

**Board of Selectmen  
Regular Meeting Minutes  
November 23, 2020**

Present; Chair Keyes, Selectman Arcudi, Town Administrator Diana Schindler, Attorney Peter F. Durning

Chair Keyes convened the meeting at 7:01PM, on November 23, 2020.

Pledge of Allegiance

A. Consent Items

1. Approval of November 9, 2020 Regular Minutes

Selectman Arcudi made a motion to approve the November 9, 2020 Regular Minutes. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

B. Appointments and Resignations

1. Appointment of Karen Crebase to the Master Plan Steering Committee – Unexpired Term

Selectman Arcudi made a motion to appoint Karen Crebase to the Master Plan Steering Committee (Unexpired Term). Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

2. Resignation of Amy Lombardi, Hopedale Police Department, Part-Time Dispatch effective November 5, 2020 (letter attached)

Chair Keyes read the resignation letter from Part-Time Dispatch, Amy Lombardi. Police Chief, Mark Giovannella, thanked her for her time at the Hopedale Police Department.

Selectman Arcudi made a motion to accept the resignation of Amy Lombardi, Hopedale Police Department, Part-Time Dispatch effective November 5, 2020. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

3. Resignation of Christine Burke, Water/Sewer Commission (letter attached)

Chair Keyes and Selectman Arcudi thanked Christine Burke for her time, devotion and hard work to the Town of Hopedale. Chair Keyes read the resignation letter sent in by Christine Burke. Selectman Arcudi stated that he received a letter regarding a freedom of information act request pertaining to this resignation. Chair Keyes stated he also received the letter. The Town Administrator, Diana Schindler, confirmed that the Town has received these requests and open meeting law inquiries and are responding to all of these requests. Chair Keyes stated that Ed Burt, Chair of the Water/Sewer Commission, will have to address this letter/freedom of information request. The Town Administrator confirmed that this letter regarding the freedom of information act request can be read to the public as it is a public record.

Chair Keyes read the letter sent in by John Della Piscioli, in this letter Mr. Della Piscioli states that Christine Burke submitted her resignation dated October 30, 2020 for her elected position in the Town of Hopedale. However, it appears she filed for a change of residency on May 25, 2020. Mr. Della Piscioli's letter also stated that it appears she continued to serve on the Water and Sewer Commission after she had declared her residence

in a new community where she owned property. Mr. Della Piscoli asks in the letter under what authority was she allowed to attend and participate during Executive Sessions, since she was no longer a resident of Hopedale. Mr. Della Piscoli wants clarification if Christine Burke's votes during these sessions were legal.

Chair Keyes stated that Ed Burt, Chair of Water and Sewer Commission needs to investigate and respond to this request. Chair Keyes asked for an action item for Ed Burt and the Water and Sewer Commission to be placed on the next agenda to explain and clarify her resignation. Selectman Arcudi wants to know by next meeting what level of violation applies to the Board of Selectmen since they were unaware of this. Selectman Arcudi asked if Town Counsel is aware of this request. The Town Administrator, Diana Schindler confirmed that she will speak with Ed Burt and Town Counsel regarding this inquiry.

Selectman Arcudi made a motion to accept the resignation of Christine Burke, Water/Sewer Commission. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

### C. Public Hearing

**7:15 PM – National Grid respectfully request permission to install new pole 38-50 Mendon St as shown on this map. This utility pole is required in order to provide electrical service to Grafton Upton Railroad.**

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, November 23, 2020 at 7:00PM, via Zoom Meeting based upon the petition of MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC., 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 petitioners, in the following public way or ways:  
Mendon Street

To install new pole 38-50 Mendon Street as shown on this map. This utility pole is required in order to provide electrical service to Grafton Upton Railroad.

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. 29266012 Dated 7/20/2020

#### 1. Vote to Open Public Hearing

Chair Keyes called the public hearing to order at 7:18PM. Selectman Arcudi seconded.

Arcudi – Aye, Keyes – Aye

Present: Chair Keyes, Selectman Arcudi

#### 2. Public Comment

Chair Keyes opened the meeting for public comments. Selectman Arcudi asked the National Grid representative, Michael Parent, to clarify where the current pole is located that services the customer. Resident, Jason Macdonald stated that the pole is located near Cumberland Farms. Jason Macdonald asked if the pole that is being replaced will remain in the same place? Michael Parent responded that they are not moving the pole, they are replacing the current pole and adding a larger pole. Michael Milanowski clarified where the pole is located and where the new pole will be located. Michael Milanowski stated that this is the initiative of the electric company to replace old poles.

### 3. Vote to Close Public Hearing

Selectman Arcudi made a vote to close the Public Hearing. Chair Keyes seconded the vote.

Roll Call Arcudi – Aye, Roll Call Keyes – Aye

### 4. Board Decision and Roll Call Vote

Selectman Arcudi made a motion to install new pole 38-50 Mendon Street as shown on this map as described in tonight's meeting. This utility pole is required in order to provide electrical service to Grafton Upton Railroad. Chair Keyes seconded the motion.

Roll Call Arcudi – Aye, Roll Call Keyes – Aye

## D. New Business

### 1. Reaffirm unanimous vote on July 13, 2020 to support GU's IRAP application

Selectman Arcudi made a motion for discussion to reaffirm the unanimous vote on July 13, 2020 to support GU's IRAP application. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

## E. Old Business

### 1. Green Communities Designation, Fuel Efficient Vehicle Policy Adoption; *Mimi Kaplan, CMRPC*

Selectman Arcudi asked if this policy has been posted so other Town Departments are aware of what the Board of Selectmen are voting on and understand the policy. Karen Crebase, School Superintendent confirmed that the Schools are aware of this policy. Mimi Kaplan stated that the majority of Town Vehicles are exempt, they are either emergency vehicles or are over 8,500 lbs. in gross weight. This meaning that it will primarily affect the School Department.

Selectman Arcudi made a motion to approve the Green Community Designation, Fuel-Efficient Vehicle Policy Adoption. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

### 2. Right of First Refusal, 364 West Street; *Attorney Peter Durning*

Chair Keyes introduced Attorney Peter Durning and explained that Chair Keyes and himself were present at the hearing that took place today, November 23, 2020. Peter Durning provided an update to the board and the residents, from the last time that he was present during a Board meeting on October 30, 2020, when the Board voted to exercise the right of first refusal. Following that, on November 2, 2020 they served by certified mail, the notice of exercise and a draft purchase and sale agreement upon the Trustees of 140 Realty Trust. Attorney

Durning stated they then filed this notice of exercise in the Worcester County Registry of Deeds. Attorney Durning confirmed that there is ongoing litigation over the potential rights of the parties. Attorney Durning provided an update regarding events that happened over the weekend. GURR did file a petition for declaratory order and the Service Transportation Board in Washington D.C., which is a federal agency that is charged under the Interstate Commerce Commission Termination Act to have jurisdiction over transportation, by rail, and they are maintaining that that body should express an opinion as to the applicability of that federal law and the concept of federal preemption on the matter that is currently pending in the land court. There was a hearing this morning, November 23, 2020, before Judge Diane Rubin in Land Court. Attorney Durning thinks the rest of the discussion regarding the implications from this meeting is best discussed in Executive Session as that litigation is ongoing

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

Chair Keyes and Selectman Arcudi wished the residents a Happy Thanksgiving. Chair Keyes opened the meeting up for public comments. Chair Keyes addressed Ed Burt's comment in the Zoom Chat, regarding the resignation of Christine Burke. Chair Keyes stated that the Town Administrator will speak with him to discuss the resignation and he asked that the Water and Sewer Commission be on the next regularly scheduled meeting. A resident asked what documents were in the packet that Ed Burt is referring to, Ed Burt responded, that he pulled together some history regarding the public relations, experience, and correspondence with GURR. This information is public information. The Town Administrator clarified why a revote needed to be taken regarding the GU's IRAP.

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

1. Draper Mill – Demolition Progress and Updates

This item was passed over. A representative from the Worcester Business Community Development Corp – Draper Mill Update on Demo, Planning Activities, Market Studies will be at the next Board of Selectmen meeting to update the Town.

H. Requests for Future Agenda Items:

1. Selectman Arcudi requested that one meeting per month, he would like the Board of Health to be present to give an update regarding COVID-19.

I. Administrator Updates (In Packet)

J. Executive Session

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for reasons: (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 3, to discuss litigation strategy re: Town v. Jon Delli Priscoli, Trustee, et als**

Selectman Arcudi made a motion to adjourn the Regular Session and move into Executive Session regarding the matters Chair Keyes just read, not to return to Regular Session. Chair Keyes seconded the motion.

Roll Call Arcudi – Aye, Roll Call Keyes – Aye

Chair Keyes dissolved the meeting at 7:57M

*Submitted by:*

*Lindsay Mercier*  
*Lindsay Mercier, Executive Assistant*

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