

**Select Board  
Meeting Minutes  
February 14, 2022, 7:00PM**

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 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Consent Items

Approval of January 19, 2022 Regular Minutes

Approval of the January 24, 2022 Regular Minutes

Approval of January 31, 2022 Regular Minutes

Approval of February 10, 2022 Regular Minutes

Chair Keyes confirmed that all Board members were present for these regular meeting minutes. The Town Administrator stated that the Board can approve the regular minutes collectively if they so choose. The Board stated that they have read the minutes and do not have any question or comments regarding them.

Selectman Arcudi moved to approve the January 19, 2022 regular minutes, the January 24, 2022 regular minutes, the January 31, 2022 regular minutes and the February 10, 2022 regular minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept the Donation from the Hopedale Foundation for \$1000 to the Bancroft Memorial Library  
Chair Keyes read the donation letter from the Hopedale Foundation and the letter provided by Library Director, Tricia Perry. Chair Keyes stated that this is an annual donation that the Hopedale Foundation continues to do. Chair Keyes thanked the Hopedale Foundation and all of those involved for their generosity to the Hopedale community. Selectman Arcudi and Selectwoman Hazard echoed Chair Keyes sentiments.

Selectwoman Hazard moved to accept the donation from the Hopedale Foundation for \$1000 to the Bancroft Memorial Library. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Appointment of Ian Michelson to the Finance Committee, 3 Year Term, effective February 14, 2022

Chair Keyes and the Board thanked Ian Michelson for his interest in the Hopedale Finance Committee. Michelson spoke to his background, professional life, and interest in the Town of Hopedale.

Selectman Arcudi moved to appoint Ian Michelson to the Finance Committee for a 3-year term, effective February 14, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointment of Sarah Greco to the Master Plan Steering Committee, Unexpired Term, effective February 14, 2022

Chair Keyes introduced Sarah Greco to the Board and the residents watching the meeting. Sarah stated that she is very active in the community and wants to assist with the Master Plan process. Chair Keyes thanked Sarah for her interest in the Master Plan Steering Committee and her enthusiasm to assist with the Master Plan process.

Selectwoman Hazard moved to appoint Sarah Greco to the Master Plan Steering Committee for an unexpired term, effective February 14, 2022. Selectman Arcudi seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Resignation of Call Firefighter Candidate, Dylan Loporto, effective January 28, 2022  
Chair Keyes read the resignation letter submitted by Dylan Loporto and the Fire Chief. The Board thanked Dylan for his time on the Hopedale Fire Department.

Selectman Arcudi moved to accept the resignation of Call Firefighter Candidate, Dylan Loporto, effective January 28, 2022. Selectwoman Hazard seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Resignation of Hopedale Planning Board Member, Michael Lacovelli, effective immediately  
Chair Keyes read the resignation notice submitted to the Town Clerk from Michael Lacovelli. The Board thanked Michael for all of his time and efforts on the Planning Board.

Selectwoman Hazard moved to accept the resignation of Michael Lacovelli from the Hopedale Planning Board. Selectman Arcudi seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes read the public hearing notice below. Vote to Open Public Hearing:  
Selectwoman Hazard moved to open the public hearing. Selectman Arcudi seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes called the public hearing to order at 7:27PM. Present from the Hopedale Pizza Market, Ray Leung, Mike Shah, Steven Dubouis and Michael Delawyer.

Public Hearing – 7:15 PM – ABCC License Application – Hopedale Pizza Market Bar and Grill

The Select Board as the Local Licensing Authority of the Town of Hopedale: Application for a On-Premise Liquor License by NE Restaurant Group, Inc. DBA Hopedale Pizza Market Bar and Grill, Treasurer and Director, Mr. Mike Shah.

*Notice is hereby given under Chapter 138 of the Massachusetts General Laws that Hopedale Pizza Market Bar and Grill, located at 1 Menfi Way, Hopedale, MA 01747 has petitioned the Hopedale Select Board for an On-Premise Liquor License, a Common Victualler license, a Non-Sunday Entertainment license and a automatic amusement license. A public hearing will be held on Monday, February 14, 2022 at 7:15 PM via Zoom.*

*Signed: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Hopedale Local Licensing Board/Select Board. Appeared in the Milford Daily on 02/05/2022.*

Public Comment

Hopedale Resident, Len Guertin, asked how many on-premises licenses this application would bring the Town up to, if approved. Town Administrator Schindler stated that if approved, this would bring the Town to two on-premises licenses for alcohol. Selectman Arcudi stated that there was an on-premises license at this same location previously for a restaurant known as Liz's Diamond Bar and Grill. Selectman Arcudi asked the Town Administrator to confirm that the application packets are complete and that all taxes and payments have been paid and are up to date. Town Administrator Schindler confirmed that the licensing application packets are complete, Executive Assistant Lindsay Peterman has obtained sign off confirmation from all departments that they approve the issuance of these license applications, and the abutters were notified of this hearing. Upon request, Ray Leung stated that the amusement and entertainment licenses will be put to use mostly during the weekends (Friday/Saturday) for acoustic performances and there will be video games in the restaurant/grill. Ray Leung also stated that the Bar/Restaurant is about 3500 square feet fitting roughly 166 persons and there is a patio that fits about 66 persons. Town Administrator Schindler asked Ray Leung for a diagram of the patio area because that was not submitted to the Town. The public had no further comments or questions.

#### Vote to Close Public Hearing

Selectman Arcudi moved to close the public hearing. Selectwoman Hazard seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes closed the public hearing at 7:34PM.

#### Board Decision and Roll Call Vote

Selectman Arcudi moved to grant an On-Premises Liquor License to the Hopedale Pizza Market Bar and Grill located at 1 Menfi Way, Hopedale Massachusetts 01747. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to grant a Common Victualler license to the Hopedale Pizza Market Bar and Grill. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to grant a Automatic Amusement License and a Non-Sunday Entertainment License to the Hopedale Pizza Market Bar and Grill. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

#### New Business

Blackstone Valley Partnership for Public Health Inter-Municipal Agreement, Amendment #1, Reason for Amendment Authored by Bill Fisher

Town Administrator Schindler stated that the Select Board has signed an IMA for a Regional Health Agent. There were some updates regarding additional positions that need to be voted on. Hopedale Health Agent, Bill Fisher had submitted a written recommendation to the Select Board. The reason for amending the agreement is because the Blackstone Valley Partnership for Public Health received additional grant monies totaling \$200,000, this monies will be put toward hiring two additional people, n Epidemiologist and one RN Nurse.

Selectman Arcudi moved to approve the Blackstone Valley Partnership for Public Health Inter-Municipal Agreement, Amendment #1. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Girl Scouts Cookie Booths on Weekends in February 2022 at the Junior/Senior High School Parking Lot, Request; *Jen Rigdon Town Cookie Manager for Hopedale, Mendon-Upton Girl Scouts*

Chair Keyes stated that he was informed that the Girl Scouts have sold all of their inventory and no longer need to sell at the School parking lot meaning this item will need to be passed over.

Selectman Arcudi moved to pass over this item. Selectwoman Hazard seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Approve ARPA Funding of \$3,205 for Council on Aging program, YCBT Yoga / Meditation Classes for Seniors

Director of the Council on Aging, Carole Mullen, stated that there is a dire need for programs like this that support mental illness. The programs are run by psychiatric professionals.

Selectman Arcudi moved to approve ARPA funding of \$3,205 for the Council on Aging Program, YCBT Yoga/Meditation Classes for Seniors. Selectwoman Hazard seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

Hopedale Volunteer Release Form (Vote)

Selectwoman Hazard stated that there have been a few times in Town where residents have wanted to volunteer, such as cleaning up a playground or cleaning up the parklands. Hazard and the Town Administrator felt it was best to have a Volunteer Release Form as a precaution. Hazard wanted to clarify that the Town will not be asking residents to volunteer for dangerous jobs. Town Administrator Schindler shared with the Board what the Insurance Providers thoughts and edits to the form were.

The Board tabled this agenda item for a future agenda.

#### Old Business

Board of Health Updates; *Don Howes, Board of Health Chair*  
COVID Update

Chair Howes stated that Governor Baker will be ending the State mask mandate on February 28, 2022. The COVID Omicron variant has reached its peak in January 2022 and has been on the decline since. The Hopedale Health Agent, Bill Fisher recommends that as of February 28, 2022 the mask mandate be terminated for Town Hall visitors and employees and in all municipal buildings including the senior center and the library. Wearing a mask will be a personal preference, there will be no limit to Town employees in a municipal vehicle and the plexi-glass dividers will remain in place in Town buildings. Lastly, fully remote meetings are discretionary, the Board of Health Agent will still need to sign off on large events/meetings, this goes for Town-wide.

Chair Keyes asked that the Health Agent provide a number for what is considered a large meeting, especially if in person board meetings are going to commence.

#### Animal Control Officer

Chair Keyes stated that the Select Board agrees with Chair Howes that this decision is under the Board of Health, however, Chair Keyes feels that the options should be discussed so the residents have transparency on why the decisions are made. Chair Howes stated that he has talk to the Police Chief in Uxbridge and Chief Montiminy has given him a new understanding of what the Regional IMA has to offer and is very interested in joining now. Howes stated that he has invited Chief Montiminy to the Board of Health's upcoming meeting so it can be discussed as a Board.

#### Status of Compliance Issues re Stormwater Management at Recycling Center

Chair Howes stated that these are the 7 actions they are taking to become compliant, the oil tank in the recycling center must be in a concrete container, any porta-potties need to sit on a try in its own containment due to its proximity to the river, brush piles must be contained by haybales due to its proximity to the river, the wood and metal dumpsters that material gets thrown in needs a canopy, the household hazardous waste stay should be moved to another location, the piles of brush on the north side of the entrance should be moved away from the parklands, the schools buses need to be inspected daily for drips, leaks, etc.

#### Status of FY23 Trash Collection & Recycling Contracts

Chair Howes stated that he has met with a representative from EL Harvey and a Hopedale representative. The Board of Health understands that to stay with EL Harvey they may need to go to bid. Howes has asked EL Harvey to put together a workable plan. EL Harvey would like to maintain the 3% uptick in price. They are offering to provide each residence with a 65gal tote for trash and a 65gal tote for recycling. Chair Keyes recommended that the Board of Health speak with the Finance Committee since this item deals with the budget and the Finance Committee is an advisory board.

#### Evaluation of Impact Fees in Host Community Agreements for Marijuana Establishments (Vote)

Chair Keyes stated that this discussion is geared towards the impact fees in the Host Community Agreement, no other items in the Host Community Agreements are to be changed. Chair Keyes proposed to the Board an amendment of the impact fee percentage collection quarterly down to 1% and a cap of their payment at \$15,000. This would allow the businesses, on a quarterly basis, to contribute the 1% of their revenues. The funding will be in the account if there is an expenditure from an impact. Town Administrator Schindler stated that High Hopes has paid \$45,000 and Caroline's Cannabis has paid \$21,000. Chair Keyes stated that the Town would return those monies, so the businesses are at the maximum amount of \$15,000. Chair Keyes opened the meeting up for public comment. Resident, Chris Hodgens, Sr. stated that the Town should not get rid of impact fees because the Town could be spending this money by putting it towards road improvements, building sidewalks, exploring water sourcing etc. Chair Keyes stated that the impact fees cannot be put towards any Town improvement, there needs to be proof that the impact fees are being spent on impacts made by the cannabis business, the impact funding cannot be spent on any neighborhood in the Town. Chair Keyes wanted to clarify that he is not suggesting the Town removes the impact fees completely, just reduce the 3% to 1%, Chair Keyes told Chris Hodgens that if he can find a way to legally spend the impact fees on Town expenses that are not from the Cannabis businesses then he is welcome to share it with the Board. Selectman Arcudi stated that he would like to have more clarification provided by Town Counsel as to how the Town can use the money and how the money can be moved from the accounts. Resident Len Guertin suggested possibly using the impact fees for drug awareness programs with the Schools. Town Administrator and Chair Keyes stated that they will look into that, Chair Keyes mentioned that most of these businesses already make contributions to drug awareness programs. Town Administrator Schindler stated that there are drug resistance impact programs that the School Superintendent is interested in some programs if the impact fee funding is available for it. Selectwoman Hazard stated that she would like the impacts from the businesses to be more clearly defined. Selectman Arcudi agree with Hazard's statement and requested that Town Administrator Schindler work with Town Counsel to provide those parameters. Selectman Arcudi stated that in the meeting packet, there is statements from Police, Fire and Highway that they have not seen impacts that the impact fees could be put towards, the Select Board has also received responses from Town Counsel regarding impact fees. Selectman Arcudi stated that the Select Board has done the research and he is comfortable with moving forward tonight with a motion. Selectwoman Hazard suggested raising the percentage to 1.5% and raising the cap to \$40,000 due to not knowing the possible impacts with this new business. Chair Keyes agreed with this suggestion, but he would prefer the cap was at \$30,000.

Selectman Arcudi moved to raise the percentage to 1.5% and to cap the maximum amount at \$35,000. Selectwoman Hazard seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

#### FY23 Budget

Town Administrator Schindler suggested tabling this discussion due to the late hour. Schindler stated that the Finance Committee will be meeting in a couple weeks and are meeting with the Schools and the Department heads. Schindler will provide updates from those meetings as they come.

Chair Keyes stated that the executive sessions are brought about from the guidance of Town Counsel. Resident, Ed Burt stated that if the Board is discussing wells then that is not allowed because that is the Water Commission's jurisdiction. Chair Keyes stated that the wells are not in the purpose of the executive session and the Board was not planning on discussing the wells but will make sure not to.

Chair Keyes read the paragraph below pertaining to the Executive Session parameters and purpose. Selectman Arcudi moved to enter executive session per the purpose Chair Keyes read. Selectwoman Hazard seconded the motion.  
Arcudi – Aye, Hazard – Aye, Keyes – Aye

The Board entered executive session at 10:05PM

#### Executive Session

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (3): To discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares. Roll Call Vote

Purpose: Litigation strategy re: Town v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, et als,

Attorneys Brian Riley and Peter Durning present.\*

The Board returned to open session at 10:50PM

#### Old Business, Continued:

Update regarding 364 West Street Acquisition and Litigation

Attorney Durning provided an update to the participants of the meeting. Durning reported that there is no change from what was given at the open session from last Thursday. The Town will be filing a notice of appeal and will be pursuing an injunction which was the Board's recommendation and vote that was taken last Thursday.

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

Selectwoman Hazard stated that due to the meeting running very late and the depth the meeting topics need to be discussed, possibly putting a limit on meeting items on an agenda. Chair Keyes stated that this was just a part of the Select member position and some times meetings run long.

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

Xfinity – Programming Updates: On March 22, 2022 the following channel changes will occur, Afro will only be available in HD; Afro HD will move from Digital Preferred to Expanded Basic and Entertainment remaining on ch 1623. Kids Street HD will be added to Expanded Basic and Kids & Family ch 1772.

Central Massachusetts Mosquito Control Project-State Reclamation & Mosquito Control Board's (SRMCB) Budget Notification and Compliance Certification Policy, Form SRB-1  
A/P Warrant #22-17, \$316,448.45, 2/10/2022  
P/R Warrant #22-17, \$814,316.85, 2/10/2022  
Letter Received from Drohan Tocio & Morgan PC, Threat of Court Action re: Overdale Parkway

Requests for Future Agenda Items:

Chair Keyes requested extending an invitation to Karen Crebase, School Superintendent and the School Committee to give updates regarding the Schools and an update on the mask mandate and COVID update.

Chair Keyes requested having Tim Watson, Manager of the Water Department on a future meeting to give the Select Board and public an update from their department.

Chair Keyes read the executive session paragraph and purpose below.

Selectman Arcudi moved to enter executive session per the purpose Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session

In accordance with G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the bargaining and litigation position of the public body and the chair so declares, which he does. Attorney Katie Klein present).

Chair Keyes dissolved the regular meeting at 11:21PM

*Submitted by:*

*Lindsay Mercier*

*Lindsay Mercier, Executive Assistant*

*Adopted:* \_\_\_\_\_