

Select Board  
Regular Meeting Minutes  
September 29, 2021, 7:00 pm

**Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler**

Chair Keyes called the meeting to order at 7:02PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Consent Items

Approval May 24, 2021 Regular Minutes, KP Law reviewed

Approval of September 13, 2021 Regular Minutes

Approval of September 23, 2021 Regular Minutes

Selectwoman Hazard moved to approve the May 24, 2021 regular minutes, September 13, 2021 and the September 23 2021 regular minutes. Selectman Arcudi seconded the motion.

The Board moved for discussion, Selectwoman Hazard asked that the September 13, 2021 regular minutes hold for approval on the Overdale Parkway portion of the minutes. Selectwoman Hazard stated she received a call from resident Rick Espanet stating that he was concern regarding what the minutes reported on his position during this portion of the meeting. Rick Espanet was not present during the September 13, 2021 regular meeting. Chair Keyes read the portion of minutes from the September 13, 2021 regular meeting that Selectwoman Hazard is referencing "Selectman Arcudi mentioned that in previous meeting minutes it is written that Joe Antonellis reviewed each town meeting from 1918-1999 and determined that the land deeded to the town was never deeded to parklands. Also, in 1999 the Chairman of the Parks, Mr. Espinet, agreed with the findings of Joe Antonellis. Town Administrator Schindler stated the petition letter questions will be responded to after discussing with Town Counsel." Rick Espanet stated that he feels there are other inaccuracies in what was said during the minutes. Selectman Arcudi stated that regarding the portion of minutes where Rick Espanet is mentioned in the September 13, 2021 meeting, that there was some discussion regarding what Joe Antonellis has provided to the Town regarding Overdale Parkway. The Park Commission, not Rick Espanet specifically, at that time, felt Joe Antonellis' findings were correct, confirming that there was never evidence that transferred the land to the Parks Commission. Rick Espanet stated that on the Parks Commission webpage, there is a time capsule that goes covers years 1899 - 2003, there is an entry in 1899 that states the Park Commission can purchase property. Rick Espanet stated he never agreed with Joe Antonellis' position. Rick Espanet stated that in the year 2000, the Park Commission told the residents of Overdale Parkway that the Commission would go with what Town Counsel said was correct information for that area. Town Counsel reviewed two blueprint maps, one stating that showed from the gate and up was parklands, another identical map showed that it was not parklands. Town Counsel stated that the gate and up was not parklands. The residents then went to a Judge that stated it was parklands and cannot be used as access. Rick Espanet reiterated that he agreed with Town Counsel, not Joe Antonellis. Rick Espanet stated that the portion of the minutes needs to be changed regarding the Park Commission purchasing land, and that in fact, the Park Commission can purchase land since 1899 from Town approval. Rick Espanet also stated that in 1972 the gate was installed due to residents' requests is not true, the gates have always been chained. In 1988, it was the Park Commission's decision to put up gates on Overdale due to vehicle traffic and vandalism. Resident Rick Lima stated that the Judge did not rule that the portion of property Rick Espanet discussed as parklands, the Judge ruled that it was a way to the parklands.

Chair Keyes asked for an amended motion, removing the September 13, 2021 from the motion to review and edit.

Selectwoman Hazard moved to approve the May 24, 2021 and September 23, 2021 regular minutes. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept the donation of \$3,800 to the Council on Aging from the Friends of Elders for the purpose of supplementing payment to Senior Center class instructors.

Chair Keyes read the letter from Carole Mullen, COA Director regarding the donation.

Selectwoman Hazard moved to accept the donation of \$3,800 to the Council on Aging from the Friends of Elders for the purpose of supplementing payment to Senior Center class instructors. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

#### New Business

Request for Planning Board Administration, Steve Chaplin, Planning Board Chair

Town Administrator Schindler stated that the Planning Board has been receiving ample applications into the planning board thru the cannabis cultivation and retailers as well as the distribution center. The Town expects continued developers coming to Hopedale. The planning board has been facing challenges regarding administrative work, the planning board been supported by Town Counsel as Chair Keyes suggested in the previous meeting. The planning board has means of expert representation regarding site plan reviews and other permitting processes, however, the administrative aspects and organizing the work is where the planning board needs assistance. Steve Chaplin, Chair of the planning board stated that the planning board has been actively working with Town Counsel. Chair Keyes stated that there needs to be assistance with organizing the process for planning board applications and filling in the gaps where expertise is needed. Town Administrator Schindler stated that in the Spring, the planning board approved a Town Permitting Guide for the planning board and the zoning board. This will be online and residents, businesses, etc. will be able to follow the planning, zoning, and building process. Schindler stated that she proposes that the Board approve funding for a planning board administrator. Steve Chaplin stated that he agrees with Chair Keyes, the planning and zoning boards need a unified playbook for the planning and zoning process and also, an administrative person to handle all other items, such as scheduling, meeting postings, publishing notices, following up on the status of peer review proposals, correspondence, etc. Steve Chaplin stated that he is proposing allocating the sum of \$10,000 for an existing employee(s) to take on the administrative tasks. Chair Keyes stated that he feels that \$10,000 is somewhat of a steep price for this kind of work. Keyes suggested that a stipend has been used in the past and the Town has received applicants interested in this. Selectman Arcudi stated that there are some monies in the planning board budget for funding assistance with agendas and minute taking. Selectman Arcudi stated that the Town Clerk's Office is being under utilized and that they would be able to assist the planning board as well. Arcudi stated that if someone is hired for the planning board, it should be someone that is an expert in the field, possibly a retired planner and hiring them as free-lance. Selectman Arcudi stated that in the long term, there does need to be a hired planner for the planning board. Arcudi stated that he fully supports finding a way to create a plan and find a professional planner, other than just a note taker.

Selectwoman Hazard stated that she is in favor of a professional planning position. However, meanwhile the planning board is asking for help, and we need a solution now. Selectman Arcudi stated that he supports the \$10,000 however, there needs to be a plan and a person that is able to assist. Rick Lima stated that in surrounding Towns, they employ a part-time planner/engineer. Chris Hodgins Sr, volunteered to assist the planning board now while the Select Board and the Planning Board look for long term solutions. He stated that he does not have the engineering background, but he does have the legal background. The Select Board and Steve Chaplin thanked Chris Hodgins Sr for his generous offer and are excited to have him start.

Request for IRAP Grant Support; Michael Milanowski, President, GU RR

Chair Keyes clarified that there will be no vote on this item at tonight's meeting, this item is only for informational purposes and will not have public comment. Michael Milanowski shared his screen with the Select Board and the attendees. Milanowski stated that currently, the GU RR is not requesting approval of the IRAP application this evening pending decision from the Appeals Court. The GU RR continues to operate in accordance with the settlement agreement that was negotiated in January/February 2021. The GU RR remains confident that any challenges to the settlement agreement will ultimately be rejected and they continue to take steps towards carrying out their obligations under the settlement agreement including engineering and surveying of the different parcels.

Milanowski reviewed the terms of the settlement agreement. Milanowski wanted to reiterate that the Town waived its rights to Chapter 61 land and has made agreements that states the land shall not be subject to Chapter 61. The GU RR agreed to withdraw its petition to the Federal Surface Transportation Board and the Select Board is the decision-making body of the Town for the purposes of implementing the provisions of the settlement agreement. The settlement agreement has a severability clause approved that should any provision be deemed to be unenforceable; the remaining provisions shall nonetheless be of full force and effect. The GU RR will finalize the survey and title work that the Town will share proportionally with the GU RR. Milanowski shared map of the 81X plan that was filed earlier this summer, this map shows the land the GU RR went through and did the title work, surveyed and walked through. Milanowski stated that as part of the settlement agreement, the Town will receive Parcel A (+/- 64 acres) and Parcel D (+/- 20 acres), the agreement states that there will need to be a Town Meeting vote to accept the donation of Parcel D. Parcel A and D will be subject to the Army Corps of Engineers no-build restrictions with exception of water supply/infrastructure and other easements for preserving said property for conservation and recreation purposes to create a public owned corridor connecting Hopedale Parklands to 1,000 of other acres. As part of the initial master planning of the site, the more sensitive land was agreed to be transferred to the Town vs. the uplands that were more suited for development per the zoning that was retained by the GU RR. The GU RR will continue to develop the railroad right of way, and the 18 acres of industrial land already owned by the GU RR, as well as Parcel B, C and E that is no longer subject to Chapter 61. Milanowski stated that the GU RR is focused on developing the right of way, that is the core of the IRAP application. The GU RR will record groundwater protection deed restriction that mirrors what currently exists in the Town Bylaws, this is quantitative giving the public similar protections plus Roadways will be reviewed by the SB and will be designed by a licensed engineer following the Army Corps of Engineers Stormwater Management and Steam Crossing design standards. GU RR has agreed to provide a 50ft easement restricting buildings from wetland boundaries also, the Town and GU RR will share the cost of testing water sources.

Regarding the IRAP and the next steps, the GU RR has agreed to keep the Town apprised of any development plans and to meet with Town staff to discuss the development plans. Included in the IRAP application, the GU RR has several rail uses for the property that includes warehouse uses (food grade, cold storage, and international intermodal, light manufacturing assembly and transportation of aggregates materials (sand and gravel). At full buildout, the project is anticipated to generate in excess of a million dollars a year in new taxes for schools, public safety, town services and create a couple hundred jobs. The next steps are to discuss with the Town Administrator the road layout options and receive input from Town professional staff. Milanowski and the GU RR feel that this is a win-win for the Town and GU RR, this will provide opportunities to bring commerce and jobs back into the US starting in Hopedale while adding additional protections to the land negotiated by the Select Board.

Milanowski stated that the IRAP application where it states Upton, MA as the Town is an error and can be corrected. The application is not null due to the typos because it does not change the intent of the application. Regarding the environmental permits that are necessary, this is within the railroad right of way, so there are no statutory requirements for additional permitting in the area that already has gravel and tracks on it. Selectwoman Hazard asked Michael Milanowski to summarize the discussion of the presentation/walk through of the Upton, MA facility. Milanowski stated the purpose of the walk through was not related to the Upton IRAP application or the Hopedale IRAP application. Milanowski wanted to share the facility with local town board members and residents for transparency.

#### Old Business

##### Review and Sign Final Special Town Meeting Warrant

Selectman Arcudi moved to move the agenda items “vote to Use ARPA Funds for Water Sourcing Project; (Finance Committee Voted to Recommend 9/27) \*” to before the Town Meeting Warrant vote. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi stated that the Finance Committee unanimously supported advising the Select Board to vote to take the monies from the ARPA funds for the water sourcing project. The Board moved for discussion.

Chair Keyes asked if the \$200,000 is a set number or will this number increase due to discrepancies. Water/Sewer Superintendent, Tim Watson stated that he does not anticipate additional costs however it is not out of the realm of possibility. Ed Burt, Chair of the Water Commission, questioned that there was supposed to be \$200,000 for water sourcing and \$100,000 for sewer. Chair Keyes and Selectman Arcudi stated that this was not presented or mentioned in previous meetings. They were only aware of the \$200,000 for water sourcing. Tim Watson stated that the sewer was not included in the ARPA discussions from previous meetings, this is to be incorporated in the Complete Streets Grant Project and is eligible for ARPA funding, but a decision was not made in previous meetings, just discussion. Schindler confirmed that these topics are separate.

Selectman Arcudi moved the use of ARPA funds of up to \$200,000 for the water sourcing project. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

#### Review and Sign Final Special Town Meeting Warrant

Town Administrator Schindler shared the Town Meeting Warrant with the Select Board. The edits the Select Board requested from the previous meeting have been made. Schindler reviewed the warrant articles with the Select Board.

Selectman Arcudi moved to make the edits of breaking the article into three separate articles and to delete Article 15. Selectman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to approve the Special Town Meeting Warrant for October 16, 2021, with the edits that were made. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

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

##### Hopedale MVP Designation Letter

Town Administrator Schindler stated that over the last year the Town had done the MVP planning processes. The Town then submitted the planning process into the office of environmental affairs and the Town has officially become an MVP community. There will be grant rounds in the upcoming years, items that could be eligible are the dams, dredging Hopedale Pond for flood storage reasons, water sourcing, stormwater, etc.

##### Memorandum & Order on Motion for Preliminary Injunction\*

Town Administrator Schindler stated there the Town had received the results of the temporary restraining order. This is included in the packet for the public to access.

##### Letter from Attorneys Lurie re: IRAP\*

Chair Keyes stated that the Board is not casting a vote tonight regarding the IRAP.

##### Memorandum in Support of Petition from Attorney Keavany\*

Chair Keyes stated that Attorney Keavany represents the GU RR. Schindler stated that there is not an update regarding this item. This item in the packet is to show the GU RR's response to the Judges decision on the temporary restraining order.

#### Requests for Future Agenda Items:

Council on Aging Report, the Board of Health & Finance Committee to discuss the renewal of the trash contract, 2023 budget discussions will begin soon, schedule a meeting with Chair of the Finance Committee

Chair Keyes read the executive session paragraph.

Selectman Hazard moved to enter executive session per G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to collective bargaining and 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. (DLR Case No. JLM-21-8830). Present: Attorney Timothy D. Zessin. Selectman Arcudi 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 collective bargaining and 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. (DLR Case No. JLM-21-8830). Present: Attorney Timothy D. Zessin

Chair Keyes dissolved the meeting at 9:27PM

*Submitted by:*

*Lindsay Mercier*

*Lindsay Mercier, Executive Assistant*

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