



TOWN OF HOPEDALE

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Board of Selectmen
Janet Orff Jacaruso, Chair
Robert Burns
Sandra Biagetti

Town Coordinator
Steven A. Sette

BOARD OF SELECTMEN REGULAR MINUTES Monday, November 3, 2014

Call to order 6:30 pm

Chairwoman Jacaruso opened the Regular Meeting of the Board and Selectmen at 6:30 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, Town Counsel Dave Doneski, members of the public, and Videographer Jeffrey Ellis.

Consent Items

Approval of Regular Minutes October 20, 2014

MSDV to approve the Regular Session Minutes of October 20, 2014

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

Correspondence

Signing of November 18, 2014 Special Town Meeting Warrant

Coordinator Sette stated the warrant contains eleven items with only one money article to fund the new heating system at town hall; the funding recommendation is from the Capital Stabilization Fund. The other articles are regular housekeeping articles and a couple of land acquisition articles.

MSDV to close and sign the November 18, 2014 Special Town Meeting Warrant

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

Appointments and Resignations

1. Resignation – Linda Catanzariti – Town Accountant effective 10/31/2014

Chair Jacaruso advised that a week ago the board received a letter from Linda Catanzariti, Town Accountant to take effective October 31. The board will accept the resignation and letter and wishes Linda wishes her well in her new endeavor as she moves on.

MSDV to accept the resignation of Town Accountant Linda Catanzariti effective 10/31/2014

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

New Business

1. 6:30 p.m. – Hopedale Mart, LLC – Public Hearing (*Board sitting as Local Licensing Authority*)

Chair Jacaruso opened the Public Hearing at 6:30 p.m. and requested anyone wishing to speak on the matter of Hopedale Mart, LLC liquor license to come forward. Attorney George F. Matta came to the table stating that he is the attorney representing the current owner of Hopedale Mart, LLC, who is also the current license holder. Lawrence M. Beane, Nicosia & Associates also came forward stating he is the attorney representing the proposed

license holder known as 404 Main Street Hopedale, LLC. Chair Jacaruso thanked the attorneys for coming.

Ms. Jacaruso stated that it came to the board's attention that the current operations do not appear to be in sync with the current license and that is the main issue at this time. Janet went on to say the Hopedale Mart was cleaned out, renovated and has new signage and the board has questions of who is currently managing the store. Ms. Jacaruso advised the board will focus on the current owner Hopedale Mart, LLC.

Attorney George Matta began the discussion explaining that Hopedale Mart, LLC is still the current owner and manager of the property. Attorney Matta stated the owner has entered into an agreement to sell the business and property to the new owners who "I believe are applying for the transfer of the license." Attorney Matta said his clients are "still involved in the day to day activity and they are guiding or approving the renovations of the place." He stated they have a management agreement in place and shared copies with the board.

Question: Chair Jacaruso "Who is the individual currently managing the store?"

Reply: Attorney Matta "Well the owner is Dr. Hannawi and the license is under Mrs. Doudak."

Question: Chair Jacaruso "Mrs. Doudak is currently listed as the manager?"

Reply: Attorney Matta "Yes"

Question: Chair Jacaruso "What activities does she currently perform at the store?"

Reply: Attorney Matta "She is going in and making sure that everything is being performed as it always has been. She is going in and making sure the renovations are going according to the plans and she is training the new buyer on running the business and licensing and everything else."

Question: Chair Jacaruso "How many hours is she present at the store?"

Response: Attorney Matta "I believe between 20 and 25 hours."

Response: Attorney Beane "I believe her husband who is the sole member of the LLC is also in there; it's between the two of them and not solely her (Mrs. Doudak)." "They are constantly checking in."

Question: Chair Jacaruso: "What is the intent of this management agreement?"

Response: Attorney Matta "The purpose is to allow the new owners to go in and train so they can run the business once the transfer of license is gone through and the purchase has gone through as well."

Response: Attorney Beane "If I could expand on that." "The real reason is when/if the board were to approve this and when/if the ABCC were to approve this, the individuals that would be coming in to take control of the license; they would be able to hit the ground running." "You wouldn't have an individual who had no experience with that store." "You would have someone who is able to step in right away would know the clientele, know the store, the building and layout; would know everything and with that it helps the current license holder who is going to maintain ownership of the property because now he knows who is taking over the property, knows that person's experience and it obviously helps out the proposed license holder (or hopefully to be) and would help the town, because the town will know who they are handing the privilege (license) to; I have explained a license is a privilege, not their right to have; that person would have experience at this location." "I think what might have happened and I think my client's may have jumped the gun here, obviously in an eagerness to get going and in an eagerness to clean the place up, but that is all that has happened here." "There is nothing else going on." "There is nothing illegal going on here."

Comment: Chair Jacaruso "There were signs all over the building stating *Under New Management* even as of yesterday; the signs were still on the building." Attorney Beane "I saw that and I have nothing to refute that." "The only thing I can say to that is, management actually the term "manager" and the word "management" and I don't want to get into the legal description of the term, but they are not manager as in terms of the license." "The manager in terms of the LLC does not change." "The manager of the license has not changed, the only thing that has changed is the current owner has allowed another individual to come in and manage the store much like that

person saying I'm naming a night manager; I'm naming a new day manager; I'm naming a gas store manager, things of that nature that's all." "It's still 100% liability and the seller knows this and that everything falls back on them no matter what." "They have been clear by counsel; they are aware of this; it is their license and everything that has been done on this property frankly is a risk taken by the property owner; and they know this." "They jumped the gun on this."

Question: Selectwoman Biagetti "I have a question for Sue". "Sue haven't we had great difficulty in getting in touch with Mrs. Doudak?" "She doesn't return our phone calls and the store phone, doesn't get answered?"

Response: Susan Brouwer "Yes" "The store phone rings and rings".

Comment: Selectwoman Biagetti "Numerous telephone calls have been made to her and she will not return our telephone calls, so there's a question as to whether she was ever available."

Response: Susan Brouwer "I have called the store and other telephone numbers they have listed on file numerous times; the store telephone rings and rings and rings with no answer." "I have also tried the Mrs. Doudak's telephone number that she provided as manager and the telephone numbers provided for Dr. Hannawi including his personal line, telephone calls are not returned." "I have also not been notified nor received a change of manager application for the license which also should be filed with the ABCC for the record, if a new manager had come in."

Response: Attorney Beane "Yeah but not under the liquor license." "The liquor license remains the same; the manager on the liquor license remains the same; the management of the current running of the store." "I don't want to say running of the store but you have people who are willing to sell this business and you have people willing to come in and take over the business and what is really happening is they're getting experience on the job right now getting the store up and running; I just left the store and it looks fabulous."

Comment: Selectman Burns "You have the Board of Selectmen and a representative of the Board of Selectmen who is trying to reach the principals of the company and not getting any return phone calls, the alternative number we have just constantly rings and is never picked up." "Regardless of your actions, regardless of your intentions, regardless of who is participating in the building itself, there is no communication with this board, so how can the board be informed of any of this." "You just came in and told us of this." "However, this is two to three months later, so essentially, we sit here and we say" "what is going on?" "Why when the governing authority of the town the board that is responsible for issuing your liquor license calls and you more than once and you do not return the phone call; we need to wonder why they not returning the phone call." "Would you agree or disagree?"

Response: Attorney Matta "I agree and I apologize." "I was not informed of it and I will speak with my client; I apologize for it."

Comment: Selectman Burns "It creates, I don't want to say a suspicion but it creates a thought of a possible deception." "We wonder is there something going on?" "Is there something that they don't want us to know about? Is there something missing?" "These are the types of ideas that go through the board's head, when a business is contacted and they do not return calls." "We are not a town or a Board of Selectmen that are against businesses, we want businesses, we want to get along with businesses, we respect businesses, and we want to promote businesses." "We do not want to be ignored when we leave messages for one of our licensed businesses."

Response: Attorney Matta "I apologize; I was not told of this." Attorney Beane "I agree with you and I also want to apologize." "I represent the new hope to be owners." "I know why we are sitting here and I certainly have no fault of this board for why we are here." "I do not blame the board for why we are here. I don't blame the board for feeling as you did." "I agree that my clients jumped the gun in an eagerness to get going and be successful and make the place a success." "I assure you there was no intent to do any illegal."

Response: Mr. Burns "There are steps and things that need to be submitted that were not submitted in order to get the application approved."

Mr. Burns asked for clarification from Executive Assistant Brouwer on items that were outstanding on the application. Sue advised there have been several applications submitted to the Town but not forwarded to the Board for lack of completeness. Both Attorney Beane and Attorney Matta will work Susan to ensure all the correct

information provided on the application and all required documentation is supplied.

Chair Jacaruso recommended that the board continue the public hearing to the next meeting on November 17, 2014 at which time the attorneys and their clients will have a completed application with all questions and answers submitted to Susan Brouwer, Executive Assistant and Local Licensing Authority.

MSDV to recess the public Hearing of the Hopedale Mart to Monday, November 17, 2014 at 7:00 p.m.

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

MSDV to close the public Hearing of the Hopedale Mart.

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

2. 7:05 p.m. – Public Hearing Package Store License Transfer from Hopedale Mart, LLC to 404 Main Street Hopedale, LLC

Chair Jacaruso opened the public hearing and recognized Attorney Lawrence Beane who said is representing Etkia Patel and Kinjal Patel, the potential owners of the beer and wine license. Attorney Beane stated the current business owners are going to be selling the business to the proposed holders which would be 404 Main Street Hopedale, LLC. The current owner Gonza Realty, LLC currently owns the property which consists of a gas station, beer and wine alcohol license. The building consists of approximately 2,000 sq. ft. with one entrance in and exit egress and storage area in the back. Attorney Beane advised they have submitted at least 50 pages of material which should be more than enough information, including the ABCC application and documents, personal information for the members of the LLC including naturalization paperwork, CORI's, the P&S agreement, lease agreement, corporate documents, Certificate of Good Standing. All members of the LLC will be TIPS certified and they will be purchasing a card ID machine to check each license they come in. They are excited and eager to have this happen, maybe a little too excited. It's a great site; it looks great. Both Etkia and Kinjal have both worked in retail before with lottery and cigarettes. They have never worked in a Massachusetts location selling liquor but they have worked in a New Hampshire location selling liquor and in retail with that, so this is the first time they are actually on a license. They will be the main persons there. Kinjal lives in Bellingham and will be the Manager. They intend to run a good place. He stated the board will be happy to have them there at that location. Attorney Beane continued stating as new owner's they have been a little to eager to start this but realize this is a privilege and not a right to hold a liquor license. Attorney Beane stated the potential new owners are aware but feels they were a little too eager to start the process.

Question: Sandra Biagetti asked "How many hours do they plan to put in?" Attorney Beane replied, "Kinjal is the main person as she lives the closest she is working 60-80 hours a week and Etkia will put in the same."

Ms. Biagetti replied that she has been in the store several times and has not seen either of them in the store. Sandra then asked a question to state that on several documents Kinjal's name is documented differently from Kinjal, Kinjalben, and Kinjalban along with several different residential addresses. Sandra also noted that she has a notarized document with her name listed as Kinjalben yet her naturalization paper and license list her name as "Kinjal". Ms. Biagetti shared her concern of having an important legal document notarized without the correct name listed on a license or naturalization paperwork. Ms. Brouwer advised that this is the third application submitted with many inconsistencies. Attorney Beane advised the addresses inconsistencies are the fault of his office.

Chair Jacaruso asked who "Samir Patel" "Is as he is the person that signed the Purchase and Sale agreement?" Attorney Beane responded that Samir is Kinjal spouse. She inquired is the owners' going to be four people, two people. Samir advised that he and Ravi Patel (Etkia's husband) work full time but that he is the one who found the property, so he entered into the agreement with Dr. Hannawi.

Sandra Biagetti asked a financial question on the banking statements that were submitted. Ms. Biagetti noted that there were two checks made payable to 44 Express Convenience in the amount of 60K, one for 10K and another for 50K. Ms. Biagetti wanted to know if Kinjal and Etkia work at this place or if they have a financial interest. Both

replied they do not work or have a financial interest. Kinjal's husband advised that he owns this store. Ms. Biagetti then inquired whether these were the funds used to purchase the Hopedale Mart license for a total amount of \$30,001. Attorney Beane stated they were not. The ABCC wants to see three months of bank statement showing they have enough cash to purchase the business.

Janet Jacaruso noted the application is still incomplete and still contains discrepancies. Chair Jacaruso stated they need to make amendments or submit a new application. Attorney Beane stated that he would make the necessary amendments and have the complete application back to Susan by the end of the week. Ms. Jacaruso advised the board is looking for a complete and concise application to submit to the ABCC.

MSDV to continue the public hearing to the next meeting on November 17, 2014 at 7:15 p.m. at which time Attorney Beane will have a complete application packet from 404 Main Street Hopedale, LLC including the requested documentation.

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

MSDV to close the public Hearing of the 404 Main Street Hopedale, LLC

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

3. 7:15 p.m. – Public Hearing Hopedale Country Club License Status (*Board sitting as Local Licensing Authority*)

Chair Jacaruso opened the public hearing for the Hopedale Country Club License and recognized Mr. Erik Luce, Hopedale Country Club Board of Director's President. Mr. Luce advised that he turned in paperwork today to Sue and that he has additional paperwork with him this evening. Chair Jacaruso advised the board's concern is that the process has taken a really long time. Janet also had questions regarding the makeup of the Board of Directors being five out of town members. Mr. Luce advised that is was okay because that was under the old bylaw; the current board has only one out of town member because the others have resigned. Chair Jacaruso proposed continuing the public hearing to the meeting of November 17 so the board gets a complete application to review and consider. Mr. Luce agreed. Ms. Jacaruso inquired as to the status of the Change of Manager application and Mr. Luce advised that it is on hold until the Board of Director's is approved by the LLA and submitted to the ABCC. Ms. Brouwer advised there is a form she can submit both transactions. Ms. Biagetti pointed out that the Notary who notarized Mr. Coffey's CORI did not have the person's notary stamp on it. The form contained a Notary Seal only with no notary name listed.

4. Authorize Chapter 90 Project Request & Environmental Punch List for Greene Street Paving Project \$128,891.72

MSDV to Authorize Chapter 90 Project Request & Environmental Punch List for Greene Street Paving Project \$128,891.72

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

5. Authorize Chapter 90 Project Request & Environmental Punch List for Rt. 16 to Greene St. \$80,406.83

MSDV to authorize Chapter 90 Project Request & Environmental Punch List for Rt. 16 to Greene St. \$80,406.83

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

6. Board Discussion on need for a Town Mechanic Position

Mr. Burns said he thinking about the Town Mechanic position whereby the mechanic would work out of the Town Barn doing general maintenance such as oil changes and minor repairs on all Town vehicles including; police, fire, Parkland vehicles and school buses in an attempt to save the Town money. At this time, the Police Department sends their cruisers out for oil changes and pays \$49.00 for a fifteen minute job. Mr. Burns is hoping the mechanic may be able to assist other departments which would save the town money. The Road Commissioner's stated the

mechanic would not be able adequately support other Town Department's because they do not have an adequate facility. The Road Commissioner's stated if the Town could build a new facility to do this and add another mechanic, they could probably do this.

Mr. Burns asked if Highway Superintendent Bob DePonte has a mechanic maintenance log showing the vehicle, type of work, time in and time out. Bob stated he has a log but with that great of detail. The Road Commissioner's advised there are currently two vehicles in the building right now; one on the lift and another vehicle in the bay next to it. There are items that may take a few days or more to fix them

Highway Superintendent Bob DePonte advised the position is not only a mechanic; they are also a laborer and if you take him from outside that leave only four guys to work. In addition, during the summer the Highway Department cuts all the Parks and in addition, the mechanic takes apart all of the vehicles and paints them.

Mr. Burns asked if the mechanic changes the oil in all of the Highway Department trucks. Bob DePonte said the guys change the oil in their own trucks. This is something they will do on rainy days. Mr. Burns asked if they guys are insured to change oil in the trucks asking if it was listed in their job description, Mr. DePonte advised their job descriptions list "light mechanical work". The Highway Department advised they have 35 pieces of equipment including lawnmower, vehicles and other power equipment.

Mr. Burns recognized the Park Commission Chair Dan Iacovelli who asked if the Highway employees are changing oil on rainy days couldn't they save all general light mechanical work for rainy days and work all work on the equipment then. Highway Superintendent Bob DePonte said it's not that simple.

Chair Jacaruso reviewed the Fire Department's labor cost which totaled \$7,400. Ms. Jacaruso asked what period that covered, Chief Daige was in the audience and responded that is covered a period of one year.

Janet said the board is looking to see if they can cut costs. Bob advised that he would be able to take on some of the town work but would need another employee. Bob also stated that every year the Highway Department asks for another person and it is never approved. With vacations and call-ins, he said sometimes manpower can be down to as little as two people.

The Board of Selectmen stated they are looking to see where they may be able to job share and cost share another mechanic to work on Town vehicles. The Board of Selectmen assured the Road Commissioner and Highway Superintendent that it is not their intention to have the Highway Department be solely pay for this position. Mr. Burns stated that it would actually free up some Highway funds.

The Road Commissioners cautioned the Board of Selectmen regarding the types of vehicles they would be able to work on because of the size of the vehicles. Bob DePonte said he has had a bus in the barn and you cannot get around the vehicle. If one of the busses were in need of repair and they were not able to get a part there could be an issue of closing the door. In addition, storage of parts is an issue.

Mr. Burns said the Board of Selectmen is looking for an accounting of the mechanics time and wanted to meet with the Road Commissioner's to see if there could be some cost savings by utilizing the mechanic in doing repairs on other town vehicles.

Coordinator Sette suggested the town look at what other departments are paying for labor costs to send their vehicles out. Steve also said the town should take into consideration what they would save for bulk purchasing of parts; maybe the Town would save 10-20% on the high end. The final consideration would be the facility or an upgrade to the existing facility. Steven advised that the mechanic would need certifications to work on busses and fire trucks.

The Road Commissioners said they are willing to compile the work of the mechanic over the next month and will meet with the Selectmen again to discuss the findings.

Sandra Biagetti said she is concerned regarding laborers to doing mechanical work and whether or not a laborer would be covered doing a job they were not classified to do under the workers compensation policy.

Old Business

1. Coordinator Sette advised the board should put on the Hopedale Country Club Bylaw Change on a future agenda

Other topics not reasonably anticipated by Chair 48 hours before meeting

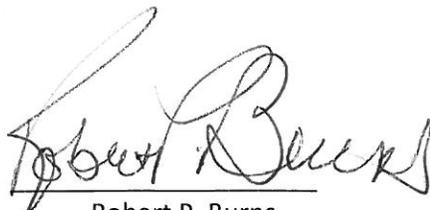
Coordinator News

1. As the Board knows Massachusetts General Law requires an Accountant be hired to sign warrants. Steve is in the process of looking for an interim accountant to work -12 hours on per diem basis for approximately 5 weeks.
2. Steve told the board that he is signed up to take Chief Procurement Officer training on November 19, 20, 21
3. Janet Jacaruso wants to remind the residents tomorrow is Election Day and the polls will be open from 7 a.m. to 8 p.m. tomorrow November 4.

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