**Select Board**

**Regular Meeting Minutes**

**January 10, 2022, 7:00 pm**

Present: Chair Brian R. Keyes, Selectman Louis J. Arcudi, III, Selectwoman Glenda A. Hazard, Town Administrator Diana M. Schindler

Chair Keyes called the meeting to order at 7:01PM. Chair Keyes began the meeting with the Pledge of Allegiance. Chair Keyes thanked all Town Departments and Town First Responders who worked during the winter storm.

Consent Items

Approval of December 13, 2021 Regular Minutes

Approval of December 27, 2021 Regular Minutes

Regarding the December 13, 2021 Regular Minutes, Selectwoman Hazard asked for a revision to the portion that pole hearing. She asked to put the description of the hearing before the discussion and vote. Selectwoman Hazard’s second revision is to update the sentence where she states that residents can reach out to her regarding her voting decision “tonight”. She meant that residents can reach out to her regarding any of her voting decisions.

Selectman Arcudi moved to accept the December 13, 2021 and December 27, 2021 Regular Meeting Minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation of $200 to the Bancroft Memorial Library Marge Hattersley Memorial Fund (aka The Marjorie E. Hattersley Memorial Fund) from Fredrick G. Oldfield III

Selectwoman Hazard moved to accept the Donation of $200 to the Bancroft Memorial Library Marge Hattersley Memorial Fund (aka The Marjorie E. Hattersley Memorial Fund) from Fredrick G. Oldfield III. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation of $200 from Rockland Trust to the Hopedale Cultural Council for 2022 Day in the Park

Chair Keyes thanked Rockland Trust for the generous donation.

Selectman Arcudi moved to accept the Donation of $200 from Rockland Trust to the Hopedale Cultural Council for 2022 Day in the Park. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Accept the Second Impact Fee from High Hopes, LLC of $30,176.51

Selectman Arcudi stated that this deposit is from the impact fees, not the percentage received from marijuana sales that can be put towards Town expenditures, budget, etc. This impact fees deposit can only be put towards impact costs, which the state specifies.

Selectman Arcudi moved to accept the Second Impact Fee from High Hopes, LLC of $30,176.51. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Appoint Select Board member as Finance Committee liaison

Selectman Arcudi stated that in the past, he was the Finance Committee Liaison due to his financial background. Typically, the liaison is the Chair of the Board, and is the person that is going to present the budget with the Finance Committee on Town Meeting Floor. Selectwoman Hazard stated that she does not have Selectman Arcudi’ s financial background. She is able to be the contact between the two Boards however, she is not comfortable being the liaison in the capacity that Selectman Arcudi was. Selectwoman Hazard stated she is willing to give being the liaison a try.

Selectman Arcudi moved to appoint Selectwoman Hazard as the Finance Committee Liaison. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Appointment of David Cedrone to the Master Plan Steering Committee for an Unexpired Term, effective immediately

Selectwoman Hazard thanked David Cedrone for stepping up to the Master Plan Steering Committee and the Economic Development & Industrial Corporation Committee.

Selectwoman Hazard moved to appoint David Cedrone to the Master Plan Steering Committee for an Unexpired Term, effective immediately. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Appointment of David Cedrone to the Economic Development & Industrial Corporation Committee for a Three-Year Term, effective immediately

Selectman Arcudi moved to appoint David Cedrone to the Economic Development & Industrial Corporation Committee for a Three-Year Term, effective immediately. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Resignation of Peter Robinson from the Hopedale Fire Department as a Call Fire Candidate

Chair Keyes read the letter of resignation regarding Peter Robinson from Fire Chief Daige. Chief Daige stated that Peter Robinson will be missed and was a great addition to the Fire Department while he was apart of it. The Select Board echoed Chief Daige’s sentiments.

Selectwoman Hazard moved to accept the Resignation of Peter Robinson from the Hopedale Fire Department as a Call Fire Candidate. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Appointment of Matthew Berger to the Hopedale Fire Department as a Firefighter/Paramedic effective January 1, 2022

Chair Keyes read the appointment letter provided by Fire Chief Daige. Chief Daige stated that Matthew Berger is an excellent addition to the Hopedale Fire Department. His skills and training with be a great help to the Department. Selectman Arcudi stated that it is a great opportunity to have Matt join the Hopedale Fire Department, Selectman Arcudi thanked Matt. Selectwoman Hazard also thanked Matt and stated she is more than happy to make this official.

Selectman Arcudi moved to accept the Appointment of Matthew Berger to the Hopedale Fire Department as a Firefighter/Paramedic effective January 1, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes - Aye

New Business

Memorial 5K Run in Honor of David Hodgdon – Organized by Leah Hodgdon (Daughter), Tentative Date, June 25, 2022 (Vote)

Chair Keyes read the email provided by Leah Hodgdon regarding the request for a memorial 5K run. Town Administrator Schindler stated that Leah should coordinate with Police, Fire and the Highway Department. Under Chapter 90, the Select Board has authority over the roads, so the Select Board can close the roads during the race time. Schindler also stated that Leah should correspond with the Board of Health to get COVID guidance. Police Chief Giovanella asked Leah to give him a call and he can assist with setting up the event. Mary Arcudi informed Leah that the Park Commission has this item on their agenda January 20, 2022.

Selectwoman Hazard moved to approve the Memorial 5K Run in Honor of David Hodgdon – Organized by Leah Hodgdon (Daughter), Tentative Date, June 25, 2022. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Address Open Meeting Law Complaint of Jayme Solomon-Zissu and Discuss Proposed Response (Vote)

Chair Keyes stated that he is removing himself from this agenda item and asked Town Administrator Schindler to provide an update. Schindler stated that the Town received an Open Meeting Law complaint, this complaint is in the packet if residents wish to review. Schindler stated that it is required by the Select Board to have the complaint as an agenda item and hold a discussion. There was a response from the Town provided by Town Counsel, Attorney Brian Riley. This response stated that technically the complaint is not a violation of open meeting law. The vote is to send the response to the Attorney General and Jayme Solomon-Zissu (Complainant). Selectman Arcudi stated that his seems more of a conduct issue than an open meeting violation.

Selectman Arcudi moved to send the response to the Attorney General and Jayme Solomon-Zissu. Selectwoman Hazard seconded the motion.

Selectman Arcudi motioned to move agenda item #6, Review Code of Conduct for Municipal Boards/Committees/Departments to current discussion. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Review Code of Conduct for Municipal Boards/Committees/Departments

Selectman Arcudi stated that during his office hours, the topic of a code of conduct has come up multiple times and that this is something the public wants. Selectman Arcudi drafted a code of conduct (provided in packet) by combining other Town’s code of conducts to create something specific to Hopedale. Chair Keyes stated that a final draft should be provided and voted on by the next or a future meeting. Selectwoman Hazard stated that there should be clear definitions provided in the code of conduct, for example the term “bullying”. The Board stated that if the public has any input to let them know or send an email to the Town Administrator. Selectman Arcudi asked Town Administrator Schindler to notify the Boards/Departments of the draft code of conduct at her next department head meeting.

Address Request to Eliminate Impact Fees in Host Community Agreements for Marijuana Establishments – No Vote Taken

Chair Keyes clarified that this would potentially eliminate impact fees. A representative from Caroline’s Cannabis and a representative from High Hope’s were present during this meeting. Chair Keyes that this agenda item was put on at his request, this agenda item stemmed from conversations that he’s had with the Town Administrator, and the Owners of the retail cannabis businesses in Town. Chair Keyes asked for a list of the impacts and costs that the Town is currently facing. Selectman Arcudi stated that the 3% that is added to the revenue stream cannot be negotiated, that is governed by the State. The impact fees are based on the Towns discretion but cannot exceed 3%. Caroline, Owner of Caroline’s Cannabis stated that she is looking for the Select Board’s support in eliminating the impact fee. To her knowledge, there has been no negative impact on Hopedale. She would like to revise the host community agreement (HCA) to eliminate the impact fee unless a specific impact comes up related to a specific business. Caroline stated that other Town’s and communities are following this practice. Caroline stated that they are not seeing the documentation from other Town’s they are located in regarding the impacts that the Town faces. Chair Keyes and the marijuana Representatives were in agreement that if the Board does away with the 3% impact fee premium, then any impact costs that come to light, they will be paid by the businesses. Selectwoman Hazard suggested that the Board could reduce the fee for a limited amount of time, during this time the Town would investigate the impact costs. If there were no costs, then the Board would possibly due away with the impact fee. The Board and representatives discussed additional courses of action that could take place. Chair Keyes stated that he would like the Select Board to speak with the Police and Fire Chief’s, Highway Superintendent, Water Commission, and the Zoning Board of Appeals regarding impact fees. Chair Keyes requested to continue this discussion and have a possible vote at the next Select Board meeting once a finalized product is made.

Address Request for Response from GU RR re: Fly Ask Silos Monitoring and Emergency Plans (Vote)

Town Administrator Schindler stated that the vote for this item tonight is for the Select Board to approve the letter (in packet) and send the response. Selectman Arcudi stated that the Town should ask for the engineer specs because it was part of the agreement. Selectman Arcudi stated that there should be more information provided prior to the Select Board vote on the letter. Selectman Arcudi stated that there should be no vote tonight. The Town Administrator should send a letter to the Railroad notifying them that the Select Board is expecting an update and possibly put the Railroad on a future Board meeting.

Address Violations of Class II Licensing; Patriot Auto and Costa Auto (Vote)

Town Administrator Schindler stated that the Town authority that is enforcing this is the Zoning Enforcement Office/Building Inspector, Tim Aicardi. Schindler stated that there is a secondary enforcement because of the Class II license (issued by the Select Board). Schindler stated that Patriot Auto has been corresponding with the ZBA to apply for a new special permit. Tim Aicardi has instructed these two businesses that they need to become compliant with the zoning parameters. Chief Giovanella stated that regarding the Class II license, the businesses have been notified of their violations to the Class II licenses. Selectman Arcudi stated that he feels these businesses are taking advantage of the Town. The Town does not receive monies from their businesses just because they are located in Hopedale. Selectman Arcudi feels that the businesses need to be shut down as of today until they become compliant with their special permit/Class II license.

Selectman Arcudi moved to shut down Patriot Custom Auto and Costa Auto until they become compliant with their Class II license parameters and the Town bylaws. Selectwoman Hazard seconded the motion.

Selectwoman Hazard stated that she would like to open this topic for discussion. Town Administrator Schindler stated that the Select Board issues the Class II licenses, the Select Board should be monitoring that these businesses are staying within the parameters set by the Class II license, the Police Department does the enforcement for the Select Board. However, the other businesses that are being run need to be registered with the Town Clerk and confirmed that these businesses can be run with the ZBA/special permit, this is not something that the Select Board can enforce. Town Administrator Schindler stated that she will continue to get information from the Town Clerk regarding the additional businesses.

Chief Giovanella stated that enforcement for the Class II license has been completed by the State Police. The Hopedale Officer informed the businesses that the businesses need to be compliant with their license parameters.

Town Administrator Schindler stated that the Zoning enforcement needs to begin tomorrow. Chair Keyes stated that anything outside of the special permit or license parameters needs to be shut down as soon as possible.

Old Business

Joint Meeting with Board of Health re: Animal Control Officer – Tabled

Town Administrator Schindler stated that the Chair of the Board of Health informed her that they would hold a joint meeting once they have made a decision. Chair Keyes stated that he was confused regarding this response, Keyes stated that at a previous joint meeting the Board of Health agreed to discuss this topic at their next meeting and to return to the Select Board for open discussion. Selectman Arcudi stated that he is surprised and disappointed that this is how the Board of Health is proceeding with the decision of this item. Selectman Arcudi stated that the Select Board did agree that it is up to the Board of Health to decide, however, they promised to provide guidance to the Town regarding costs, logistics, etc. if they do not accept the municipal agreement. The Select Board were in agreement that they are disappointed with the Board of Health and feel stonewalled out of this decision. Town Administrator Schindler stated that the deadline for this agreement is around July 1, 2022.

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

Selectman Arcudi thanked the Highway Department, Police Department & Fire Department did an excellent job regarding handling the winter storm. Arcudi stated that he has taken advantage of the weekly disposal of large items (ex: couches) and the company E.L. Harvey is a kind group that assists the Town.

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

Hopedale PFAS Complaint Filed

Xfinity – Programming Advisory, effective December 14, 2021, Universal Living Faith Network was added to Ch. 1098

Motion to Vacate Stipulation of Dismissal filed in the Land Court re: 364 West Street

Requests for Future Agenda Items:

Joint Meeting with Finance Committee re FY23 Budget

Administrator Updates

<https://www.hopedale-ma.gov/home/webforms/hopedale-town-projects-initiatives>

Executive Session: None

Selectman Arcudi moved to adjourn the regular meeting. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 10:17PM

*Submitted by:*

*\_\_Lindsay Mercier\_\_\_\_\_\_\_\_\_
Lindsay Mercier, Executive Assistant*

*Adopted: 2/14/2022*