



TOWN OF HOPEDALE

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

Town Administrator
Diana M. Schindler

Select Board Regular Meeting Minutes August 1, 2022

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

Meeting called to order at 6:30 p.m.

Selectman Keyes moved that the Board enter into Executive Session Pursuant to M.G.L. Chapter 30, Sec 21, Paragraph #2: To conduct contract negotiations with nonunion personnel, Principal Assessor, and further that the Board will return to Open Session at the conclusion of the Executive Session; seconded by Selectman Stock.

Hazard – Aye, Keyes – Aye, Stock – Aye

Open Session resumed at 6:41 PM

Consent Items

1. Accept Meeting Minutes for May 9, 2022, May 16, 2022 and June 6, 2022

- Selectman Keyes felt that the Meeting Minutes for May 9th were selective in terms of content; Chair Hazard asked if he had any suggestions and he stated that he wanted more details of the discussion and requested another draft be submitted for the Board's review.
- Chair Hazard suggested clarification in the description of the engagement of Anderson and Kreiger as Special Counsel.

Selectman Stock moved to accept the minutes for May 16 and June 6 and to have a second draft of the minutes for May 9 before approval.

Hazard – Aye, Keyes – Aye, Stock – Aye

2. Chair Hazard motioned to Accept a \$500 Donation Pursuant to M.G.L. c.44, §53A from Hopedale Friends of Elders to be deposited for use by Council on Aging, seconded by Selectman Keyes.

Hazard – Aye, Keyes – Aye, Stock – Aye

3. Selectman Stock motioned to Accept the donation from the Hopedale Foundation in the amount of \$38,500. Selectman Keyes seconded the motion.

Hazard – Aye, Keyes – Aye, Stock – Aye

- The Board felt that it was beneficial to advance the project starting with the dredging of Hopedale Pond.
- Chair Hazard stated the town needed to come up with their funding portion before the state awarded funds.
- Town Administrator Schindler submitted the congressional directed spending for scoping, culvert assessment, and rehabilitation of the dam. In the final hour, scoping was removed as it was not available for daylighting. ARPA funds have been set aside in case that changes. Tighe & Bond is preparing an alternatives analysis to show future options and cost.

- Senator Fattman is hopeful that after scoping is done there may be funds for dredging.
 - This amount donated is the exact amount for the Alternative Analysis
4. Police Details at Elections: There is a new state law that states the Board must vote for a sufficient number of police officers at elections. After discussion, Selectman Keyes motioned to approve a sufficient number of police officers, but not less than 1, at the polling location at every election to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54. Selectman Keyes further moved to designate the Police Chief the authority to assign specific police officers according to scheduling and availability; the Town Clerk will advise the Police Chief of the location and time the officer is needed. Selectman Stock seconded the motion.

Hazard – Aye, Keyes – Aye, Stock – Aye

5. Early Voting Hours: Selectman Stock motioned to approve the Early Voting Hours from August 27-September 2, 2022 in the Draper Room of Town Hall, 78 Hopedale Street from Saturday August 27th through Friday September 2nd. Selectman Keyes seconded the motion.

Hours will be as follows:

Saturday 9:00 am to 1:00 pm
Monday 9:00 am to 3:00 pm
Tuesday 9:00 am to 3:00 pm
Wednesday 9:00 am to 3:00 pm
Thursday 9:00 am to 3:00 pm
Friday 9:00 am to 12:00 pm

Hazard – Aye, Keyes – Aye, Stock – Aye

Town Administrator Schindler reminded the Board that the Draper Room will not be available for meetings during these dates.

6. Election Warrant: Selectman Keyes motioned to Approve and Sign the Election Warrant for September 6th; seconded by Selectman Stock.

Hazard – Aye, Keyes – Aye, Stock – Aye

Appointments & Resignations

1. Chair Hazard moved to Appoint Cheryl Hanly as Principal Assessor effective August 13, 2022 and Execute Contract; Selectman Keyes seconded.

Hazard – Aye, Keyes – Aye, Stock – Aye

2. Selectman Stock moved to Accept Resignation of Call Fire Fighter/Paramedic Edgar Vigil effective July 22, 2022; Selectman Keyes seconded.

Hazard – Aye, Keyes – Aye, Stock – Aye

New Business

1. Request for Host Community Agreement from Lifted Genetics; To Add a Tier I Cultivation for Recreational Use at 5 Condon Way, Dave and Mike Griffiths, Co-Founders.

Lifted Genetics is proposing to open a second business, a smaller location at 5 Condon Way, across the street

from their current location of 6 Condon Way. There is a traffic report indicating no impact except for employee transit.

Selectman Keyes moved to approve the request from Lifted Genetics for a Host Community Agreement to add a Tier I Cultivation for Recreational Use at 5 Condon Way; Dave and Mike Griffiths, Co-Founders. Selectman Stock seconded.

Hazard – Aye, Keyes – Aye, Stock – Aye

2. Request for Host Community Agreement for O’Geez; To Add Manufacturing for Recreational Use at 6 Charlesview Road, Bran Noonan, CEO and Attorney Nicholas Obolensky.
 - This is currently zoned for manufacturing and there is adequate parking.
 - There will be no public access or signage and they will have security measures in place.
 - They intend to hire 15-25 people at \$15 an hour.
 - This company started as a medicinal company and went recreational and is now expanding to MA. They were started by a cancer patient who succumbed to cancer; the company is now being led by her son.
 - They give back to the community focusing on cancer charities.

Selectman Keyes moved to approve the Request for Host Community Agreement for O’Geez; To Add Manufacturing for Recreational Use at 6 Charlesview Road, Bran Noonan, CEO and Attorney Nicholas Obolensky. Selectman Stock seconded.

Hazard – Aye, Keyes – Aye, Stock – Aye

3. Request for Special Outdoor Event, Anniversary Celebration for High Hopes, Saturday, August 6, from 10 am to 8 pm at 1 Menfi Way. 10am-8pm. The Police Chief did speak to them, and they will have a police detail. Selectman Keyes moved to approve this event, Selectman Stock seconded.

Hazard – Aye, Keyes – Aye, Stock – Aye

4. Request to Transfer \$35K from ARPA Funds to Forestry Account for Tree Warden to Use for Emergency Tree Removals (and as requested in FY23 budget)

Selectman Stock moved to transfer \$17,500 from ARPA Funds to Forestry Account for Tree Warden to use for emergency tree removals. Seconded by Selectman Keyes.

Hazard – Aye, Keyes – Aye, Stock – Aye

Old Business

1. West Street Court Proceedings on July 19 and Other Relevant Matters, Attorney Mina Makarious: The temporary restraining order on the wetlands was denied. The temporary restraining order on the taking was granted with respect to recording the taking, until the preliminary injunction was heard. Counsel and the court will set a schedule to brief the issues. The railroad submitted their response last Thursday and Attorney Makarious will submit the Town’s by this Thursday. This will be heard by August 10th.
2. 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: The Order describes the property by referencing a plan, 130.8 acres, but does not include a specific portion of the wetlands outside of the Chapter 61 land, as it was taken last year. It does not explicitly include the railroad right-of-way. The Town does not have access to the site and has been denied access. If it is voted tonight, it will not be recorded until allowed by the Court. There is a concern about ongoing

work on the property notwithstanding the wetlands order. The railroad may be able to develop plans that will increase the value, but the land is appraised at the fair market value of industrial land.

- Selectman Keyes asked if there was an update on the appraised value now that the railroad has submitted more plans. Attorney Makarious stated the \$3.9 million appraised value factored in potential railroad use. As of now, there is no donation for purchase of the property. Selectman Keyes is concerned about the ambiguous price tag.
- Selectman Keyes stated the chief justice of the court filled in for the emergency hearing and made some comments that are not optimistic in terms of the Town's position. Chair Hazard stated those comments are not indicative of the other judge, and she felt that the chief justice was neutral. Selectman Stock did not feel that the judge considered the water supply issue.
- Selectman Keyes stated he saw a low chance of winning and he is not in favor of this.
- Chair Hazard read the Order of Taking for the public's information.

Chair Hazard motioned to file the Order of Taking with the understanding it is done at the request of counsel and that it can be amended. Selectman Stock seconded this motion.

Hazard -- Aye, Keyes – Nay, Stock – Aye

1. Update re: Request for Driveway Access for GU RR, Bill Paille, PE, BSC
 - AutoCAD plans have been developed in coordination with their engineers, dated December 2020. The plan does not show a driveway coming off Mendon Street.
 - However, a 12' driveway was initiated by GU RR; BSC worked with the railroad to include it in the plans. The driveway is for maintenance access only and it will be controlled by a gate.
 - There is a new challenge of creating a safe pedestrian crossing; a crossing gate is required, necessitating a field adjustment.
 - There will most likely not be any DOT safety issues. There is an expectation for procedures of opening the gate to control pedestrian traffic when there is working.

2. Renew Lease for Beyond Full

Selectman Stock motioned to raise the rent to \$900, due to increased cleaning and electricity costs; seconded by Selectman Keyes.

Hazard – Aye, Keyes – Nay, Stock – Aye

3. Rating Tool for Town Administrator Annual Evaluation: Town Administrator Schindler presented an evaluation form, but it was determined that she should look at other options and that the evaluation should relate to the employment contract. Selectman Keyes brought up the importance of developing a job description. This evaluation needs to be done by January to give at least six months of notice for a contract renewal.
4. Public and Board Member Comments (votes will not be taken)
 - Jason Chan, a former Hopedale Resident, was recently appointed as a District court judge.

Correspondence and Selectmen Informational Items (votes will not be taken)

1. P/R Warrant #22-27, \$969,083.06, 6/30/2022
2. A/P Warrant #22-27, \$1,091,263.23, 6/30/2022
3. A/P Warrant #22-28, \$255,687.88, 6/30/2022
4. A/P Warrant #22-28B, \$2,652.63, 6/30/2022
5. P/R Warrant #23-01A, \$1,612,091.21, 7/1/2022
6. P/R Warrant #23-01, \$227,166.38, 7/14/2022
7. A/P Warrant #23-01, \$98,653.33, 7/14/2022
8. P/R Warrant #23-01B, 3,684.57, 7/14/2022
9. A/P Warrant #23-02, \$820,637.98, 7/28/2022
10. P/R Warrant #23-02, \$676,985.12, 7/28/2022

11. Notice of Right to Hearing re: KENO License for Hopedale Pizza Market
12. Hopedale Police Department, Quarter 4 Stats
13. Letter from Land Court, Stipulation of Dismissal for High Hopes vs. Hopedale ZBA
14. Mosquito Control Spraying Dates, August 1, 8, 15, 22, and 29
15. Letter to Planning Board re: Overdale Parkway

Requests for Future Agenda Items

- Joint Meeting with Planning Board, August 3, 7 pm
- Joint Meeting with Finance Committee
- Review and prioritize re ARPA Requests
- Review Capital Requests in Preparation for Fall Special Town Meeting
- Town Planner Position Implementation
- Legal fee recovery update

Administrator Updates (In Packet)

- Update re: Bocci Court at Adin Ballou Memorial Park
- Submitted Request to Representative Murray for Legislative Earmark for Hopedale Pond Dam Repairs in the amount of \$575,000, this funding is not secured yet, but has been requested
- Site Walk at Town Park with Commission Chair and Engineer to Secure Park Master Plan

Meeting Adjourned at 9:29 PM.

Submitted by:

Sara Refundini, Temporary Executive Assistant

Adopted: May 8, 2023