c. 131, §40 certain sums as received in filing fees from prior fiscal years, for the fiscal year 2017.

 **The motion was seconded and carried.**

**Article 7:** Eli J. Potty Chairman of the Road Commissioners moved to authorize the Treasurer to borrow up to the sum of $173,466 in anticipation of Chapter 90 State reimbursement funds, or such additional amount as is anticipated to be so provided, for the purpose of providing road paving/improvement projects, and further authorize the Board of Selectmen to accept and expend such sum or any other sum that is or may be provided to the Town in accordance with M.G.L. c.90 or any other state or federal road program for road repairs.

 **The motion was seconded and carried.**

 **Article 8:** Louis J. Arcudi III, Selectman, moved to amend, pursuant to Town Bylaw, Chapter XXII-B, The Personnel Administration Bylaw the Classification and Compensation grid for non-union Town employees and to raise and appropriate the necessary funds to adjust by 2% the annual salary paid to each employee as suggested by and adopted in Article 9 of the May 20, 2014 Annual Town Meeting.

 **The motion was seconded and carried.**

**Article 9:** Karla J. Hopkins, Chairman of the Finance Committee, moved to raise and appropriate $21,009,985; transfer from overlay reserves $120,000, transfer from Certified Free Cash $150,000, and transfer $100,000 from the unexpended portion of the appropriation made under Article 14 of the November 18, 2014 Special Town Meeting (replacement of the Town Hall heating and cooling system) to defray Town charges for fiscal year 2017 as set forth in the Finance Committee Budget Report.

Eli J. Potty, Chairman of the Road Commissioners made a motion to amend the article to increase Highway Dept. salaries by $30,000.00; $15,000.00 to be moved from Parks Department budget bringing the total of the appropriation to $21, 039,985.

(see Addendum A)

**The amendment was seconded and carried.**

Karla J. Hopkins, Chairman of the Finance Committee, moved to raise and appropriate $21,039,985; transfer from overlay reserves $120,000, transfer from Certified Free Cash $150,000, and transfer $100,000 from the unexpended portion of the appropriation made under Article 14 of the November 18, 2014 Special Town Meeting (replacement of the Town Hall heating and cooling system) to defray Town charges for fiscal year 2017 as set forth in the Finance Committee Budget Report.

 **Main motion as amended was seconded and carried.**

**Article 10:** James M. Morin, Chairman of the Water and Sewer Commissioners moved to authorize the Water Department Budget to be funded by offset receipts as follows, Salaries $247,876, Expenses $504,467 and Long Term Debt $418,651.

 **The motion was seconded and carried.**

**Article 11:** James M. Morin, Chairman of the Water and Sewer Commissioners moved to authorize the Sewer Dept. budget to be funded by offset receipts, as follows, Salaries $303,584 Expenses $554,377 and Sewer Debt of $335,741.

 **The motion was seconded and carried.**

**Article 12:** Louis J. Arcudi, III Board of Selectmen moved to authorize the Ambulance Dept. Budget to be funded through offset receipts as follows; Salaries $32,000.00 Expenses $8,000.00.

 **The motion was seconded and carried.**

**Article 13:** Louis J. Arcudi, III Board of Selectmen, moved to appropriate the sum of $1584.00 to pay the Towns annual assessment of costs and expenses of the Central Massachusetts Regional Planning Commission District.

 **The motion was seconded and carried.**

**Article 14:** Steven A. Sette, Town Administrator moved to appropriate the sum of $259,342 for the Towns net operating and capital assessment for the Blackstone Valley Vocational Regional School District for the fiscal year commencing July 1, 2016.

 **The motion was seconded and carried.**

**Article 15:** Pamela Smith, Interim School Superintendent moved to authorize the use of a revolving fund pursuant to M.G.L. c. 44, §53E1/2 for the purpose of funding a School Bus Transportation account and other related costs, which shall be credited with receipts from the School Departments Transportation Fee, to be expended under the authority of the School Committee, such expenditures not to exceed $100,000 for the fiscal year 2017, and to carry forward any existing monies in such fund for FY2017.

 **The motion was seconded and carried.**

**Article 16:** Teresa M. Gonsalves, Principal Assessor, moved to increase the availability of tax exemptions to senior citizens owning real property pursuant to M.G.L. c. 59 §5, Clause 41C, as authorized under Section 51 of Chapter 184 of the Acts of 2002 of the General Court, by approving an increase in the value of the tax exemption, from $701.58 to $705.75.

 **The motion was seconded and carried.**

**Article 17:** Teresa M. Gonsalves, Principal Assessor, moved to increase the availability of tax exemptions to surviving spouse, minor child, elderly person owning real property pursuant to M.G.L. c. 59 §5, Clause 17D , by approving an increase in the value of the tax exemption, from $235.35 to $236.65.

 **The motion was seconded and carried.**

**Article 18:** Brian Keyes, Chairman of the Planning Board moved to amend the Hopedale Zoning By-Laws as follows:

1. Amend Section 3.1, Types of Districts, by inserting, below the words, “Groundwater Protection”, the words, “Adult Use Overlay”; and
2. Insert a new Section 17A, Adult Use Overlay District, to read as follows:

**SECTION 17A – ADULT USE OVERLAY DISTRICT**

* 1. AUTHORITY

This Bylaw is enacted pursuant to G.L. c.40A and pursuant to the Town’s authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests in regulating the location and minimizing the negative effects of certain Adult Uses, as defined and designated herein, in response to studies demonstrating their deleterious secondary effects.

* 1. PURPOSE

It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that Adult Uses are distinguishable from other business uses and that the location of Adult Uses may have deleterious impacts in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime, adverse impacts on the business climate, adverse impacts on the property values of residential and commercial properties, and adverse impacts on quality of life. These adverse secondary effects have also been referenced and documented in numerous court decisions regarding the zoning of adult entertainment uses. The purpose of this Bylaw is to regulate and limit the location of Adult Uses so as to minimize the secondary effects associated with these establishments, and to protect the health, safety and general welfare of the inhabitants of the Town of Hopedale. It is not the purpose or intent of this Bylaw to restrict or deny access by adults to Adult Uses or to materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or

materials. Neither is it the intent of this Bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal materials. Finally, it is not the intent of this Bylaw to afford adult uses nonconforming use protections any greater than are provided under MGL c40A, 6 and 9A.

3.3 OVERLAY DEFINITION

The Adult Use Overlay District (AUOD) is an overlay district superimposed upon underlying districts within its boundaries. Uses permitted in the underlying districts shall be subject to the restrictions set forth in the underlying districts. Provided, however, to the extent that the provisions in this Section conflict with any otherwise applicable regulations for the underlying district, the provisions of this Section shall control.

3.4 DISTRICT DELINEATION

The Adult Use Overlay District is defined as the area shown on the Adult Entertainment Overlay District Map that is hereby made a part of the official Zoning Map of the Town of Hopedale. If the boundary of the district is in dispute, the rules on interpretation of district boundaries set forth in Section 3.3 of these By-Laws shall apply.

3.5 DEFINITIONS

As used in this Section, the following words shall, have the following meanings:

ADULT BOOKSTORE - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272,s 31.

ADULT MOTION-PICTURE THEATER - An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272,s 31.

ADULT PARAPHERNALIA STORE - An establishment having as a substantial or significant portion on its stock-in-trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c 272,s31.

ADULT USES – for purposes of this Article, Adult Uses shall include the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, and Establishments which Display Live Nudity.

ADULT VIDEO STORE - An establishment having as a substantial or significant portion of its stock-in trade videos, movies or other film or digital media which is distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c.272,s31.

ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY - Any establishment, which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in MGL c.272,s31.

3.6 ADULT USES ALLOWED WITHIN AUOD

1. Subject to the provisions of this Section, adult uses shall be allowed only in the Adult Use Overlay District.
2. All adult uses shall require Site Plan Review, pursuant to the provisions of Section 18 of these By-Laws.

**A motion was made and seconded to pass over Article 18. Motion failed.**

**Main motion passed by paper ballot 67 yes 31 no, more than the necessary 2/3rds.**

***APPROVED BY THE ATTORNEY GENERAL NOVEMBER 3, 2016. lmp***

**Article 19:** Brian R. Keyes, Planning Board Chairman moved to amend the Town of Hopedale Zoning By-Laws by amending the Use Regulation Schedule set forth in Section 11 to allow additional commercial and industrial uses in the Light Industry District, by deleting the strikethrough text and inserting the underlined text as follows:

|  |  |
| --- | --- |
| **11.3 Commercial** |  |
|  |  |
| **USE** | **LI** |
|  |  |
| Indoor eating places; drugstores; self-service laundromats, retail stores selling food or alcohol not intended for consumption on the premises, smoking supplies, periodicals, books, stationary, toys, hardware, electrical appliances, furniture, floor covering, household appliances, sports equipment, art and craft supplies, shoes and clothing; service businesses including banks, barber, hairdressing and beautician shops, shoe or clothing repair shops, laundry and dry cleaning establishments and electrical appliance repair shops, business and professional offices | ~~N~~ Y |
|  |  |
| Any combination of the above category for which the total floor space exceeds 3,750 sq. ft., for GB-A, 5,000 sq.ft | ~~N~~ SP |
|  |  |
| Business, professional and general offices | ~~N~~ Y |
|  |  |
| All forms of commercial use not specifically mentioned above | ~~N~~ SP |
|  |  |
| **11.4 Industrial** |  |
|  |  |
| **USE** | **LI** |
|  |  |
| All forms of manufacturing, storage and assembly not specifically mentioned above | ~~N~~ SP |

 **The motion was seconded and carried by more than the necessary 2/3rds vote.**

***APPROVED BY THE ATTORNEY GENERAL OCTOBER 12, 2016. lmp***

**Article 20:** Steven A. Sette, Town Administrator, moved to authorize the Board of Selectmen to enter into a so-called Payment in Lieu of Taxes (PILOT) Agreement with BWC Origination 19, LLC or its affiliates, successors or assigns, with respect to payments for a sum certain in lieu of real and personal property taxes owed to the Town for a period of twenty (20) years, and on such other terms and conditions as said Board of Selectmen deems appropriate, relative to a proposed privately owned and operated solar energy facility located or to be located at 300 South Main Street, Hopedale, MA 01747, with an option for extension coterminous with the lease of said parcel; and to authorize the Board of Selectmen to execute any necessary documents relating thereto and take such other action as may be necessary to effectuate the vote taken hereunder.

 **The motion was seconded and carried.**

**Article 21:** Steven A. Sette, Town Administrator, moved to amend the Hopedale Town Code, Chapter 130 , specifically §130-4, by changing certain dates relative to Annual Town Reports, with underlined text to be inserted and strikethrough text to be deleted, as follows:

All Town officers, boards and committees appointed by the Town shall make their annual reports to the Selectmen on or before the first day of ~~September~~ February each year. The reports shall address activities during the Town's fiscal year from July 1 to June 30. The Selectmen shall cause these reports, together with such other information as they deem necessary, to be published in one volume as the Annual Town Report and available for distribution to the voters of the Town on or before ~~December 31~~ May 31 of the same year.

 **The motion was seconded and carried.**

***APPROVED BY THE ATTORNEY GENERAL OCTOBER 12, 2016. lmp***

**Article 22**: Karla J. Hopkins, Chairman of the Finance Committee, moved to raise and appropriate $50,000 for aquatic native and invasive weed control in Hopedale Pond.

Colleen Strapponi, Finance Committee, moved to amend Article 22 to read $36,800.

**The amendment was not adopted.**

**The main motion was seconded and carried.**

**Article 23:** Karla Hopkins, Chairman of the Finance Committee, moved to pass over. ($100,000 for Town Hall heating and cooling, covered in Article 9)

 **The motion was seconded and carried.**

**Article 24:** Teresa Gonsalves, Principal Assessor, moved to approve increasing the senior tax work program amount from $750 each year to $1,000 each year, pursuant to the provisions of G.L. Ch. 59, §5K; provided, however that the program shall not exceed $25,000 in fiscal year 2017.

 **The motion was seconded and carried.**

Judge Larkin thanked the Town Meeting attendants. A motion to dissolve the Warrant was made and seconded. Meeting was dissolved at 9:11pm.

A True Record

Attest:

Lisa M. Pedroli, Town Clerk