

Select Board
Regular Meeting Minutes
December 27, 2022, 6:30PM

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Interim Town Administrator Nutting

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

Selectman Keyes requested that the Select Board begin with a moment of silence for two members of the community, Ed Senior and Elaine Holland, that had passed away recently. Selectman Keyes stated that they will surely be missed and gave his condolences to the family.

Consent Items

Discuss/announce later start time for Select Board meetings of February 27, March 27 and April 24, 2023

Selectman Stock motioned to discuss/announce later start time for Select Board meetings of February 27, March 27 and April 24, 2023. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Chair Hazard clarified the proposed start time of these meetings is 7:15PM.

Appointments & Resignations

Request appointment of Provisional Career Firefighter/EMT David Shearns, effective 1/2/2023

Chair Hazard read the letter from Fire Chief Daige regarding the appointment of Provisional Career Firefighter/EMT David Shearns. This letter is provided in the meeting packet.

Selectman Stock motioned to appoint David Shearns as a Provisional Career Firefighter/EMT effective January 2, 2023. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Request appointment of Career Firefighter/EMT Alex Cappella, effective 9/12/2022

Chair Hazard read the letter from Fire Chief Daige regarding the appointment of Career Firefighter/EMT Alex Cappella; the letter is provided in the meeting packet. Fire Chief Daige stated that the retroactive appointment date coincides with the date of Cappella's provisional appointment. Interim Town Administrator Nutting stated that the appointment date should be the day of, not retroactive. Selectman Keyes asked Town Counsel Attorney Riley for clarification; he stated that he does not feel the Town is violating any law by making the appointment retroactively, however he will further investigate this matter. Chief Daige stated that the

appointment is retroactive because the candidate has been serving in the position as of 9/12/2022; the candidate will not receive additional benefits.

Selectman Stock motioned to appoint Alex Cappella as a Career Firefighter/EMT effective September 12, 2022. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

New Business

Review Open Meeting Law complaint against Board filed by Michael Milanoski and approve response to complaint. Attorney Brian Riley

Attorney Riley stated that this complaint alleges that the members of the Select Board held conversations outside of a public meeting, which open meeting law does not permit, specifically that members discussed a litigation matter; David Mackey from Anderson and Krieger is representing the Town in that matter. The plaintiff in the case was preparing a motion to file with the court and Attorney Mackey needed to prepare a response. Per Attorney Riley, Attorney Mackey reached out to the Chairs of the Select Board and the Water/Sewer Commission for input. Water Sewer Chair provided feedback on the filing and the Select Board Chair authorized him to file the opposition presented. Attorney Riley stated that it is fairly common that if there isn't a major change in direction in litigation, that the attorney would seek direction from Board chairs; therefore there was not an open meeting law violation. Attorney Riley stated that he has drafted a response to the Open Meeting Law complaint and will need the Select Board to vote to approve the response.

Selectman Stock motioned to approve the response to the open meeting law complaint. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Review Host Community Agreement for marijuana cultivation and manufacturing – Green Mountain C&C, LLC. Attorney Brian Riley

Chair Hazard stated that the Select Board has discussed this in a prior meeting and are now going to review some amendments to the agreement before finalizing it. Attorney Riley stated that the previous Town Administrator, Diana Schindler, had sent this agreement to KP Law a number of weeks ago. However, it was presented to the Select Board without being reviewed by KP Law. Attorney Riley had spoken to the Attorney for Green Mountain C&C LLC. Attorney Riley stated that one of the changes to the agreement is the impact fee provision based on the changes in the statute. Attorney Riley stated that this item is in proper form now, and Green Mountain agrees is in agreement with this.

Selectman Keyes motioned to review and sign the host community agreement for marijuana cultivation and manufacturing, Green Mountain C&C, LLC and giving the authority to the Chair of the Select Board to sign the agreement. Selectman Stock seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Discussion with Community Paradigm Associates regarding Town Administrator search process

John Petrin with Community Paradigm Associates thanked the Select Board for choosing their firm for the Town Administrator Search. Petrin stated that the first steps will be to create a position statement that will go out for advertising; he'll work with department heads to identify community needs to personalize this position statement. Once the position statement is advertised, their firm will research and review the candidates; they typically receive 20-25 resumes. The candidates will then be screened by the firm and the Town Administrator Search Committee to determine a group of 3-4 finalists that will be presented to the Select Board. Community Paradigm will provide all applications to a screening committee, and they will be broken up into tiers, from which the screening committee will select candidates to interview; typically around 7 candidates are interviewed in the first round. Selectman Keyes stated that the Board should be advised of the screening committee's top candidates. Petrin stated that their firm does not rank the candidates, they present the Select Board with 3-4 candidates, identifying the positive points and strengths of each. It is then the Select Board's responsibility to interview these candidates and make a decision. Petrin suggested that the screening committee is usually 5-7 people and that typically there is a member of the Select Board, Finance Committee, Planning Board and School Committee as well as community volunteers. Town Administrator Nutting stated that he recommends putting this item for discussion and vote on the next agenda; there was consensus that the screening committee should be in place by January 23, 2023. Town Administrator Nutting confirmed that the Select Board voted a salary of \$130,000-\$140,000 for the Town Administrator position and that the only business tonight is for the Select Board to sign the contract with Community Paradigm Associates; the Board has already voted on this to approve the contract.

2023 Licensing: Common Victualler, Liquor – Off-Premises, Class II and Entertainment

Chair Hazard stated this item is regarding the licenses that the Select Board did not act on in their previous meetings. Chair Hazard stated that according to the Executive Assistant's notes, all of the paperwork for the licenses is in order.

Selectman Stock motioned to approve the Common Victualler licenses on the summary sheet, for Cumberland Farms, 115 Mendon Street, Christiano's Pizza, 60 Hopedale Street, Hopedale Donut's Inc., DBA Dunkin Donuts, 144 Hartford Avenue. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Selectman Stock motioned to approve the Class II license on the summary sheet, for Patriot's Custom Auto Inc, 6A Airport Road, Hopedale, MA 01747. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Selectman Stock motioned to approve the Class I license on the summary sheet, DC Bates Equipment Company Inc, 10 Airport Road, Hopedale, MA 01747. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Selectman Stock motioned to approve the Alcoholic Beverages Off Premise licenses on the summary sheet, Brother's Liquors, 404 South Main Street, Hopedale, MA 01747. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Selectman Stock motioned to approve the Entertainment License on the summary sheet, Hopedale Country Club Inc, 90 Mill Street, Hopedale, MA 01747. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Review/Approve Select Board meeting minutes – May 23, 2022

Chair Hazard stated that she had 2 amendments to the minutes. Chair Hazard stated that on the 5th page, second paragraph, where it states that “Chair Hazard stated that this does not mean that the Conservation member did not fabricate her findings” this was stating the opposite of what she meant because there are two negatives in the sentence. She would like that to be amended to remove the “do not” . The second amendment Chair Hazard had was that on the 5th page, where it states “ storm water attention” it should read storm water retention.

Selectman Stock motioned to accept the two amendments stated by Chair Hazard. Selectman Keyes seconded the motion.

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Old Business - None

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

Selectman Keyes stated that he had reached out to Town Counsel regarding his concern over the potential costs if the Town wins the eminent domain case. Selectman Keyes shared concerns

regarding the cost of the appraisal amount of \$4.4 million, the Town has a borrowing authorization of \$3.9 million with no other official commitments. Selectman Keyes stated that Town Counsel responded that the money does need to be in an account to keep voting the way the Select Board has been. Town Counsel did acknowledge that this is a legitimate concern. Selectman Keyes stated that if the Town wins, they have 60 days to make the initial payment. Selectman Keyes asked for this item to be placed on a future agenda to discuss possible donations, and how borrowing \$3.9 million will impact the taxpayer's taxes. Chair Hazard stated that a private donor indicated that they will commit a lump sum and the Hopedale Foundation would then make their first payment within the 60 days.

Selectman Stock noted the many residents that participated in decorating their houses for the holiday, that it was truly beautiful this year.

Selectman Stock acknowledged Hopedale resident Jamie Murphy who was named Coach of the Year by the Milford Daily News.

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

Letter from Comcast/Xfinity re: new cable rates effective December 20, 2022

Requests for Future Agenda Items

Finalizing the Search Committee

Discussion regarding the eminent domain case and if the Town wins how will the payment be made, donations and how it will impact the taxpayers.

Administrator Updates (In Packet) a. Email summarizing regarding Administrator's conversation with DEP, EPA and others

Town Administrator Nutting stated that there was concern from residents regarding dirt that was spilled at the railroad yard that had been transported from a site in Concord, MA, specifically if there was anything in the dirt that could affect the water resource area. Nutting spoke with Tim Watson, Water Commissioner, and 7 EPA and DEP members. Nutting and Watson were informed that there was no hazardous material whatsoever being transported to the railroad yard; the material is scanned prior to leaving the site in Concord, MA. There were some spills during the loading process that were cleaned up immediately. The EPA and DEP members spoke with the railroad and discussed having the railroad pour a slab of concrete onto the backside of railroad cars to make for easier clean up. There is an anticipated 4-5 years of the superfund site in Concord, MA. Nutting stated that the EPA is working on having more efficient bags for the companies to use.

Town Administrator Nutting stated that the budget process is beginning, and he has contacted Department Heads. Nutting stated the during decision-making time he will be looking for leadership from the Select Board.

Executive Session(s):

a. Review/Approve Executive Session Minutes May 23, 2022, June 21, 2022

b. Purpose 3, litigation strategy: High Hopes, LLCX v. Town

Chair Hazard read the executive session purpose above.

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

Selectman Stock – Aye, Selectman Keyes – Aye, Chair Hazard – Aye

Chair Hazard dissolved the regular meeting at 7:53PM.

Respectfully submitted:

Lindsay Peterman

Select Board Adopted: 2/16/2023