

**Select Board  
Regular Meeting Minutes  
February 16, 2023, 5:00 p.m.**

Present: Chair Hazard, Selectman Stock, Selectman Keyes, Interim Town Administrator Nutting

Chair Hazard called the meeting to order at 5:00 p.m.

Chair Hazard read the executive session purposes below.

Selectman Stock motioned to move into executive session to discuss the purposes read by Chair Hazard; the Select Board will return to open session. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Executive Session(s):**

a. Move that the Board enter into executive session pursuant to Purpose 3, G.L. c. 30A, §21(a)(3) to discuss litigation strategy if an open meeting may have a detrimental effect on the litigating position of the public body (Marjorie Clinton et al v. Town of Hopedale, Worcester Superior Court, Civil Action No. 2385CV00037)

b. Move that the Board enter into executive session pursuant to Purpose 3, G.L. c. 30A, §21(a)(3) to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body (Collective Bargaining: Local 272 – Hopedale Highway, Water and Sewer)

c. Move that the Board enter into executive session pursuant to Purpose 3, G.L. c. 30A, §21(a)(3) to discuss litigation strategy if an open meeting may have a detrimental effect on the negotiating position of the public body (Berger v. Town of Hopedale)

The Select Board returned open session at 5:42 p.m.

**Consent Items**

Review/Approve Select Board meeting minutes – December 27, 2022 and January 9, 2023

Selectman Keyes motioned to approve the Select Board meeting minutes of December 27, 2022 and January 9, 2023. Selectman Stock seconded the motion.

Chair Hazard listed amendments she would like to be made to the meeting minutes of December 27, 2022 and January 9, 2023. Interim Town Administrator Nutting recorded the amendments.

Stock – Aye, Keyes – Aye, Hazard – Aye

Select Board acknowledgement of The Hopedale Foundation gift to Bancroft Memorial Library

Chair Hazard read the letter provided from Tricia Perry, Library Director. The Select Board thanked the Hopedale Foundation for their continued support and generosity to the Town.

Selectman Keyes motioned to accept the gift from the Hopedale Foundation to the Bancroft Memorial Library. Selectman Stock seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

### **Appointments & Resignations**

#### **Resignation of Call Firefighter Catherine D'Alessandro effective 2/17/2023**

Chair Hazard read the letter from Fire Chief Daige regarding D'Alessandro's resignation.

Selectman Stock motioned to accept the resignation of Call Firefighter Catherine D'Alessandro effective February 17, 2023. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

#### **Appointment of Part-Time Dispatcher McKealy Locklin effective 2/17/2023**

Chair Hazard read the letter from Police Chief Giovannella.

Selectman Stock motioned to approve the appointment of part-time dispatcher McKealy Locklin effective February 17, 2023. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

### **New Business**

#### **Amend Green River Cannabis Company Host Agreement**

Interim Town Administrator Nutting stated that he believes this is the final document agreed upon by both parties. Constant Poholek of Green River Cannabis stated that he has reviewed the final host agreement and approves of the terms therein.

Selectman Stock motioned to approve the Green River Cannabis Company host agreement. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Nay, Hazard – Aye, Motion Passed 2:1

#### **Consider/Accept Community Paradigm Associate's Town Administrator search "Position Statement"**

Selectman Stock motioned to accept Community Paradigm Associate's Town Administrator search "Position Statement". Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

#### **Consider warrant article to adopt Local Option Meals Tax**

Town Administrator Nutting informed the Select Board that 240 Towns across the Commonwealth have adopted a meals tax. Nutting stated that anything that is sold in restaurants or prepared would fall under meals tax. An example Nutting gave of what the meals tax would look like is if a person was to spend \$10, the meals tax would amount to 7 cents in meals tax, Nutting stated that the meals tax is very small per purchase but could bring the Town money. Nutting suggested adding this item on the upcoming warrant. The Select Board agreed this should be put on the upcoming warrant.

#### **Tree Warden - Discussion re: changing the position from elected to appointed**

Town Administrator Nutting stated that this is another item he is suggesting to be put on the upcoming warrant. Nutting suggested that possibly having someone from the DPW take on this position. Nutting

stated that this position is very time consuming. Becca Solomon, Tree Warden, spoke to the Select Board stating that other Towns have this position as an employee. Solomon stated that the largest obstacles she has faced in this position is communication and budget. She is hoping that if this position is changed from elected to appointed that at least the communication can be corrected by having someone at the Town Hall to answer residents' questions. The Select Board felt that this item should be on the upcoming warrant.

#### **Request from Development and Industrial Commission to establish Twitter and Facebook accounts**

Administrator Nutting stated that the Town does not have official Facebook accounts. Nutting continued that the Development and Industrial Commission would like to run this account themselves. The Select Board felt that the Town needs to create a policy for social media prior to approving Boards/Commissions create accounts. The social media accounts need to speak with a singular voice on all platforms. The Select Board denied the request for the Development and Industrial Commission to establish Twitter and Facebook accounts.

#### **Old Business**

#### **Consider and Vote on Proposed Order of Taking for Land at 364 West Street Pursuant to Article 1 of the July 11, 2022 Special Town Meeting**

Selectman Stock motioned to continue the litigation as directed from the Special Town Meeting on July 11, 2022. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Nay, Hazard – Aye, Motion Passed 2:1

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

#### **Correspondence and Select Board Informational Items (votes will not be taken)**

#### **Requests for Future Agenda Items**

Selectman Keyes requested to have the letter from the Town Administrator to the Zoning Board of Appeals on a future agenda, as well as having the Highway Superintendent return since his time was cut short at the previous meeting. Lastly, Selectman Keyes asked to have a discussion regarding a new bylaw for the upcoming warrant. The bylaw would be regarding maintenance of private ways.

#### **Administrator Updates**

#### **Information regarding May 9, 2023 Election schedule**

Selectman Stock motioned to adjourn. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Chair Hazard dissolved the meeting at 7:38p.m.

Submitted by:  
Lindsay Peterman

Board Approved: \_\_\_\_\_

**Select Board  
Regular Meeting Minutes  
March 13, 2023, 6:30p.m.**

Present: Chair Hazard, Selectman Stock, Selectman Keyes, Interim Town Administrator Nutting

Chair Hazard called the meeting to order at 6:30p.m.

**Consent Items**

**Accept \$38,500 donation from The Hopedale Foundation for Rustic Bridge assessment and engineering services.**

Chair Hazard stated that this item will be put on a future meeting to accept.

**Accept \$1,600 donation from anonymous donor to fund legal fees associated with West Street litigation.**

Chair Hazard stated that this item will be put on a future meeting to accept.

**Review/Approve Select Board Meeting Minutes – 9/21/2022, 10/11/2022, and 1/21/2021.**

Chair Hazard stated that Selectman Stock will not be able to vote on the 2021 meeting minutes because he was not yet a Select Board member.

Selectman Stock motioned to approve the minutes of September 21, 2022, and October 11, 2022.  
Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Selectman Keyes motion to approve the January 21, 2021, meeting minutes. Chair Hazard seconded the motion.

Keyes – Aye, Hazard – Aye

**Appointments & Resignations**

**Promotion of Call Firefighter Candidate Alec Kaminski-Miller to Call Firefighter**

Chair Hazard read the letter provided by Fire Chief Daige. The letter clarifies that March 14, 2023, would be the effective date of the promotion.

Selectman Stock motioned to approve the promotion of Call Firefighter Candidate Alec Kaminski-Miller to Call Firefighter effective March 14, 2023. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Promotion of Call Firefighter Candidate Andre Aureliano to Call Firefighter \*\***

Chair Hazard read the letter provided by Fire Chief Daige. The letter clarifies that March 14, 2023, would be the effective date of promotion.

Selectman Stock motioned to approve the promotion of Call Firefighter Candidate Andre Aureliano to Call Firefighter.

Stock – Aye, Keyes – Aye, Hazard – Aye

Resignation of Call Firefighter Candidate Tiana Lasorsa

Chair Hazard clarified that this resignation would be effective immediately.

Selectman Stock motioned to accept the resignation of Call Firefighter Candidate Tiana Lasorsa, effective immediately. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

New Business

Endorsement of Hopedale Booster Club 5K Run/Walk, May 20, 2023

Chair Hazard read the letter submitted by the Hopedale Booster Club.

Selectman Stock motioned to endorse the Hopedale Booster Club 5K run/walk on May 20, 2023. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Announce Annual Town Meeting May 16, 2023, Open the Warrant, and Announce Warrant Closing Date of April 20, 2023

Interim Town Administrator Nutting suggested that the Select Board open the warrant at 10:00 a.m. on March 14, 2023, and close the warrant at 3:00 p.m. on April 20, 2023. Nutting continued that the Select Board reserves the right to reopen the warrant and close if another item comes to light.

Selectman Stock motioned to open the Annual Town Meeting warrant on March 14, 2023, at 10:00 a.m. and close the warrant on April 20, 2023, at 3:00 p.m. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Meeting with the Park Commission Regarding Town Park Renovation Project

Park Commission Chair, Mike Reynolds, provided a presentation regarding the Hopedale Town Park revitalization plan. Reynolds stated that the Park Commission has not made any capital improvements to the parks but they have been maintaining them to the best of their ability. Reynolds stated that the Park Commission worked with Tighe and Bond to obtain a proposal for possible updates to the Town Park. Reynolds reviewed the problem areas within Town Park and the “band aid” corrections the Park Commission has made i.e., the tennis courts, the retaining wall, the drainage and electrical, field and band stand. Reynolds continued that the Tighe and Bond proposal involves updating unsafe areas of the park and correcting the drainage issues that are causing unsafe conditions. Reynolds shared an image of what the updated Town Park will look like and noted that the project cost of the improvements is \$3.8 million, 30% of which is contingency for unexpected findings. Regarding financing this project, the Park Commission is looking into Town borrowing, CPA funds, potential grants, and donations/matching gifts. Mike Leduc, Reynolds stated that the project will take about 16 months and Tighe and Bond advised the Park Commission not to do this project in phases as that is likely to increase overall costs. Reynolds stated that the Park Commission is aware of the Town’s financial challenges, but these improvements are critical, noting that the tennis team plays their matches in Worcester because of the tennis courts are unusable. The Park Commission would like this item to be put at the Town Meeting and see what the

residents vote. Chair Hazard agreed that these updates are necessary for the Town Park, however, the funding is questionable with the current state of the Town budget. Town Administrator Nutting noted that the Community Preservation Committee has begun their work and the Park Commission should collaborate with them. Nutting encouraged the Park Commission to continue to look for funding sources and suggested that possibly in a few years the Town will be able to assist with funding.

**Review/Approve Memorandums of Agreement with (1) Clerical Personnel and (2) Highway, Water & Sewer Personnel**

Selectman Stock motioned to approve the Memorandum of Agreement between the Town of Hopedale and the Clerical Personnel on behalf of Public Employees Local 272. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

Selectman Stock motioned to approve the Memorandum of Agreement between the Town of Hopedale and the Hopedale Highway, Water and Sewer personnel on behalf of Public Employees Local 272. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Review/Approve Contract with Tighe & Bond for Phase I Safety Inspection and Emergency Action Plan for Spindleville Pond Dam; Vote to fund contract from ARPA funds (\$12,500)**

Selectman Stock motioned to approve the contract with Tighe & Bond for phase I safety inspection and emergency action plan for Spindleville Pond Dam and vote to fund the contract from ARPA for \$12,500. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

**Old Business**

**Consider and Vote on Proposed Order of Taking for Land at 364 West Street Pursuant to Article 1 of the July 11, 2022, Special Town Meeting**

Selectman Stock motioned to vote on the proposed order of the taking for land at 364 West Street pursuant to Article 1 of the July 11, 2022 Special Town Meeting. Selectman Keyes seconded the motion.

Stock – Aye, Keyes – Nay, Hazard – Aye; Motion Passed 2:1

**FY 2024 Budget Discussion and possible vote on Proposition 2 ½ Override and allocation of budget reductions for General Government and School Department**

Town Administrator Nutting informed the Select Board that the Finance Committee is reviewing all Department budgets and will be completed on March 20, 2023. This is the first round of budget reviews; once the finance committee has completed reviewing, they will brainstorm how to make ends meet. Administrator Nutting suggested doing a two-thirds/one-third (School Department/Town Departments) budget, and to spread budget cuts equally. Nutting noted that it is the Select Board's responsibility to determine the amount of override the Town will be requesting from voters asked that the Board establish that number tonight. With that information, he and the Finance Committee can work towards a balanced budget; the Schools need this information as well to develop their budget. Selectman Keyes stated he is not agreeable to cutting the Schools, Police or Fire budgets unless the Department Head gives him

approval, and that he is also reluctant to close the Bancroft Memorial Library. Nutting responded that the Town owes it to the citizens what the budget cuts will be and the associated repercussions with and without an override. Nutting urged the Select Board to provide a starting point tonight. Chair Hazard expressed that while it is not ideal to cut the budgets of the School, Police and Fire Departments, the Town is one community sharing one problem. She stated that she will likely support an override, however, the Select Board needs to see what all the options are, especially if the override does not pass. Selectman Stock stated he is open to following the Town Administrator's suggestion of a two-third School/one-third Town budget. Superintendent of Schools, Karen Crebase stated that the School Department's budget is \$14 million, however, \$7 million comes from the State. Crebase stated that a two-thirds/one-third approach to budget cuts would have large impact on the School Department. Town Administrator Nutting explained that the two-thirds/one-third recommendation was created by taking the overall budget, minus expenses attributable to both the Town and Schools i.e., Blackstone Valley Tech, interest on debt, pension and health insurance costs and much more. The remaining budget for the Town is \$6.5 million and the School is \$14 million, so viewing this in a mathematical way the two-thirds/one-third approach makes sense. Nutting noted that this is the very beginning of the budget process and he is open to other ideas.

Selectman Stock motioned to do a 60% School/40% General Government budget reduction. Chair Hazard seconded the motion.

Stock – Aye, Keyes – Aye, Hazard – Aye

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

Selectman Stock informed the Select Board and meeting participants that there is a retaining wall on Dutcher Street that is on the verge of falling and he is concerned that this wall will fall on a resident. Stock stated that the wall is not Town-owned so the Owner needs to be notified that it must be corrected. Tim Watson informed the Select Board that the Highway Department discussed this at their last meeting and are notifying the Owner and, if the Owner does not take corrective action the Highway Department will correct it and send the Owner an invoice.

#### **Correspondence and Select Board Informational Items (votes will not be taken)**

- a. Letter from DEP re: new water tank
- b. Attorney General Decisions regarding November 22, 2022, Special Town Meeting
- c. Central MA Regional Planning Commission Traffic Count Program
- d. Letter to Green River Cannabis Company authorizing Virtual Web-Based Community Meeting (and associated MGL requiring such authorization)

Chair Hazard read the correspondence items stated that the correspondence items are provided in the meeting packet.

#### **Executive Session(s):**

- a. Move that the Board vote to enter Executive Session, pursuant to Purpose 7, to act under the authority of a general or special law, specifically the Open Meeting Law, G.L. c.30A, Section 22(g), to review and approve executive session minutes of February 16, 2023
- b. Move that the Board vote to enter into Executive Session pursuant to Purpose 3, G.L. c. 30A, §21(a)(3) to discuss litigation strategy in that an open meeting may have a detrimental effect on the negotiating position of the public body, and the Chair so declares (Berger v. Town of Hopedale)
- c. Move that the Board vote to enter into Executive Session pursuant to M.G.L. c.30A, § 21(a)(3), to discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigation position of the Town, and the Chair so declares, in matters captioned Town of Hopedale v. Jon

**Delli Priscoli, Reilly v. Town of Hopedale, and Grafton & Upton Railroad v. Town of Hopedale.  
Attorney David Mackey from Anderson Kreiger LLP will be present.**

**Chair Hazard read the executive session purposes above, stating that the Select Board will not reconvene to open session.**

**Selectman Stock motioned to enter executive session per the purposes read by Chair Hazard, not to reconvene in open session. Selectman Keyes seconded the motion.**

**Stock – Aye, Keyes – Aye, Hazard – Aye**

**The Select Board entered executive session at 9:18p.m.**

**Chair Hazard dissolved the regular meeting at 9:18p.m.**

**Submitted by:  
Lindsay Peterman**

**Board Approved: \_\_\_\_\_**



## Supreme Judicial Court Declares Public Comment Policy Unconstitutional

March 8, 2023

On March 7, 2023, the Massachusetts Supreme Judicial Court issued its much-anticipated decision in Barron v. Kolenda, SJC-13284 (“Southborough”) concerning the constitutionality of a select board policy addressing participation during “public comment” periods of its meetings. The Court concluded that the policy, which sought to implement standards of civility for public comment periods by limiting critique and rude or disparaging remarks, violated Articles 19 and 16 of the Massachusetts Declaration of Rights. In short, the Southborough court observed that “[a]lthough civility can and should be encouraged in political discourse, it cannot be required.” This case has important implications for public bodies.

By way of background, in Southborough, the Select Board held a public meeting which included a public comment period. At the beginning of the public comment period, the Chair referenced the Board’s public comment policy, which required, in part, that all public comments be “respectful and courteous, [and] free of rude, personal or slanderous remarks.” During that portion of the meeting, an attendee held up a sign criticizing the Board for violating the Open Meeting Law and spending frivolously, and, when recognized by the Chair, made comments critical of the Board. The Chair requested that the attendee not slander volunteer public officials and informed the attendee that the Board would take a recess if the attendee continued. The attendee then proceeded to twice refer to the Chair using the name of a reviled historical figure. During a meeting recess, a video of the meeting showed an apparent animated exchange between the Chair and the attendee, during which the Chair threatened to remove the attendee. The attendee then left the meeting.

The Southborough court analyzed both the 19th and 16th Articles of the Massachusetts Declaration of Rights, which provide rights analogous to the First Amendment to the U.S. Constitution. The Court reviewed the history of discourse at public meetings dating back to the Revolutionary War era, noting that such meetings were at times rancorous and discourteous. Article 19 confers upon the public the rights to assemble and petition the government regarding their grievances. In its decision, the Court concluded that the right to assembly and to petition the government extends to persons making statements during a public comment period at a meeting.

The Court further concluded that Article 19’s reference to assembling in an “orderly and peaceable manner” is not the equivalent of a “polite and courteous” discourse. The Court stated, essentially, that regulation of a public comment period can only be accomplished through reasonable “time, place, and manner restrictions” permitted under the First Amendment. The Court also analyzed Article 16, which protects the rights of free speech, and applied a strict scrutiny standard in concluding that the Select Board’s “civility code” unconstitutionally regulates

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protected political speech. The Court held that the public comment policy also appeared viewpoint-based in that the policy appeared to allow praise of public officials but not criticism.

While this case did not examine the application of the Open Meeting Law, the Court seemed to premise its conclusions on the fact that the Board invited public comment by including “public comment” on its meeting agenda. Once public comment was included as an item for discussion during the meeting, the Court concluded that constitutional considerations applied to the Board’s efforts to regulate public comments.

We encourage municipalities to review the form and practice of their public comment policies, ensuring that there is no attempt to regulate civility, rude or disparaging remarks, or other content-based criticisms of public officials. In our view, public comment policies may continue to regulate, for example, content-neutral time limits for public comments, the duration of the public comment period as a whole, at which part of the meeting the public comment will occur, individual speaking time limits, rules preventing speakers from speaking over others, and acting in a non-peaceable and disorderly manner.

In summary, state law does not require municipalities to provide public comment periods during board and committee meetings. Some charters and special acts do require such public comment periods, however. Each municipality should review its governing documents to determine whether public comment is mandated. To the extent that public comment is permitted, the rights of individuals participating will be protected by Articles 16 and 19 of the Massachusetts Declaration of Rights. For these reasons, following the decision in Southborough, great care should be taken to ensure that any regulation of public comment periods is limited to reasonable time, place, and manner restrictions, rather than mandated civility, or other content-based, restrictions.

The scope and extent of the Southborough case cannot be fully anticipated. This area of law will both rapidly evolve and require ongoing analysis.

In the meantime, please contact your KP Law attorney with any specific questions.

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## **TOWN OF HOPEDALE**

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### **Select Board**

Glenda A. Hazard, Chair  
Bernard J. Stock  
Scott M. Savage

### **Town Administrator**

Jeff Nutting  
Interim Town Administrator

May 17, 2023

To: Select Board  
From: Jeff Nutting, Interim Town Administrator  
Re: Court Decision re: Public Comment Policy

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Given the recent Supreme Judicial Court decision regarding restricting comments from the public at board and committee meetings (see KP Law eUpdate, attached), the Board may wish to adopt a policy in this regard.

Below is a Draft Policy:

**Public Comments – The Hopedale Select Board encourages citizens to attend its meetings and welcomes their views on pertinent subjects. Anyone may comment for up to three minutes during the Public Comment portion of the agenda regarding an issue that is not on the agenda. However, given that no public notice of the topic has been provided, the Select Board will not engage in discussion. The Select Board will give your issue appropriate consideration.**

**Anyone may also comment during any agenda item for up to three minutes.**

In light of the recent court decision, it is recommended that the Select Board adopt this, or a similar, policy. Once adopted, we will advise other boards and committees and suggest they do the same.



## **TOWN OF HOPEDALE**

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**Select Board**  
Glenda A. Hazard, Chair  
Bernard J. Stock  
Scott M. Savage

**Town Administrator**  
Jeff Nutting  
Interim Town Administrator

**May 17, 2023**

**TO:** Select Board  
**FROM:** Jeff Nutting, Interim Town Administrator  
**RE:** a. Open Space and Recreation Plan Administrative Requirements  
b. Designate the Town Administrator as the Americans with Disabilities Act (ADA) Coordinator.

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With assistance from the Central MA Regional Planning Agency, the Town is preparing an Open Space and Recreation Plan.

Open Space and Recreation Plans are a tool through which a community plans for the future of its conservation and recreation resources. A review of all such facilities and resources is required, including a review of the accessibility of each facility. A thorough public participation process and identification of recreational and open space needs and opportunities are also required.

Once approved by the State, the community becomes eligible for Division of Conservation Services grant programs for up to seven years.

In conjunction with the accessibility review, the Town must adopt an Equal Access to Facilities and Activities Grievance Policy.

The attached Policy is modeled on the sample provided by DCS; the Select Board is asked to adopt this policy.

In addition, the Select Board is asked to designate the Town Administrator as the Americans with Disabilities Act (ADA) Coordinator.



**TOWN OF HOPEDALE  
POLICY REGARDING EQUAL ACCESS TO FACILITIES AND ACTIVITIES  
GRIEVANCE PROCEDURE**

Maximum opportunity will be made available to receive citizen comments, complaints and/or to resolve grievances or inquiries regarding the accessibility of the Town of Hopedale's conservation and recreation programs and facilities.

**STEP 1:**

The Town Administrator will be available to meet with citizens and employees during business hours.

When a complaint, grievance, request for program policy interpretation or clarification is received either in writing or through a meeting or telephone call, every effort will be made to create a record regarding the name, address and telephone number of the person making the complaint, grievance, program policy interpretation or clarification. If the person desires to remain anonymous, he or she may.

A complaint, grievance, request for program policy interpretation or clarification will be responded to within ten working days (if the person making the complaint is identified) in a format that is sensitive to the needs of the recipient, (i.e. verbally, enlarged type face, etc.).

Copies of the complaint, grievance, request for program policy interpretation or clarification and response will be forwarded to the appropriate Town agency (i.e. Parks Commission, Conservation Commission). If the grievance is not resolved at this level, it will be progressed to the next level.

**STEP 2:**

A written grievance will be submitted to the Town Administrator. Assistance in writing the grievance will be available to all individuals. All written grievances will be responded to within ten working days by the Town Administrator in a format that is sensitive to the needs of the recipient, (i.e. verbally, enlarged type face, etc.). If the grievance is not resolved at this level, it will be progressed to the next level.

**STEP 3:**

If the grievance is not satisfactorily resolved, citizens will be informed of the opportunity to meet and speak with the Select Board for a final decision and resolution of the matter.

**ADOPTED BY THE TOWN OF HOPEDALE SELECT BOARD**

\_\_\_\_\_  
Glenda Hazard, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bernard Stock

\_\_\_\_\_  
Scott Savage

## **ORDER OF TAKING**

WHEREAS, the Town of Hopedale, a municipal corporation, *acting by and through its Select Board*, with an address of 78 Hopedale Street, Hopedale, Massachusetts 01747 (the "Town") hereby certifies that the Town did vote to acquire by purchase, eminent domain or otherwise, the fee interest in the land known as a portion of 364 West Street, Hopedale, Worcester County, Massachusetts, containing 130.18 acres, more or less, which is classified as Forest Land under Chapter 61 of the General Laws, and shown on the plan attached hereto as Exhibit A (the "Plan") as "Map 2, Block 5, One Hundred Forty Realty Trust, Chapter 61 Forest Land Parcel-130.18 Acres" (the "Property"), which Property excludes the areas shown on the Plan as "Railroad Right of Way" and "Map 2, Block 5, One Hundred Forty Realty Trust, Excluded Wetlands – 25.06 Acres";

WHEREAS, the Select Board has deemed that public necessity and convenience require that it should take charge of and take by eminent domain a fee interest in the Property to maintain and preserve the Property and the forest, water, air, and other natural resources thereon for the use of the public and for conservation and recreation purposes to be managed under the control of the Hopedale Parks Commission;

WHEREAS, the taking was authorized by a two-thirds vote at the 2022 Special Town Meeting held on July 11, 2022, pursuant to Article 1, a certified copy of which vote is recorded herewith; and

WHEREAS, the Property is currently owned by Michael R. Milanoski and Jon Delli Priscoli, Trustees of the One Hundred Forty Realty Trust, u/d/t dated September 16, 1981 and recorded in the Worcester South County Registry of Deeds (the "Registry") in Book 7322, Page 177, by virtue of a deed recorded with the Registry on June 11, 2021 in Book 65363, Page 65.

NOW, THEREFORE, we, the undersigned Select Board of the Town of Hopedale, acting herein under the authority conferred on us by Chapters 40 and 79 of the General Laws, do hereby adopt this Order of Taking to take, on behalf of the Town, a fee simple interest in all of the Property.

AND FURTHER ORDERED that included in this taking and without limiting the provisions of the foregoing, said taking includes all trees, bushes, vegetation, roadway improvements and all structures located thereon, including but not limited to structures for the collection of storm drainage and sewerage, but not including wires, cables, poles, towers, pipes, conduits and other appurtenances for the conveyance of gas, electricity, cable television or telephone communication located in or upon the Property, and not including railroad tracks or appurtenant loading structures currently in place on the Property.

AND FURTHER ORDERED that no betterments are to be assessed under this Taking.

AND FURTHER ORDERED that in accordance with the provisions of M.G.L. Chapter 79, as amended, an award of Four Million Four Hundred Thousand Dollars (\$4,400,000.00) is made.

AND FURTHER ORDERED that a representative of the Town shall record this Order of Taking in the Registry within thirty (30) days from its final passage, shall notify the Treasurer and Collector of Taxes in the Town of Hopedale of this taking in accordance with M.G.L. Chapter 79, and shall cause notice of the taking to be given to all persons entitled thereto and do all things necessary for the validity of this Order of Taking.

[Signatures to appear on next page.]

IN WITNESS WHEREOF, we, the Select Board, have executed this Order of Taking this 22<sup>nd</sup> day of May, 2023.

**TOWN OF HOPEDALE  
SELECT BOARD**

\_\_\_\_\_  
Glenda A. Hazard, Chair

\_\_\_\_\_  
Bernard J. Stock

\_\_\_\_\_  
Scott M. Savage

**COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF WORCESTER**

On this 23<sup>rd</sup> day of May, 2023, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, members of the Select Board for the Town of Hopedale, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires: