

Select Board  
Regular Meeting Minutes  
October 24, 2022, 6:30PM

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Town Administrator Schindler

Chair Hazard called the meeting to order at 6:30PM

Chair Hazard stated that the reason the Select Board and Town Administrator are conducting the meeting remotely is because tonight is early voting.

**Consent Items: None**

**Appointments & Resignations**

Accept Resignation of Christopher Hodgens, Sr. from ZBA, effectively immediately

Chair Hazard thanked Chris for the time, effort and expertise he has given to the Town of Hopedale. Hazard stated that the Board will address the applications that have been submitted for the open ZBA position at a future meeting.

Selectman Keyes motioned to accept the resignation of Christopher Hodgens, Sr from the Zoning Board of Appeals, effective October 24, 2022. Chair Hazard seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Request for Appointment to Cultural Council, Diane (Dee) Hughes, Term expires 6/30/2025

Selectman Stock moved to appoint Diane Hughes to the Cultural Council with a term expiring June 30, 2025. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Accept Resignation of Diana Schindler, Town Administrator, effective 11/18/2022

Chair Hazard read the resignation letter from Town Administrator Schindler. In her resignation letter, Schindler cited among the reasons for her departure as Town Administrator as not having been given job objectives by the Select Board, thus making a fair performance review impossible. Chair Hazard apologized to Schindler for not expediting a performance review. Selectman Keyes noted that Schindler's employment contract stipulates a 60-day notice of resignation.

Chair Hazard noted that Selectman Keyes and other persistent officials have created a hostile work environment for Administrator Schindler and impeded the Town's efforts to get a future town administrator.

Selectman Stock noted that the definition of what makes a good town administrator depends on the community's need. This town is cash poor, and Schindler is exceedingly good at writing grants; he cited several examples. Selectman Stock agreed that there is a group in town that seems intent on creating an unbelievably horrible work culture trying to force Administrator Schindler out.

Selectman Keyes motioned to accept the resignation of Town Administrator, Diana Schindler, effective November 18, 2022. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – No

Passed 2:1

### **New Business**

Update of Master Planning Process and Materials, Draft Chapters Completed; Land Use, Housing, Economic Development, and Historic/Cultural Resources. Status of Town Facilities and Services Chapter & Draft Implementation Plan/Matrix, Jim Abbruzzese, Chair, Master Planning Steering Committee

Abbruzzese stating that the Master Planning Steering Committee (MPSC) has completed the majority of the plan and is in the final stretch of the process. Abbruzzese informed the Select Board that at their meeting this coming Wednesday the MPSC intends to take a vote to deem the Master Plan complete and will now be passed on to the Planning Board for their review. Abbruzzese stated that the Planning Board will “own” this document, review and revise it, and give final approval. Abbruzzese stated that the MPSC worked on the Master Plan for 2 years, beginning with a community survey which gave the Committee insight into the desires of the residents. The MPSC also reached out to Town Departments for insight and investigated past planning documents that were created by the Town. Board members and Abbruzzese agreed that the Master Plan must not sit on the shelf and the Board members stressed their support to help ensure that the recommendations in the Master Plan get implemented. Abbruzzese stated that the Select Board needs to create a committee that will follow through with the implementation matrix.

Review Hopedale Code of Conduct and Ethics as adopted by Select Board in February 2022

Chair Hazard requested that residents weigh in on how to improve the code of conduct. Hazard stated that the Select Board will not vote on this item tonight.

Address Next Steps re: Town Administrator Position

Town Administrator Schindler stated that the Town used Community Paradigm for the previous Town Administrator recruitment, noting that there are other options. Schindler stated that the Select Board would need to discuss what consulting/recruiting firm they want to use and if they would like to recruit an interim Town Administrator. Selectman Keyes suggested that the Chair of the Select Board get a job description and have it posted in multiple places, that the Town should hold off on hiring a recruiter and see what response they get from these postings. Selectman Keyes asked the Town Administrator to compile a list all projects the Town

Administrator is working on; this will make the transition to a new Administrator more organized. The Select Board agreed to work on an updated job description for the Town Administrator position, posting the updated job description on multiple platforms and seeing what kinds of applications the Town receives.

### **Old Business**

#### **Consider and Vote on Proposed Order of Taking for Land at 364 West Street Pursuant to Article 1 of the July 11, 2022 Special Town Meeting**

Attorney Mina Makarious stated that Town Meeting voted \$3.9 million for the land acquisition, however, the appraised valued the land at \$4.4 million. Makarious stated that it is appropriate to update the amount in the order of taking document.

Selectman Stock moved the proposed order of taking for land at 364 West Street pursuant to Article 1 of the July 11, 2022 Special Town Meeting; Selectman Stock amended his motion to update the order of taking to stipulate an award of \$4.4 million. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

#### **Review Final Articles & Funding Sources; Vote and Sign Special Town Warrant for November 14, 2022**

Town Administrator Schindler provided the Board and meeting participants with the final warrant articles.

Article 1 is for prior year bills, multiple departments submitted invoices and these will be paid with the current year budget.

Article 2 is to fund the Firefighter/EMS contract. Schindler stated that when a contract is agreed upon, Mass General Law requires funding for the contract be voted at Town Meeting.

Article 3 is Capital Funding, Schindler noted that the list of capital items will be determined in the next few weeks.

Article 4 pertains to Board of Health expenses, Schindler informed the Select Board that the Board of Health needs additional funds for the trash/recycling contract, the health nurse support and other Board of Health contracts; the total cost for this article is expected to be between \$50,000-\$60,000.

Article 5, Schindler stated that this article is to transfer funds to the correct accounts to pay for Police details.

Article 6, Health Insurance Expenses, Schindler informed the Select Board that this budget needs supplemental funds of approximately \$200,000. Schindler noted that there were funds remaining in this budget at the end of last fiscal year and these funds contributed to the Town's free cash.

Article 7 is to supplement the Fire Department budget.; Schindler stated that the Fire Chief is working to determine the amount.

Article 8, Police Department Vehicle. Schindler stated that she left this article on the warrant at the request of the Police Chief. This item was also included in the ARPA request.

Article 9, Add Juneteenth to Legal Holidays

Article 10, Exempt Fire/EMS from Civil Service. Schindler stated that this is the first step to get Fire/EMS out of civil service., noting that Senator Fattman had said this process should take about a year to go through the legislature.

Article 11, Amend Zoning Bylaw. Schindler provided the list of proposed amendments noting that the Planning Board has held a hearing and will recommend that Town Meeting approve these amendments.

Article 12, Amend Zoning Bylaw to Create Marijuana Overlay District. Schindler stated the Planning Board will also recommend favorably on this article at Town Meeting.

Article 13, Reserve Fund Transfer to Planning Board Salaries. This was discussed at a previous meeting.

Article 14 and Article 15 are Citizen Petitions. Schindler stated that Article 12 covers the proposals in Articles 14 and 15; she is hopeful that there will be a motion to pass over these Articles.

Schindler stated that there will be \$1.4 million in free cash. Selectman Keyes requested a breakdown of the free cash to compare to other years.

Selectman Stock motioned to close the warrant. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

#### Address ARPA Priorities Presented by Department Heads for Allocating Spending

##### Prioritized APRA Requests:

Fire Department – Lucas Auto Pulse, \$,15,000

Highway Department – 2024 Freightliner 108SD Plow Truck, \$279,000

Library – Statue of Hope preservation/repairs, \$25,000

Parks Commission – Town Park Feasibility & Cost Determinations, \$17,500

Police Department – Cruiser (Chevy Tahoe), \$56,770

Schools – JSHS Boiler, \$100,000

Town Hall – Security System/Cameras, \$5,000

Various Departments – Fuel Dispensing Equipment Upgrade, \$19,000

Town/Schools – Generators at Schools, \$400,000

Town Administrator Schindler shared the APRA requests submitted and prioritized by Department Heads. The prioritized APRA requests total \$918,027. Schindler stated that there is \$1.187 million of APRA funds available; to date, the Town has committed \$700,000 of ARPA funds. Selectman Stock stated that he would like to look into these cost estimates and asked that the Board not vote on the prioritized list until he had an opportunity to do so. Stock also stated that, regarding the generators, the High School should take priority because this is the emergency shelter for the Town. Selectman Keyes stated that some of these items are urgent and need to be voted on tonight, the Town has over \$1 million available to assist the Departments and the Select Board should take action now. Superintendent of Schools, Karen Crebase, agreed with Selectman Keyes stating that the boiler has been a priority for the Schools for a long time and, if the boiler fails, they will be relying on only one boiler and will have to close until repairs are made. Selectman Stock agreed to act on the boilers. Crebase spoke on the Department Heads

behalf stating that this is a prioritized list, compiled by all Department Heads, and that all the items on the list are critical needs. Chair Hazard stated that the Department Heads collaborated to create a priority list that is best for the Town. Hazard stated that there will be ARPA money left over after this list is approved and there is nothing to gain by waiting. Selectman Stock agreed, stating that the Town has kicked the can down the road long enough.

Selectman Keyes moved to approve the ARPA expenditures list, totaling \$918,027. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Review and Sign Host Community Agreement for Lifted Genetics; Tier I and Tier II Cultivation for Recreational Use at 5-6 Condon Way**

Town Administrator Schindler stated that David Griffiths from Lifted Genetics and Nicole Costanzo, attorney for the Town, are present. Schindler stated the draft host community agreement is in the meeting packet; Attorney Costanzo stated that this Agreement has been negotiated by the Town and Lifted Genetics including hours of operation (7AM-6PM), odor mitigation prevention, dark sky lighting, pest mitigation, and compliance with state law relative to waste disposal at marijuana establishments. Attorney Costanzo continued that the HCA stipulates that if Lifted Genetics does not begin operations within one year they must request an extension to the terms of the agreement from the Select Board or the agreement expires. The agreement also includes a community impact fee of 1.5% gross sales, up to \$35,000. Town Administrator stated that the host community agreement can be signed electronically.

Selectman Keyes moved to approve and sign the Host Community Agreement from Lifted Genetics; Tier I and Tier II Cultivation for Recreational Use at 5-6 Condon Way. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

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

**Correspondence and Select Board Informational Items (votes will not be taken)**

- Flu Shot Clinic, Oct. 27, 4-6 pm, Hopedale High School
- Veterans Day Ceremony, Sponsored by Hopedale Council on Aging, Nov. 10, 2022, 9 am
- Benefit for Toys for Tots, Sponsored by the US Marines; Saturday, Nov. 26th, 2022, 10:00 am-1:00 pm; Roadside Collection for Spare Change, Rt. 16, Main St., and the Cumberland Farms Store.
- A/P Warrant #23-08, \$880,450.01, 10/20/2022
- P/R Warrant #23-08, \$964,753.32, 10/20/2022

**Requests for Future Agenda Items**

- Special Town Meeting, 11/14/22
- Select Board Meeting/Classification Hearing, 11/21/22

## **Administrator Updates (In Packet)**

### **Executive Sessions: Motion:**

To move into Executive Session, pursuant to G.L. c.30A, §21(a)(3), for the purpose of discussing strategy with respect to litigation regarding the action entitled, Grafton & Upton RR Co. v Town of Hopedale, Civil Action No. 4:22-cv-40080-ADB, which concerns the property at 364 West Street. The Chair has determined that a discussion of this matter in an open session will have a detrimental effect on the litigating position of the Town. Review Appraisal for 364 West Street, 1 Carpenter Road; Attorney David Mackey, Attorney Mina Makarious, Christopher H. Bowler, Senior Appraiser and Advisor, LandVest present. Roll Call Vote.

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (3) for the purpose of discussing strategy with respect to potential litigation, as an open meeting may have a detrimental effect on the Board's litigating position and the chair so declares. Mendon Street; Attorney Katherine Klein, Chris Nadeau, Highway Superintendent, and William Paille, Engineer present. Roll Call Vote.

Chair Hazard read the executive session purposes above.

Selectman Stock motioned to enter executive session per the purposes read by Chair Hazard, not to return to open session. Selectman Keyes seconded the motion.

Selectman Keyes stated that the appraisal is a public document that has been included in meeting packets. Since the public has already seen this document, the Board should have the discussion with the appraiser and attorneys in open session. Attorney Makarious stated that this discussion could be detrimental to the Town's litigation position and suggested the Select Board continue into executive session. Chair Hazard agreed with Attorney Mina.

Stock – Aye, Keyes – Nay, Hazard – Aye

Passed 2:1

Selectman Stock raised a point of order. Stock stated that Selectman Keyes has, on multiple occasions, chosen not to participate in executive sessions. Selectman Stock wanted to remind Selectman Keyes that the eminent domain decision was voted by Town Meeting; the Select Board is acting as the legal authority at the direction of Town Meeting. Stock continued that by Selectman Keyes decisions to not vote favorably to enter into executive session and to not participate in those sessions, Selectman Keyes is going against the decision of Town Meeting. Selectman Keyes stated that he is going to participate in executive session, his vote is to show that he does not agree with the eminent domain decision.

Chair Hazard dissolved the regular meeting at 8:42PM.

Submitted By: Lindsay Peterman  
Board Adopted: 3/27/2023