

**Select Board
Regular Meeting Minutes
December 13, 2021, 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 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance. Selectman Arcudi took a moment of silence to the lives that were lost in the disaster that happened in the south of the Country recently.

7:00PM Pole Petition Public Hearing – Howard Street, *Michael Parent attending from National Grid*

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.) you are hereby notified that a **Public Hearing** has been scheduled for **Monday, December 13, 2021 at 7PM**, via Zoom Meeting based upon the petition of MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC., request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitions in the following public way or ways: **Howard Street**

National Grid respectfully request permission to install new pole 4-84 as shown on sketch for purpose of guying existing pole 4 Howard St. This proposed pole to be located on Town property with support anchor.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

Plan No. 29251325 Dated 11/19/2019

Chair Keyes read the Pole Petition Public Hearing Notice.

Selectwoman Hazard moved to open the public hearing at 7:06PM. Selectman Arcudi seconded the motion.

Michael Parent stated that the pole being discussed has a corner on it which makes it lean towards the opposite of the roadside, a pole across the street with an anchor would need to be placed to keep it from leaning onto or over the land. This anchor/guide pole is needed to offset the tension.

Chair Keyes noted that there were no Board member or public comments.

Selectman Arcudi moved to close the public hearing. Selectwoman Hazard seconded the motion.

Selectman Arcudi moved to grant the install new pole 4-84 as shown on sketch for purpose of guying existing pole 4 Howard St. This proposed pole to be located on Town property with support anchor. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Consent Items

Approval of November 22, 2021 Regular Minutes

Selectwoman Hazard moved to approve the November 22, 2021 regular minutes. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation of \$20.00 from Mary Arcudi and Joseph Arcudi to the Hopedale Council on Aging
The Select Board thanked Mary and Joseph Arcudi for their donation.

Selectman Arcudi moved to accept the \$20.00 donation Mary Arcudi and Joseph Arcudi to the Hopedale Council on Aging. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation of \$100.00 from Elmer Gross and Mona Gross to the Hopedale Council on Aging
The Select Board thanked Elmer and Mona Gross for their donation.

Selectman Arcudi moved to accept the donation of \$100.00 from Elmer Gross and Mona Gross to the Hopedale Council on Aging. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept the Donation of a Holiday Wreath from the Evergreen Center, John Morin.

Chair Keyes stated that John Morin has been associated with the Evergreen Center for 5-6 years and the Evergreen Center has been donating a holiday wreath to the Town for about 13 years. Chair Keyes had the honor of accepting the wreath from John and his helpers on Thursday. The Select Board is very grateful for John and the Evergreen Centers generosity.

Selectwoman Hazard moved to accept the donation of a Holiday Wreath from the Evergreen Center. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Green River Cannabis - Request for Host Community Agreement Extension, *Constant Poholek, CEO, Green River Cannabis*

Constant Poholek stated that he is looking for an extension of time on his host community agreement due to changing addresses of the business. He is currently at a continuance with the Zoning Board regarding his application. Poholek will be providing a site plan, the parking agreement, and a security plan at the next Zoning Board meeting where they will be discussing the Special Permit application for Green River Cannabis. Poholek stated that Green River Cannabis has a provisional license from the Cannabis Control Commission (CCC) however, they will need to send the CCC an address change application. Poholek will not be placing a change of address application with the CCC until the Hopedale Zoning Board has granted Green River the Special Permit. A community outreach meeting took place on December 2, 2021, for Green River Cannabis. Poholek requested a year's extension on Green River Cannabis' host community agreement to be operating. The Select Board stated that a year from today (December 13, 2022) is a reasonable request for an extension.

Selectwoman Hazard moved to extend the host community agreement for Green River Cannabis to December 13, 2022. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

2022 Annual ABCC License Renewals; Sign ABCC Retail Liquor License Renewal Certification (Applicants listed in Packet - Vote)

Selectman Arcudi stated that the Select Board received clarification that they can review and approve the applications by class instead of individually. Town Administrator Schindler stated that because all applicants are listed in the packet, the Board does not need to read off all applicants. Chair Keyes stated that he would like the Board to approve the licenses by license type.

Selectman Arcudi moved to approve Class I and Class II 2022 license renewals for D.C. Bates Equipment Co. Inc, Milford Auto Sales, Inc., Arthur Pigeon DBA A&S Detailing & Auto Sales, Costa Auto Group, Inc., Duest Motors, Lord & Son Auto Body & Paint, Off Lease Auto and Patriots Custom Auto, Inc. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to approve the Common Victualler 2022 license renewals for Christiano Pizza, Inc., Cumberland Farms, Inc., Michael Keromos, Inc DBA Maria's Pizza, Zong Ju Zou DBA Hong Kong House, Hopedale Donuts, Inc, Richard Yancey DBA Beyond Full and Hopedale Country Club, Inc. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Selectwoman Hazard moved to approve the All Alcohol 2022 license renewal (Restaurant or Package Store) for the Hopedale Country Club, Inc., 404 Main St Hopedale LLC (Mutual Mart) and J&M and Sons, Inc (Hopedale Package Store). Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi moved to approve the Non-Sunday Entertainment 2022 license renewal for the Hopedale Country Club, Inc. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

ABCC 2022 Seasonal Population Increase Estimation Form (Vote)

Town Administrator Schindler stated that this form will not change the quota/number of licenses granted by the ABCC. Selectman Arcudi stated that this document establishes how many additional licenses the ABCC would grant a Town and the timing of when the licenses would be issued, however, because Hopedale does not have an influx in tourism, Hopedale's quota for licenses will remain the same. Regardless, the item needs to be voted and the document signed.

Selectman Arcudi moved to approve the ABCC 2022 seasonal population increase estimation form. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

2022 Annual License Renewals, Class I, Class II, Class III, Common Victualler & Non-Sunday Entertainment (Applicants listed in Packet - Vote)

Executive Assistant Mercier stated that the Board has already voted to approve the licenses, however they still need to vote to approve the ABCC 2022 renewal certification, this document requires Select Board signature as well. This document is required by the ABCC and establishes which businesses have not renewed their liquor license for the upcoming year. Executive Assistant Mercier stated that all businesses that hold a liquor license have opted to renew for the year 2022.

Selectwoman Hazard moved to approve the ABCC license renewal certification for 2022. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Discussion regarding replacing current Town Counsel (Brian Riley - KP Law and Peter Durning - Mackie, Shea and Durning) with David Lurie of Lurie Friedman LLP (Vote)

Selectman Arcudi moved to raise this item for discussion. Selectwoman Hazard seconded the motion. Chair Keyes moved this item for discussion.

Chair Keyes stated that the chat function will not be acknowledged regarding questions or comments. For those that would like comment or ask a question to please use the raise hand function through zoom.

Selectwoman Hazard stated that this item was added to the agenda because on social media, it was made to seem as if the Board had already discussed this item and a decision was made. Selectwoman Hazard stated that was not the case and wanted to address it during open meeting. Selectwoman Hazard clarified that Attorney Lurie did not offer to become the Town's Counsel, he offered to represent the Town in the West St litigation for zero fee. Hazard stated that this is something the Town should consider. Chair Keyes stated that he did not state the Town made a discussed or made a decision on social media. Selectman Arcudi stated that the discussion tonight is regarding Attorney Lurie representing the Town regarding the litigation for West St., not to replace Town Counsel entirely. Currently, Attorney Peter F. Durning is representing the Town regarding the West St. Litigation. Selectman Arcudi stated that Attorney Brian Riley with KP Law is representing the Town with the 10 Citizen Lawsuit. Selectwoman Hazard clarified that when she chooses to share something on social media, she is only representing her own opinion. Hazard stated that it should be made clear that on social media, an elected official is sharing their own opinion and not sharing that of the Board they sit on. Regarding Attorney Lurie, Hazard stated that if the Board is not comfortable with replacing the current Counsel for West St, she would like the Board to consider current Town Counsel to have Attorney Lurie weigh in on the West St Litigation, essentially having both firms work together. Chair Keyes stated the due to past experiences with Attorney Lurie and the litigations he has been involved in with the Town, Keyes does not feel comfortable accepting Attorney Lurie as representation for the Town. Liz Reilly stated that Attorney Lurie is open to representing the Town in the West St. Litigation at no cost to the Town or give current Counsel advice in the West St. Litigation at no cost to the Town. Reilly stated that Attorney Lurie is open to discussing with the Board. Reilly also stated that Attorney Durning and Attorney Lurie have discussed the offer and litigation strategies already. Selectman Arcudi stated that what the Board is voting tonight to replace current Counsel, Attorney Durning with Attorney Lurie regarding West St. Litigation. Selectman Arcudi stated that if the Attorneys are already discussing litigation strategy, why would the Board vote to replace current counsel. The Board opened up the discussion to the public.

Multiple residents expressed wanting to accept the free legal counsel offered by Attorney Lurie for the West St. Litigation. Resident Ed Burt stated that if the litigation goes to the Surface Transportation Board, the Town would need to replace Attorney Durning's firm with a firm that is well versed with the Surface Transportation Board. Burt and Resident Rob Fahey stated that the Town should replace Attorney Durning with Attorney Lurie regardless of if the litigation gets to the Surface Transportation Board because they feel Attorney Lurie is more well versed with this type of litigation.

Resident Matthew Berger asked the Select Board if this is normal practice to let residents decide what the Select Board does regarding litigation. The Select Board confirmed that this is not normal practice, however, the Board wanted to give the residents an opportunity to hear both sides of the discussion. The three members of the Board will be making the decision.

Resident Tara Chambers stated that Chair Keyes does not come across as having an open mind when it comes to discussing replacing current Counsel and having Attorney Lurie represent the Town.

Selectman Arcudi shared his screen with the Select Board and public. The presentation provided by Selectman Arcudi his reasoning as to why he chose to vote on the settlement agreement, the presentation also had information and timelines regarding the litigation from start to current.

Resident Rob Fahey asked for clarification on what the agenda item is and what the Select Board is voting on tonight. Chair Keyes stated that the Select Board is able to amend a motion or pass over it. Selectwoman Hazard stated that she would like to amend the motion or pass over until the Board can discuss it more. Chair Keyes stated that the Board needs to vote on this item tonight. Some Resident's made additional comments regarding the West St litigation.

Selectman Arcudi moved to replace current West St. Counsel, Peter F. Durning with Lurie Friedman LLP. Selectwoman Hazard seconded the motion.

Arcudi – Nay, Hazard – Abstained, Keyes – Nay

Roll Call, Arcudi – Nay, Hazard – Abstained, Keyes - Nay

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

Resident Rob Fahey stated that he feels putting an industrial park next to the Parklands, referring to 364 West St will be a stain on this Select Boards record for ever. Fahey feels that the parklands will be forever changed once this industrial park gets installed. Fahey stated that other residents feel this way even though they may not be speaking at this meeting. Chair Keyes acknowledged Fahey's statements and responded that the 155 acres being discussed by Fahey have been zoned as industrial since the beginning. Keyes stated that it is unfortunate that Select Boards have not changed that in the past, but it is currently zoned as industrial. Selectman Arcudi stated that due to this, it was one of the weaker arguments the Town had when in front of the Judge. The Judge stated that however unfortunate it is, the Town zoned it as industrial it's not going to help the Town's case. Liz Reilly stated that she disagrees with the Judge's statement, and the Town does have a case.

Resident Chris Hodgen's stated that he feels if a Board follows what the Town's people wants, they will never be wrong. Hodgen's stated that the residents of Hopedale hold a lot of knowledge and the Select Board should lean into that.

Multiple residents feel that the Select Board and the citizens participating in the lawsuit should be working together.

Selectwoman Hazard stated that if any residents are would like to discuss any of her voting decisions, to please reach out to her via email. Hazard thanked the Friends of Historic Hopedale for putting on the holiday events. Chair Keyes thanked the Hopedale Police Department and Fire Department for putting on the Santa Parade.

Select Board Member Hazard – Update on Congressman Auchincloss Hopedale Visit, 11/29/21

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

Chair Keyes reviewed the correspondence items.

Responses to Request for Motion for Clarification and Emergency Order filed by Attorney Riley re: Reilly, et als. v. Town of Hopedale

Resident Question (Len Guertin) re Costs to the Town if the Town does not pursue the Right of First Refusal

Ed Burt stated that there is a calculation that you can do. He stated that clearing the area of the watershed could cost upwards of 1 million dollars. This is an impact of developing in the watershed. Burt stated that when the area loses the natural filtration, it will cost the Town.

Select Board Members FY22 public hours: <https://www.hopedale-ma.gov/home/bulletins/select-board-members-availability-meet-public>

Comcast/Xfinity – Price Changes & Updates

Xfinity – RE: Programming Advisory, effective December 17, 2021, Fuse HD will be added to Digital Preferred Tier Channel 1414 and FM HD will be added to More Sports & Entertainment Package channel 1638

Central Massachusetts Mosquito Control Project (CMMCP) – 2022 Commission Meeting Dates

Lurie Friedman LLP – RE: Grafton & Upton Railroad Company's IRAP Application

Green River Cannabis – Community Outreach Meeting Information

Request from Water/Sewer Commission For Outreach to GU RR Regarding Fly Ash Oversight

A/P Warrant #22-12, \$686,719.78, 12/2/21

P/R Warrant #22-12, \$799,787.58, 12/2/21

Future Agenda Items:

The joint meeting with the Board of Health was postponed to December 27, 2021 per the Board of Health's request.

Selectwoman Hazard moved to Passover the executive session. 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. (CB: Clerical; Call Fire).

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 10:54PM

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____