

**Select Board
Regular Meeting Minutes
May 9, 2022, 7:00 PM**

Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler
Chair Keyes called the meeting to order at 7:00 p.m. Chair Keyes began the meeting with the Pledge of Allegiance.

Legislative Citations from Senate and House of Representatives presented to Louis J. Arcudi, III, in Recognition of His 31 years of Service to the Town of Hopedale, presented by Representative Brian W. Murray

Chair Keyes thanked Selectman Arcudi for his long tenure with the Town of Hopedale. Representative Murray read the citation dedicated to Selectman Arcudi.

Consent Items

Approval of April 25, 2022 Regular Minutes

Selectman Arcudi moved to approve the April 25, 2022 Regular Minutes. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Accept Donation from Seven Hills Foundation of \$5,000

Selectwoman Hazard moved to accept the donation from Seven Hills Foundation of \$5,000. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments & Resignations

Appointment of George Leurini as a Full-Time Police Officer to the Hopedale Police Department, effective June 6, 2022

Selectman Arcudi moved to appoint George Leurini as a Full-Time Police Officer to the Hopedale Police Department, effective June 6, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Resignation of Reserve Officer Joseph Houde from the Hopedale Police Department, effective April 30, 2022

Selectman Arcudi moved to accept the resignation of Reserve Officer Joseph Houde from the Hopedale Police Department, effective April 30, 2022, after 15 years of service. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

New Business

Address Open Meeting Law Complaint Received from Elizabeth Reilly

Town Administrator Schindler provided the response from Town Counsel pertaining to the open meeting law complaint received from Elizabeth Reilly. Town Administrator Schindler stated that the complaint addresses some concerns pertaining to executive sessions the Board has held, Schindler stated the detailed complaint was in the meeting packet if the public wishes to review it. Town Counsel responded to the Attorney General's Office stating that the Town does not have a violation and the Town has a right to enter executive session for a litigation strategy.

Hopedale Boosters Club 12th Annual Hopedale Blue Raider 5K Run/Walk – Saturday, May 14, 2022 at the Hopedale – Jr-Sr High School (Vote to Approve)

Selectwoman Hazard moved to approve the Hopedale Boosters Club 12th Annual Hopedale Blue Raider 5K Run/Walk – Saturday, May 14, 2022 at the Hopedale – Jr-Sr High School. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Juneteenth Holiday, June 19, 2022. Town Hall will be closed on Monday, June 20, 2022.

A vote is not required for this item. Chair Keyes asked that the Town Administrator’s Office give the public ample notice that the Town Hall will be closed on Monday, June 20, 2022.

Review Draft Annual Town Meeting warrant

Town Hall Administrator Schindler stated that this is the first view of annual warrant, with articles added for Water/Sewer and CPA. Town Hall Administrator Schindler stated that there will be not vote taken at tonight’s meeting, the final warrant will be voted on at next week’s meeting. (I could of added the recap32:59)

Old Business

Address GU RR IRAP Grant Request for 364 West Street, Michael Milanowski, President, GU RR

The IRAP Grant: Selectman Keyes stated, “this is the second IRAP grant request, the first was approved and then reapproved,” and then asked the board if they had questions. Selectwoman Hazard apologized, as she had not read it. Milanowski stated, “this is the identical IRAP application that was submitted in September of 2021 that the Board had tabled until the litigation had been resolved and the litigation has been resolved and they (the board) asked them (GU RR) to go back on the agenda for approval. The only thing that changed in this is the dates, and Glenda, when she read it in detail pointed out typos related to Upton. There was an inadvertent copy and paste and those have been removed. This is for the same scope of work, the same timing.”

Application: According to Mr. Milanowski, “All the work will occur in the existing right of way the railroad has owned since 1890. With that they will be putting in two sidetracks adjacent to the main: One on each side. This will allow us to properly store railcars and avoid occasionally having to store those behind residential houses down in Hopedale as they have done in the past. This will also allow us future expansion, but it is needed for the operational growth of the railroad.”

Approval Request: Mr. Milanowski continued, “What the state likes to have is to make sure the board is aware of what is going on, and to have the boards concurrence with the railroad for this application. This is also consistent with the settlement agreement that the board has approved.” Chair Keyes responded that “they are not authorizing the grant action itself. To Mr. Malinowski’s point, it is literally just local oversight in regard to.” Selectman Arcudi interjected he, “had questions and would make a motion to put it into discussion.” He made a motion to approve the letter of support to grant the IRAP support for 364 west street up for discussion.

Voting Reservations: Selectwoman Hazard stated she, “would appreciate not voting tonight,” until she had a chance to read it. Chair Keyes seconded the motion to put it up for discussion and asked Selectwoman Hazard to clarify her objection to talking about it. Selectwoman Hazard clarified, “we can talk about it, but was objecting to voting on it.” Chair Keyes responded that “you didn’t second the motion, so why don’t you want to talk about it, at least we are in discussion then.”

Chapter 61: Selectman Arcudi stated, “If we back up, I want you to repeat it to make sure I understand it correctly. This particular addition of adding the sideline for the two rails, is land that is already owned by the railroad, forget anything newly acquired by chapter 61?” Mr. Milanowski stated, “the railroad has owned it since 1890”. Selectman Arcudi responded “What you’re asking to do is to add two runs around the tracks with switches and everything so that if chapter 61 never happened you would still be requiring this expansion anyways?” Mr. Milanowski responded, “this is correct.” Selectman Arcudi, further clarified that “if chapter 61 would not have happened you would still be requiring this land to do the expansion?” Mr. Milanowski responded, “the railroad, given the growth that has occurred, needs additional railcar capacity to switch the railcars in and out and have the engine go from the front to the back of the railroad, so the answer to that is yes. Chair Keyes stated “Mr. Malinowski’s point is even if we weren’t in any litigation or dispute, you would still be coming in front of the board asking for this and there would be no reason to deny this as it is expansion on your land and not any land that is in dispute. Correct?” Mr. Milanowski stated, “that is correct.”

Delay: Selectman Arcudi said, “my final question is why did we delay this in the first place even before? I know we said it was because of litigation. Is it because we did not want to conflate the two issues whereas one has nothing to do with the other? I want to make sure that if this is granted tonight that we are not being accused of continuing with the issues that people may or may not have with chapter 61 land. Why did we wait?” Mr. Milanowski responded, “that was a decision of the board, it was a surprise to us that the board was going to wait last time because again all of the work that was going to occur was going to occur in the existing right of way.”

Future Expansion: Mr. Milanowski stated, “Of course at some point once we have that work there, we can expand on that in the future, but that’s not what the project was. It was the board’s decision to see how the litigation was going to play out. Now the litigation is over. That was the only thing that was brought to our attention as to why it was delayed. In the settlement agreement it does speak to the board supporting federal and state grants that create jobs and more revenue into the state of MA and Hopedale.” Chair Keyes responded, “Playing with the hypothetical that the board is going to raise a new motion and lawsuit disputing the settlement agreement, it is a completely separate entity and animal to this exercise.” Mr. Milanowski stated, “that is correct, we need additional capacity no matter what.”

Voting on the Issue: Chair Keyes stated, he “believed the litigation had been held up long enough and in the event that the future board would be victorious has no impact toward this approval. I appreciate your sensitivity Glenda towards this issue, but I do not see a reason not to vote on it. Mr. Arcudi is leaving so why push it?” Selectman Arcudi asked, “if there are other questions.” Selectman Hazard stated, “it is hard for me to have questions when I haven’t had the chance to read the revised addition.” Selectman Arcudi stated he is fine in voting, as he has read it the addition presented awhile back and this one, and the only edit was taking the Grafton out and replacing it. Selectman Arcudi stated, “I think what she is saying Brian is us voting on this does not change or hinder the next boards opportunities to place future lawsuits as it is regarding the railroads own land. We should have voted on this well in advance from today. Maybe it is my fault for delaying it. We should not conflate it together.” Chair Keyes stated, “that if the town wins all of the land in dispute it doesn’t change a thing, with the endorsement of this exercise.”

Grant Specifics: Carol Mullen asked how much the grant is for and the location of the instillation of these particular rails. Mr. Milanowski responded “the total grant is \$837,000 the railroad will spend \$337,000 and the state matches 60% which is 500,000. The length of the track is 3,700 feet. This will take place in land within the town of Hopedale but again within the right of way in the railroad.” Carol Mullen further questioned, “Where?” Mr. Milanowski responded by the existing right of way next to the track, up around the 18 acres and the West Street property that is up in north Hopedale. They will be added on each side of the rail, parallel to the rail.”

Changing Board: Fahey responded that he had a couple comments, “the board is changing tomorrow, and a lot of votes are happening toward the end of Mr. Arcudi’s term, given the nature of the request that in the future that this track improvement will be associated with the 360-plan development. Let’s be real, this track expansion, Mr. Milanowski stated, that in the future this would be used for 364 West Street for the planned development there. I think it’s a little disingenuous to say, this would have been done anyways. I do not believe that is the case. I don’t believe this would have been done in this location if the 364 West Street development wasn’t underway, given the nature of what this has gone through in the past three years. I don’t think the board should vote when it is going to be changing. I don’t think it looks good.” Chair Keyes responded, “I appreciate your comments as always, it’s the same comment meeting after meeting to be honest with you.” Mr. Fahey responded, “No it’s not the same comment, I am saying something different regarding this particular topic.” Chair Keyes responded, “I have heard the board is changing comment for a month now, you did say you would allow me to reply if I may.” Mr. Fahey responded “okay, but don’t say I’m bringing up the same comment day after day.” Chair Keyes responded, “Selectman Arcudi is still an active member on the board. There is literally no impact to the land that is currently up in litigation, and the litigation is over, to Mr. Malinowski’s point. If the new board wants to file a lawsuit, they may do that, but it will not affect the IRAP grant. The grant is due for track expansion on land that is not in dispute. There is no reason for me to sit here and withhold as we have tabled this for over a year. Whether this was his last meeting, or he had ten more left.”

Warehouse Information: Mr. Fahey responded, “let’s take it more granular, there is warehouses on either side of this track expansion. Are those going to be on the 364 West Street land or the land that is owned by the railroad.” Mr. Milanowski replied, “we do not build warehouses on railroad right of way.” Mr. Fahey then stated, the depiction on the plan of development shows on the IRAP grant, the of the warehouse right next to those rail expansions, correct?” Mr. Milanowski replied, “its outside of the right of way, it’s in the 360 West Street Property.” Mr. Fahey then responded, “those are adjacent to those track expansions, correct?” Mr. Milanowski responded, “No, what ended up happening is off of these tracks, tracks will be built off of the site to serve any buildings in the future.”

Mr. Fahey then responded, “I think its disingenuous to say...” Mr. Milanowski then interjected, “Again if I could say that this has been in front of the board since September of last year, within the existing right of way. It is needed for the railroad whether you believe it or not Mr. Fahey. The railroad is expanding every year we are doing double digits. Those railcars have to go somewhere. I personally as the president of the railroad am trying to avoid leaving them on the mainline where I have a right to do, behind people’s houses. That means I need additional track capacity. This addition of 4000 square feet plus or minus is that additional storage capacity that is needed today. Yes, at some point in the future we are going to be moving forward to develop buildings in the 360 West Street and those will have additional track connecting from the main line and these sidetracks to those buildings in the future. But that is not part of the grant today.” Selectman Arcudi then asked, “What I hear you saying, On the page with the four tracks, what Mr. Fahey was talking about with the warehouses off to the side, what you’re asking for in the grant has nothing to do with those warehouses? That is a future expansion that this board is not voting on.” Mr. Milanowski responded, “that is correct.

Selectman Arcudi then said, “If the lawsuit were to proceed, you wouldn’t be putting those warehouses in until those lawsuits are basically exhausted by the future board. These two tracks on each side are the only two you’re asking for, and it’s outlined in the IWRAP description. Why would the railroad have put the four on there with the warehouses? I think that is where the confusion is.” Mr. Milanowski responded, “We are not asking for approval of the warehouses, were just showing the later phases when we do build additional track off of these main tracks that they will have warehouse locations.

What you see in this sketch is nothing more than one scenario. There will be additional track going into those warehouses, probably going into the building and the tracks going through the building. Again, that is a future phase that is still under design, that we have our engineers working on. We hope to start construction on that later this summer but again that is the warehouse section, that’s a future development. That is not what we are asking the board’s approval for as part of this IWRAP. We will follow the settlement agreement to the letter of the law as agreed to that does contemplate warehouse development in the park but is separate and distinct from the IWRAP.

IRAP Requirements: Town administrator Schindler then asked, “in the grant application you are asked if there are engineered plans, and what permitting is required and what has been completed? It says a professional engineering company must complete them. What I see attached, do not look like engineered plans these look like your plans.” Mr. Milanowski stated, “You must understand in the railroad industry, where the turnouts are those are the engineered plans. Those will have different specs as the application goes forward. This is the level of effort you put in as the application goes forward. This is not a street design this is a railroad design that is more concerned with the layout and switch patterns that are in there.” Town administrator Schindler then followed up, “I just want to make sure; you do have engineered plans and whatever permitting needed to be done is completed?” Mr. Milanowski stated, “that is correct, this is our fourth or fifth IWRAP application, so we do know what we are doing.”

Permits: Selectwoman Hazard asked, “what permitting was that?” Mr. Milanowski responded, “there is no permitting required.” Mr. Burt followed up, “has the project received environmental approvals and are there any right of way considerations. I don’t see any environmental approvals associated. Has this been sent to the conservation or anyone else for their approval or consideration? Mr. Milanowski responded, “Ed you have been around this game for a while and been in this role. You aware and you know that there are no approvals required within the existing right of way for the railroad to expand. You know that so I don’t know why you’re asking that question since your quite aware of the law.” Mr. Burt replied, “So the answer is yes you have the necessary approvals is misleading as you do not have the approvals.” Mr. Milanowski responded, “there is none required, anything that is required, we have.”

Verification: Mr. Burt then asked Town Administrator Schindler and Selectman Keyes, “has the town verified that through conservation committee or anyone else, and secondly any right of way, in the last IWRAP grant it was stated any right of way considerations were resolved. Isn’t that in the courts?” Mr. Milanowski interjected “that is correct, it has been owned by the railroad, it has been owned for 100 years. The right of way in the last application is correct, the right of way in this application is correct as well. I don’t want you to misinform anyone by saying the last IWRAP application was incorrect.”

DOT/ Legality: Mr. Burt then stated, “isn’t there a lawsuit challenging it?” Mr. Milanowski replied, “anyone can sue anyone for anything it doesn’t mean it is correct, there is no right of way issue in the previous application, period.” Mr. Burt then replied, “that is my question, for the Town Administrator and the selectboard, is has that been confirmed by anyone else in the town, and I think it should be before its voted on, because we looked silly on signing up on the last one, and ending up in a lawsuit. Mr. Milanowski replied, “again the IWRAP grant is correct, Mass DOT who is the receiver of the action has not taken any action as they know we are correct. Just because you suing someone does not mean you will prevail.” Chair Keyes then stated, “we lost a little bit of that, we missed a little bit of that last comment.” Mr. Milanowski then stated, “to summarize for the record, the last IWRAP application for the right of way issues was 100% correct what I also said was that anyone can sue anyone for anything. Mass DOT has reviewed that application and had closed out that application previous IRAP grant and found no issues.”

Lawsuit History: Selectman Arcudi then raised the question, “why are we talking about the last IRAP grant being adjacent with some sort of lawsuit when it has nothing to do with this one when it has no adjacent land butters on this one suing the railroad for this right of way? I’m not sure where we look foolish, as no one came back and said we look silly after we approved an IRAP when it had nothing to do with it. Focus on 364. If he has the right of way. I am not sure the point that Ed is trying to make.” Mr. Burt responded, “the point I am trying to make is on the last IRAP grant it was not vetted by anyone else. So, questions like are there right of way considerations that need to be solved, and when I called the IRAP committee they were surprised that it hadn’t been reviewed by anyone else, and then it ended up in a lawsuit as there was an easement issue.” Selectman Keyes and Arcudi stated, “it had nothing to do with the town / us.” Selectman Arcudi stated “whether we would have given them the IRAP or not they would have done that anyways.” Mr. Burt stated, “You should make sure with the people that manage it.”

IRAP Oversight: Selectman Keyes then stated, “the conservation committee does not need to weigh into this as they don’t need it, and two: they don’t have the right of way for this project, so I just checked both boxes for you.” Mr. Milanoski stated “Mr. Burk is misleading the board again as Mass Dot did not state they are surprised the town didn’t review the right of way issues as it is not something that Mass DOT does. They are the reviewer of the application, and they are aware what is going on and they are not surprised. The railroad is expanding and doing this work. The town is not providing the money and does not have the review of the application as Mr. burke is trying to convince you they do.”

Settlement Agreement: Selectman Keyes stated, “the default setting right now with no litigation pending is the settlement agreement whether you like it or not. Until it is ruled in a court of law that it is invalid, the settlement agreement and its stipulations are valid and one of the stipulations in there and the board, whoever is on it and they are not going to withhold grant requests for unreasonable reasons and this would be an unreasonable reason. Until you or someone else formulates some other lawsuit that overturns something potentially, we are going with real time facts, data, and law and I’m sorry if that upsets you.”

Town Objections: Lou Constanza asked “Why would you be sorry for doing the right thing?” Chair Keyes stated “because 700 people signed a petition stating it’s not. I am putting it to vote. If it gets 2 votes it passes if it doesn’t get two votes it doesn’t pass. It has nothing to do with one versus the other.” Mr. Costanza: “If this is a repetition thing and the board has a problem why didn’t they come to you before tonight?” Selectman Arcudi responded, “to be fair, they have.” Selectman Keyes asked if there were any closing comments and Mr. Milanowski said no.

Vote: For discussion purposes, Selectman Arcudi moved to provide a letter of support for the GU RR IRAP Grant Request for 364 West Street. Chair Keyes seconded the motion

Arcudi – Aye, Hazard – No, Keyes – Aye Passed 2-1.

Request for Rezoning Change Petition of 150-156 Hartford Avenue, Constant Poholek

Chair Keyes stated that this is the third location request, the current location is zoned General Business-A (GB-A). Poholek stated that the owner of 150-156 Hartford Ave, Antonio Pinto had no objection to the zoning change for Charlesview however but thought that the rezoning would include his property. Chair Keyes stated that he wants to have Poholek’s business in town however, the location he is proposing is right next to other cannabis stores and does not feel that this is a good location for another cannabis store. The Select Board feels that Poholek should bring this to the Hopedale Planning Board.

Review FY23 Budget: Town Hall Administrator Schindler stated that she had sent the Board the most current budget draft that the Finance Committee had reviewed. She stated some reductions and increases were brought forward during the Finance Committee meeting. As of the Finance Committee’s May 5th meeting, without budget reductions, there is still an override needed, even with using \$290,000 from free cash. There is roughly \$300,000 necessary to reduce to balance. A joint meeting will take place with the Finance Committee and Select Board on Monday. Resident Lou Costanza stated that the stipends for Boards/Commissions should be reinstated and that he will organize a citizen’s petition so this item can be on the warrant. This would increase the amount the budget needs to be balanced.

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

A/P Warrant #22-23, \$343,749.49, 5/5/2022

P/R Warrant #22-23, \$731,392.30, 5/5/2022

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, Attorney Peter Durning present.

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (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. (Collective Bargaining; All Units)

Chair Keyes read the executive session purposes above.

Selectman Arcudi moved to enter executive session per the purposes read by Chair Keyes, not to reconvene to open session. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the open meeting at 9:03PM

Submitted by:

Sara Refundini, Temporary Executive Assistant

Adopted: _____

Select Board
Regular Meeting Minutes
June 21, 2022

Present: Chair Hazard, Selectman Stock, Selectman Keyes, Town Administrator Schindler, Attorney Dave Mackey, Attorney Mina Makarious present

Call to order 8:54 p.m.

New Business

Call for Special Town Meeting for July 11, 2022 and Sign Warrant: Selectman Stock made a motion for a Special Town Meeting to be convened at 7:00 pm, Monday, July 11th, 2022, at the Hopedale Junior Senior High School, Dennett Auditorium and that the warrant consist of one article specific to vote the eminent domain taking of the property owned by the 140 Realty Trust and controlled by Grafton Upton Railroad; and that the warrant be closed, subject to review for form by Town Counsel prior to signatures being affixed thereto.

Selectman Keyes seconded the motion.

Len Guertin asked what reason they were using for the eminent domain

Attorney Mina Makarious cited conservation and open space as provided for in the article.

Chair Hazard called the vote

Chair Hazard – Aye, Selectman Stock – Aye, Selectman Keyes – Aye

Chair Hazard moved to adjourn the meeting. Selectman Hazard seconded the motion.

Chair Hazard – Aye, Selectman Stock – Aye, Selectman Keyes – Aye

Chairwoman Hazard dissolved the meeting at 9:06 PM.

Submitted by:
Sara Refundini, Temporary Executive Assistant
Adopted: _____

Select Board Meeting
Hopedale Town Hall, Draper Room
Regular Minutes
June 27, 2022

Present: Chair Hazard, Selectman Keyes, Selectman Stock, Town Administrator Schindler

Call to order 6:30 p.m.

Appointments & Resignations

Chair Hazard moved to appoint Call Firefighter Candidate, Alec Kaminski-Miller, effective June 27, 2022. Selectman Keyes seconded the motion.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

New Business

Selectman Keyes motioned to amend building department fees effective July 1, 2022, as per the recommendation Tim Aicardi, Building Commissioner. This was seconded by Selectman Stock.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Selectman Stock motioned to Create Donation Account for Special Legal Fees Pursuant to M.G.L. c.44, §53A and Selectman Keyes seconded this motion.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Chair Keyes moved to address the Request for Appraisal for 364 West Street at a future meeting. Selectman Stock seconded this motion.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

FY22 End of Year Transfers: For FY22, the Health Insurance budget assumed that new employees would be joining, however no new employees were added until later in FY 2022, leading to a surplus currently in the health insurance budget.

Chair Hazard Motioned to:

Transfer from the reserve fund to EMS, \$20,000

Transfer from the reserve fund to liability, \$100

Transfer from the reserve fund to Memorial Day fund, \$310

Transfer from the reserve fund to counter retirement assessment to workers compensation, \$4,794

Transfer from health insurance to managers gasoline item, \$10,000

Transfer from health insurance to managers telephone account, \$2,500

Transfer from health insurance to legal, \$63,000

Transfer from health insurance to town hall heating, \$10,000

Transfer from health insurance to repairs and maintenance, \$5,000

Transfer from health insurance to streetlights, \$21,656

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Chair Hazard motioned to reappoint those listed below for Annual Board/Committee/Commission reappointments. Selectman Keyes seconded the motion.

Assistant Building Inspector: Stephen Johnson

Board of Registrars: Joseph Drugan and Lisa Pedroli

Conservation Commission: Marcia Matthews

Constable: Mario Sousa Jr.
Council on Aging: Karen Kuligowski, Elleen Milaszewski and Julia Manning
Cultural Council: Jean Hill and Jennene Pasquarosa
Disabilities Commission: Gerard Amall and Vincent Arone Jr.
Finance Committee: Dennis Madigan
Historical Commission: Kelly Merchant, Frederick Oldfield III, James O'Malley, Karen Pendleton, and Suzan Ciaramicoli
Public Records Access Officer: Lisa Pedroli,
Recreational Field Committee: James Abbruzzese, Derek Atherton, Jennifer McKeon and Michael Reynolds
Zoning Board of Appeals: Nick Alexander Sr and Louis Costanza

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Order of Taking for Mendon Street Intersection Project; Address Requests for Work Amendments: Selectman
There are 17 temporary easements for 2-year contracts and 3 permanent easements: Petro, the vacant property and Cumberland Farms have permanent easements. There is a \$50,000 fee that we will pay. Mr. McDonald has been approved for a driveway Permit. Mr. Costanza has requested two curb cuts, that will need to be approved by the highway department or another department. There is also a request for a driveway on the railroad cite, and the board would like to have the railroad formally express this. Selectmen Stock moved to Vote the Order of Taking as presented. Selectmen Keyes seconded.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Beyond Full Lease Contract: Chair Hazard postponed the renewing of the lease Renew for Beyond Full to a future meeting posing the discussion of changing the lease terms regarding rent, and damages.

Review Tools for the Town Administrator Annual Evaluation: Three tools were presented and will be reviewed next meeting.

Old Business

Selectman Keyes motioned to Reissue Local Liquor License for Hopedale Pizza Market with Amended Hours Sunday-Saturday 11am-11:30pm. Selectman Stock seconded the motion.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Chair Hazard motioned to rescind the vote regarding the decision to address reciting of Pledge of Allegiance Pursuant to BoS Vote of 6/1/15. Selectman Stock seconded this motion.

Chair Hazard – Aye, Selectman Keyes – Aye, Selectman Stock – Aye

Update from Counsel & Planning Board Re: Marijuana Establishments Bylaws; Discuss Next Steps.

High Hopes and Caroline's are retailers. Green River, Maca and Lifted Genetics are cultivators. The Master Plan Committee will be looking into limits and the first discussion will be in the upcoming month. A zoning hearing is scheduled for July 6th. Chair Hazard would like to have a discussion with the zoning board, and planning board to discuss the future direction.

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

Walter Swift is doing a great job regarding recycling however increased communication is needed regarding recycling barrels.

Doris Arcudi passed away and was celebrated this year, and condolences go out to the family.

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

1. A/P Warrant #22-26, \$696,880.58, 6/16/2022
2. P/R Warrant #22-26, \$830,229.85, 6/16/2022
3. P/R Warrant #22-27A, \$862,875.87, 06/23/2022

4. Central Massachusetts Mosquito Control, Pesticide Application Dates, July 5, July 11, July 18 and July 25*
5. Phase I Initial Site Investigation & Tier Classification, 7 Fitzgerald Drive*

Requests for Future Agenda Items: Update on the town planner, Green Street sidewalk, appraisal of railroad lands
Review and prioritize re ARPA Requests: Dredging funding request is not eligible in DEMA, and the total would be \$450k and \$250k in funding for projects related to the Hopedale Pond. Dredging is not eligible for these funds, but there are some reasonable quotes.

Review Capital Requests in Preparation for Fall Special Town Meeting: The complete streets grant is being wrapped up. There is a request for the Draper site to become mixed use.

Chairwoman Hazard dissolved the meeting at 9:20 PM.

Submitted by:

Sara Refundini, Temporary Executive Assistant

Adopted: _____

From: [Diana Schindler](#)
To: [Lindsay Mercier](#)
Cc: [Brian Keyes](#); [Glenda Hazard](#); [Bernie Stock](#)
Bcc: [Timothy D. Zessin](#)
Subject: Re: Welcome Back!
Date: Friday, August 19, 2022 7:00:59 PM

Hi Lindsay,

Thanks for letting me know. I apologize if I hurt your feelings. I am compassionate to your situation; unfortunately, as I stated in my email below, there is no longer telework available. To assist you in returning, I would allow you to continue unpaid, job-protected leave for another 60 days so you could secure childcare. Is that something you would like to do?

Thanks,
Diana

Get [Outlook for Android](#)

From: Lindsay Mercier <lindsaymercier6@gmail.com>
Sent: Friday, August 19, 2022, 1:09 PM
To: Diana Schindler <DSchindler@hopedale-ma.gov>
Cc: Brian Keyes <bkeyes@hopedale-ma.gov>; Glenda Hazard <ghazard@hopedale-ma.gov>; Bernie Stock <bstock@hopedale-ma.gov>
Subject: Re: Welcome Back!

Hello Diana,

Thank you for your email. It is with a heavy heart that I must submit my resignation as the Executive Assistant to the Town Administrator for the Town of Hopedale effective immediately (8/19/2022).

Unfortunately, the late notice of the schedule change I received while I am on maternity leave has left me unable to secure the daycare required to come into the office full time. As I had mentioned to you previously, we have a telework agreement, signed by yourself and I, that was to last one full year, this was signed prior to maternity leave starting. I feel very blind sided by this notice from you and pray that there is more transparency and compassion from you with the next Executive Assistant.

This time with my son was supposed to be filled with enjoyment and happiness but the way this was handled has left me feeling dejected. I am deeply saddened that I am forced into resigning due to this.

I would like to thank all of the people I've met and worked with in Hopedale. The employees and public servants of Hopedale truly made me feel welcomed and supported from day one. I would also like to thank the residents for showing me the same kindness.

I will be by the Town Hall to drop off my laptop and building key sometime next week. If the Select Board has any questions, please reach out to me at my cell phone number (757) 635-4496.

Lindsay Peterman

On Wed, Aug 3, 2022 at 12:14 PM Diana Schindler <DSchindler@hopedale-ma.gov> wrote:

Hi Lindsay,

Hope all is well with you and yours!

Thank you for reaching out about your return to work. As I noted in our texts, your FMLA leave expires on August 23, 2022. I note that you asked if you could return to work on August 29, 2022 – I have no issue accommodating that return-to-work date.

I also note that you asked about returning to a telework arrangement. Since the Town has fully ended its pandemic restrictions, all staff are required to be physically present in the Town Hall and no telework is available. As a full-time employee, you are expected to be in Town Hall on the same weekly schedule as other support staff, Monday, 8 am-7 pm, Tuesday, 8 am-4 pm and Friday, 8 am-1 pm.

Please let me know how you wish to proceed so we can plan accordingly.

Best,

Diana

Diana M. Schindler
Town Administrator

Town of Hopedale

78 Hopedale St.

Hopedale, MA 01747

Off: (508) 634-2203 x213

Cell: (413) 387-9069

Please be advised that the Massachusetts Secretary of State and the Massachusetts Attorney General consider e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Donald Last Name: Keavany

Address: Christopher Hays Wojcik & Mavricos, LLP 370 Main Street, Suite 970

City: Worcester State: MA Zip Code: 01608

Phone Number: 5087922800 Ext. 225

Email: dkeavany@chwmlaw.com

Organization or Media Affiliation (if any): Counsel for Grafton & Upton Railroad Company

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Town of Hopedale Select Board

Specific person(s), if any, you allege committed the violation: Glenda Hazard, Bernard Stock

Date of alleged violation: 5/23/22

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

1) The Revised Agenda for the May 23, 2022 Meeting of Select Board identified 5 items under Category E - entitled "Old Business. Item 4 of Category E was identified as: "Update re: GU RR Request for Support for IRAP Grant." At the prior Board meeting on May 9, 2022, the Board voted to support the IRAP Grant and to send a letter in support to MA DOT, which was done on or around May 10, 2022. At the May 23, 2022 meeting, the Select Board - on a motion by Mr. Stock - voted to communicate with MA DOT that the Select Board is no longer in support of the IRAP application. Item 4 was vague and did not provide adequate notice that a new vote would be taken on whether to support the IRAP. What was discussed under Item 4 was not an update - but rather a discussion and vote to reverse the Board's position. Item 5 under Old Business on the May 23, 2022 Agenda stated: "Update re 364 West Street" and was likewise vague. At the May 23 meeting, the Select Board discussed hiring a new law firm to represent with respect to litigation that had previously filed by the Town, but dismissed by the Town in May 2022. The Board - on a motion by Mr. Stock - voted to bring in a specific new law firm - Anderson Kreiger, LP, to talk to the Board. A discussion and vote on bringing in Anderson Kreiger to meet with the Board was not an update under Item 5 of Category E. It was a new / unique item.

2) The Board improperly voted on May 23 to bring in Anderson Kreiger to talk to the Board. Furthermore, the Board did not vote to retain Anderson Kreiger on May 23. However, on June 3, 2022, Anderson Kreiger sent a letter to the Board stating that it had been retained. On the recently published agenda for the June 21 BOS meeting, attorneys for Anderson Kreiger are scheduled to meet in Executive Session with the Board to discuss multiple agenda items that are vague and which do not comply with the Open Meeting Law- including:

- unspecified litigation
- unspecified real property being considered for acquisition when there are no known negotiations
- roll call vote re: litigation strategy re: Town v. Jon Delli Priscoli et al.

The litigation commenced by the Town against Jon Delli Priscoli was voluntarily dismissed by the Town on May 2, 2022. Thus, the Town has no active litigation position in that lawsuit. While unrelated parties have filed an appeal arising from the Court's denial of a Motion to Intervene in this lawsuit, the pendency of this appeal by unrelated parties on an issue unrelated to the issues raised by the Town cannot have a detrimental effect on the Town because of the Town's dismissal of its claims and appeal.

3) June 21, 2022 Meeting Agenda does not comply with Open Meeting Law for matters to be discussed in Executive Session. Executive Session matters include a reference to only "litigation" without identifying the litigation by name. Also there is a reference to acquiring real property, but the real property is not identified.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

See attached Schedule A, which is incorporated herein.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 6/21/22

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

SCHEDULE A – June 21, 2022 Open Meeting Law Complaint

What action do you want the public body to take in response to your complaint?

1. Schedule a new meeting and post a new agenda that complies with the MA Open Meeting Law as it relates to the “Update re: GU RR Request for Support for IRAP Grant” set forth in the May 23, 2022 Meeting Agenda. If the Select Board intends to communicate with MA DOT that it is no longer in support of the GU RR IRAP application - the agenda item should so state.
2. Schedule a new meeting and post a new agenda that complies with MA Open Meeting Law as it relates to the “Update re: 364 West Street” set forth in the May 23, 2022 Meeting Agenda. If the Select Board intends to discuss the hiring of new legal counsel and/or vote to retain new legal counsel, the agenda item should so state.
3. Rescind all votes taken with respect to “Update re: GU RR Request for Support of IRAP Grant” and “Update re: 364 West Street” and to retract any actions taken by the Board in connection with those invalid votes, including any communications with MA Department of Transportation with respect to the IRAP Grant and the engagement of Anderson Kreiger, LLP with respect to 364 West Street.

ANDERSON KREIGER

MINA S. MAKARIOUS

mmakarios@andersonkreiger.com

T: 617.621.6525

F: 617.621.6625

July 14, 2022

Via Email: dkeavany@chwmlaw.com

Donald Keavany, Esq.

Christopher Hays Wojcik & Mavricos, LLP

370 Main Street, Suite 970

Worcester, MA 01608

Re: Open Meeting Law Complaints

Dear Donald:

I write on behalf of the Hopedale Select Board (the “Board”) in response to your Open Meeting Law (“OML”) complaint dated June 21, 2022. On July 11, the Board voted to delegate its response to your complaint to our firm as special counsel with respect to matters involving the Grafton and Upton Railroad (“GURR”).

Your complaint alleges OML violations from two Board meetings, on May 23 and June 21, 2022. You allege that two agenda items for the May 23 meeting lacked sufficient detail and that actions were taken to retain counsel outside of a Board meeting. You also allege that the agenda items for the executive session held on June 21 lacked sufficient detail and were not grounds for the Board to enter executive session.

For the reasons set forth below, the Board disagrees with your assertions. The Open Meeting Law requires that topics be listed with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b). A topic has sufficient specificity when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. *See* OML 2020-125. A public body need not list each and every detail about a topic to comply with the law’s requirements. *Id.* The Board also need not anticipate precisely what its discussion would be under each topic, given that conversation can naturally flow once the Board members consider the agenda item, react to it, discuss it, and respond to questions (from each other or from the public). OML 2019-131; OML 2014-38.

The agenda items from the May 23 meet these standards. You refer to two agenda items from the May 23 meeting:

4. “Update re: GURR Request for Support of IRAP Grant”; and
5. “Update re: 364 West Street”

The discussion on the first item reflected the substance of the agenda item. The Board discussed the request from GURR for support of its IRAP Grant and decided to inform the Massachusetts Department of Transportation that the Board no longer supported that grant request. The agenda item did not say that the Board would only provide information or would only take action in support of GURR. The discussion and actions undertaken by the Board were about this specific topic, such that the public could understand the anticipated nature of the Board's discussion. In fact, had the Board's agenda item pre-decided its position that could itself be a violation of the OML. The decision on what position the Town should take was to be deliberated at the meeting itself, and is not pre-decided by the agenda item.

Similarly, the Board discussed the property identified in the second agenda item that you reference and no other property. The Board discussed how to proceed with the Town's position on that specific property, which you own. The Board's decision to interview special counsel to address issues with that property is consistent with the agenda item. Further, as you know there has been no shortage of public attention in Hopedale on the use by GURR of 364 West Street. A Town resident seeing a reference to that item would reasonably understand the Board was once again deliberating on issues arising from that use and that it may make the logical decision at that meeting to seek additional outside assistance on these issues.¹

The agenda items for the June 21 executive session meeting of the Board also included sufficient detail. Public entities must state the purpose of an executive session, stating all subjects that may be revealed without compromising the purpose for which executive session was called. G.L. c. 30A, § 21(b)(3); OML 2019-163.

Your complaint assumes that the agenda item is insufficiently detailed because there is no pending or imminent litigation between the Town and GURR. But the OML exception covers litigation beyond that one procedural posture. The Board can meet to discuss its litigation position in a pending case, even if GURR is not a party opponent (though GURR is, of course, involved in that litigation and knows that the Town continues to be a party). Furthermore, the Board can meet in executive session to discuss the acquisition of real property, including without naming the property if doing so would affect the Town's negotiating position.

Finally, your letter also includes a lengthy complaint about how the Town plans to pay for Anderson & Kreiger's legal fees as well as several spurious allegations about our conduct.

¹ Your assertion that our firm considered itself retained after that May 23 meeting is patently false. My partner David Mackey's letter to the Board Chair on June 3 was a proposed engagement letter, and did not state or assert that the firm had been retained. It was only after we met with the Board on June 6 that the Board voted in favor of retaining our services. The Board chair then signed our engagement letter on June 9.

Donald Keavany, Esq.

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While we vigorously disagree with your allegations on that score, they do not address any OML violations and are not relevant here. Accordingly, we will address them as necessary elsewhere.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

/s/ Mina S. Makarious

Mina S. Makarious

ecc: Office of the Attorney General, One Ashburton Place, Boston, MA 02108
Glenda Hazard, Chair, Hopedale Select Board
Diana Schindler, Town Administrator, Town of Hopedale

ANDERSON KREIGER

MINA S. MAKARIOUS

mmakarious@andersonkreiger.com

T: 617.621.6525

F: 617.621.6625

August 24, 2022

Via Email: dkeavany@chwmlaw.com

Donald Keavany, Esq.

Christopher Hays Wojcik & Mavricos, LLP

370 Main Street, Suite 970

Worcester, MA 01608

Re: Open Meeting Law Complaint dated July 6, 2022

Dear Don:

I write on behalf of the Hopedale Select Board (the “Board”) in response to your Open Meeting Law (“OML”) complaint dated July 6, 2022. On August 24, the Board voted to delegate its response to your complaint to our firm as special counsel with respect to matters involving the Grafton and Upton Railroad (“GURR”).

Your complaint alleges the Board violated the OML at its June 21, 2022 because the agenda for that meeting lacked sufficient detail as to the actions that could be taken in executive session at that meeting. As we discussed, you also raised this issue in a prior open meeting law complaint dated June 21 to which I responded on July 14. A copy of that response is attached.

As explained in my July 14 response, the agenda items for the June 21 executive session meeting of the Board included sufficient detail. The Board was required to state the purpose of an executive session, stating all subjects that may be revealed without compromising the purpose for which executive session was called. G.L. c. 30A, § 21(b)(3); OML 2019-163. In this case, the Board met in executive session to discuss the acquisition of real property without naming the property in question in light of the fact that GURR was anticipated to move to aggressively block any eminent domain taking immediately.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

/s/ Mina S. Makarious

Mina S. Makarious

ecc: Office of the Attorney General, One Ashburton Place, Boston, MA 02108

Donald Keavany, Esq.

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Glenda Hazard, Chair, Hopedale Select Board

Diana Schindler, Town Administrator, Town of Hopedale



TOWN OF HOPEDALE

78 Hopedale Street - P.O. Box 7
Hopedale, Massachusetts 01747

Tel: 508-634-2203 Fax: 508-634-2200

SELECT BOARD LOCAL LICENSING AUTHORITY

SPECIAL ONE DAY LICENSE

MGL, CHAPTER 138, SECTION 14: The Local Licensing Authorities may issue special licenses for the sale of Wine and Malt Beverages to any enterprise; however, Special Licenses for the sale of All Alcoholic Beverages may ONLY be issued to Non-Profit Organizations (proof of non-profit status is required). A Caterer must obtain a Special License when arranging for the delivery of alcohol on which they shall make a profit.

YOU MUST PURCHASE ALCOHOLIC BEVERAGES FROM A LICENSED SUPPLIER. SPECIAL LICENSEES CANNOT PURCHASE ALCOHOLIC BEVERAGES FROM A PACKAGE STORE AND CANNOT ACCEPT DONATIONS OF ALCOHOLIC BEVERAGES FROM ANYONE. PLEASE SEE ATTACHED LIST OF ABCC AUTHORIZED SOURCES.

REQUIRED DOCUMENTATION

- ✓ Town Application Form
 - Check made payable to the Town of Hopedale
 - Profit - \$100.00 (per event day)
 - *Non-Profit -\$50.00 (per event day) *will provide this week*
 - *The organization holding the event must provide proof of status
 - ✓ REAP Form (Revenue Enforcement and Protection Attestation Form)
 - Worker's Compensation Insurance Affidavit as required by M.G.L. Chapter 152; and liquor liability insurance *in process - Fidel*
 - Worker's Compensation Policy Declaration Page *will provide*
 - ✓ Emergency Contact Form
 - ✓ Floor plan (see attached) showing event area and the exact location where alcoholic beverages will be delivered, sold/served and consumed.
 - ✓ Invitation / flyer / letter of explanation regarding the event
 - ✓ Proof of permission to use the facility where the event is being held, including statement of approval given for sale/service of alcohol and the occupancy number for location.
 - ✓ Designation and identification, in writing, of ALL individuals who will serve, sell, deliver, and/or dispense alcoholic beverages.
- Incomplete applications will not be accepted by

Return all paperwork to the Select Board Office.

Please note: All applications must be reviewed by other Boards / Committees / Departments. The review process will *take about 4 weeks*. Once reviewed, the application/license will be placed on the Select Board agenda. The Select Board meets the 2nd and 4th Monday of each month, except for Monday holidays. Complete applications will be scheduled at the next available meeting.



TOWN OF HOPEDALE

RECEIVED BY
SELECTBOARD OFFICE:

DATE: 08-22-2022
TIME

SPECIAL ONE DAY LICENSE APPLICATION (M.G.L. Ch 138, Section 14)

*****ONLY COMPLETED APPLICATIONS WILL BE ACCEPTED*****

Wine/Malt Only

All Alcohol (Non-profit only)

PLEASE PRINT:

Date of Application: 8/22/2022

Applicant Name: Hopedale Unitarian Parish - Tracy Anderson

Applicant Address: 65 Hopedale Street Hopedale, MA 01747

Street Number Street Name City/Town State Zip

Cell Number: (508) 962-0235 EMAIL: Tracyanderson@verizon.net

Organization Name: Hopedale Unitarian Parish

Organization Address: Same as above

Street Number Street Name City/Town State Zip

Business Telephone: (508) 973-0745 EMAIL: hopedaleunitarian@verizon.net

Venue Name: SAME Telephone: SAME

Venue Address: SAME

Street Number Street Name City/Town State Zip

The licensing board will not grant a liquor license without a letter from the property owner.

Name of Event: an evening with Jon Pouselle Date(s) of Event: Sept 24, 2022

Start time of Event: 7pm End Time: 10:30pm

Is the event open to the General Public? yes

Event Location (name and address): 110 - 265 Hopedale Street, Hopedale, MA

Where in building or if outside will the entertainment be located?

In the Sanctuary & Parish Hall
Event Details: Inside Outside Both

Number of Expected Guests 100-150 Age range of attendees? 16-18 years of age

Alcohol must be purchased from an authorized source as required by ABCC mostly adults

Name of authorized ABCC Vendor: Craft Roots Brewing LLC

Address: 4 Industrial Road, Milford, MA 01757

License Number: _____

You may be asked for proof of where alcohol was purchased

Describe the manner in which alcohol will be served to your guests to ensure compliance with the existing laws (check IDs, table service/bar, etc.) and specify the manner by which service of such beverages, if minors attend, will be controlled. Minors are not allowed within the area where alcohol beverages are being served.

Parish Hall - 2 certified TIPS bartenders - will provide copies of certificates; assistant - serving beer & wine. It'll open at most possibly earlier in evening.

Town of Hopedale, MA Special One Day License Information

Town of Hopedale Liability Disclaimer for Special One Day License

By exercising the privileges of the One Day Liquor License in serving persons with alcoholic beverages, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this Special One Day License will be deemed acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of this One Day License and the appropriate precautions to avoid injuries, damage and liability to others with your legal advisor. The Town of Hopedale and the Select Board acting as the Local License Authority shall not be liable to the Licensee or to others if injury or damage shall result from the exercise of this One Day Liquor License. By signing this form, the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Alcoholic Beverages Control Commission and the Licensing Authority of the Town of Hopedale.

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control laws of the State of Massachusetts and policies of the Town of Hopedale.

Signature of Applicant: _____

Date: _____

Tracy G. Anderson, Board Chair of HUP

August 22, 2022

The following Town Office Approvals are required and must be obtained by the Applicant and submitted as part of this application. The Licensing Authority may deny applications submitted without required signatures.

Prior Approval Required	Department Signatures	Date Approved
Building Inspector:		
Fire Department: Fire Detail: Y <input checked="" type="radio"/> N		
Town Clerk Raffle Permit <input checked="" type="radio"/> N		
Police Department Police Detail <input checked="" type="radio"/> N <i>in evening during concert</i>		
Board of Health		
Treasurer/Collector		

SPECIAL ONE DAY LICENSE

Layout: Below please show *event area* and the exact location where alcoholic beverages will be delivered, sold/served and consumed. Indicate all entrances and exits. If private residence; it is homeowners responsibility to ensure premises are safe.

Town of Hopedale, MA Special One Day License Information

Requirements – Special One Day License:

- Events can only be held on the day and date approved on license. No refund is possible after a Special One Day License has been issued if not used on date specified. Rain dates for events must be noted on the application prior to approval. If no rain date is listed on the application prior to approval the event cannot be held on date other than date specified.
- The premises shall comply with the Building Inspector/Fire Department's occupancy capacity limit. You must contact the
 - Building Inspector 508 634 2203 Ext. 214
 - and
 - Fire Department 508 473 0747
- Please contact Board of Health at 508 634 2203 X222 for food permits and Board of Health regulations.
- Special One Day Licenses can only be issued for events occurring between 11:00AM-midnight Monday – Sunday.
- Events where there is entertainment (live band, DJ, dancing, or performers) may require a One Day Entertainment License per MGL c140 s183A. If you have questions, please contact Select Board's Office 508 634 2203 X210.
- The last drink must be served *forty-five minutes prior to the end time of event* as stated on the approved license. All patrons must leave the premises within fifteen minutes after the closing hour. All glass and bottles must be cleared from the licensed area within twenty minutes after the closing hour.
- NO PERSON shall be granted a special license for more than 30 days in a calendar year.
- License must be posted in the most conspicuous place at the location of event.
- DO NOT allow anyone to bring their own alcoholic beverages to your event.
- Control and properly police the area where the alcoholic beverages are being dispensed. Do not permit persons to carry their alcoholic beverages outside the approved area for consumption.
- A police and or fire detail may be required depending upon the number of people attending the event. It is the applicant's responsibility to contact the Police Department at 508-634-2227 to report the event and set up these details as required by the Police Chief and the Fire Department 508-473-1050.
- Alcohol must be purchased from an authorized source as required by ABCC (see attached List).

Failure to abide by the above listed guidelines or by any provision of the Laws or Regulations pertaining to alcoholic beverages shall be grounds to deny, suspend or revoke any Special One Day License issued under MGL Chapter138, Section 14.



Commonwealth of Massachusetts

Section 49A. (a) A person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or a subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business or for the renewal of the right or license, shall certify upon application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

REVENUE ENFORCEMENT & PROTECTION ATTESTATION (REAP)

MASSACHUSETTS DEPARTMENT OF REVENUE

Pursuant to M.G.L. c. 62C § 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I, and/or the entity applying for licensure, have complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Tax ID Number - 223 165 474

Social Security Number if sole proprietor; OR Federal Identification Number, if a corporation
Corporations must use the Federal Tax Id number
(one or the other is required)

Corporate Name: Hopedale Unitarian Parish Business and/or DBA Name: _____

Must List Corporate Name as it appears Federal Tax Forms
also List DBA Name

Authorized Signature: Tancy L. Anderson Must Print Name & Title: Tancy L. Anderson
Signature and Printed Name & Title (If Corporation must be current corporate officer)
Chair & President

Name of Person on License Application (Print): 595837318

Residential Address: 131 Providence Street

City/Town: Needon State: MA Zip: 01756

Phone number: 508 962-0235 cell Date Completed: 08-22-2020

This information will be furnished to the Massachusetts Department of Revenue to determine whether you have filed all state tax returns, paid all state taxes required under law and complied with all laws of the Commonwealth relating to taxes. Licensees who fail to correct their non-filing, delinquency status, or who are not in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support will be subject to license suspension or revocation under M.G.L. c. 62C § 49A.

LADIES PARLOR

SLIDING DOORS

STEPS

5-6
DOORS

3'
DOOR

3'
DOOR

3'
DOOR

Proposed Bar Area

PARISH HALL

40'

30'

5'

DOORS

HALLWAY

WINDOW

WINDOW

WINDOW

WINDOW

NO STAIRS

CLASS ROOMS

GE

HUPs first Family Fall Festival Saturday, September 24th from 10am-3pm on the church lawn!

August 2, 2022 · by [Hopedale Unitarian Parish](#)

Come enjoy the crisp, autumn air at the fun outdoor activities during the day:

The kids can spend time face-painting, going on a scavenger hunt, and visiting the Sicilian donkeys from *Twin Elm Farm*.

Families will enjoy a picnic lunch with food favorites prepared by local nonprofit, *Mendon Street Kitchen*, or other food trucks on site.

There will be booths set up for local merchants and craftspeople, as well as a Yard Sale section.

All vendor space fees collected that day will also go to Ukraine through *Sunflower of Peace*.

You can purchase raffle tickets to win a “sunflower themed” basket.

Interested in being a Vendor? Submit your application [here](#)

If you have any questions – or if you are able to lend your time to help with any of these events –

please contact Tracy Anderson, tracylanderson@verizon.net or (508) 962-0235.

Filed Under: [News](#)

Join us on Saturday, September 24, for our Ukraine benefit events!

August 2, 2022 - by [Hopedale Unitarian Parish](#)

HUP's first Concert and Auction from 7pm-10pm

From 7-8pm, there will be an auction in the Parish Hall, including Red Sox tickets, foursomes of golf at the Hopedale & Franklin Country Clubs, and Bobby Orr's signed autobiography. There will also be light snacks and beverages at the cash bar during this time. The concert, **headlined by the Poucette-Dart Band**, will begin at 8pm in the Sanctuary of the church. We will cover all costs associated with the event so that **100% of ticket sales will provide aid directly to Ukraine** through *Sunflower of Peace*, a local nonprofit.

The Poucette-Dart Band is an American soft rock group that began in the 1970s in Cambridge, Massachusetts. They were a mainstay of album radio, a favorite on the college circuit, and became one of the busiest touring groups in the country, working with such acts as The Eagles, Bonnie Raitt, James Taylor, and Journey, to name a few. Although the original band broke up in the 1980s, **Jon Poucette-Dart** has continued performing nationally and writing steadily to this day. Various members of the band have reunited and performed with him over the years. To learn more about the band, you can visit www.poucette-dart.com.

Tickets to the event, which include the auction and general admission seating to the concert, are \$30 and can be purchased on our **website** (www.hopedaleunitarian.org). ***Sunflower of Peace***, a 501(c)(3) nonprofit organization headquartered in Massachusetts, will receive 100% of ticket sales raised by the Hopedale Unitarian Parish.

This will help fund humanitarian efforts in Ukraine, specifically mobilizing support and aid for Ukrainian orphans, internally displaced persons, and those most affected by the war. To learn more about this organization, visit www.sunflowerofpeace.com.

Filed Under: [News](#)

08120328 000011 041 011 000

CHURCH MUTUAL INSURANCE COMPANY, S.I.

3000 Schuster Lane, P.O. Box 357, Merrill, WI 54452

UMBRELLA LIABILITY POLICY DECLARATIONS PAGE EXCESS INSURANCE

POLICY NUMBER: 0177521-81-390080

ITEM 1. NAMED INSURED AND ADDRESS:

HOPEDALE UNITARIAN PARISH
65 HOPEDALE ST
HOPEDALE MA 01747-1703

ITEM 2. POLICY PERIOD: FROM 05/29/22 TO 05/29/23
12:01 A.M. STANDARD TIME AT YOUR ADDRESS SHOWN ABOVE.

0177521-81-213244
(RENEWAL OF)

ITEM 3. THE NAMED INSURED IS: RELIGIOUS INSTITUTION

ITEM 4. LIMITS OF INSURANCE:

GENERAL AGGREGATE LIMIT - (ANNUAL)	\$1,000,000
EACH OCCURRENCE LIMIT- (BODILY INJURY AND PROPERTY DAMAGE COMBINED) (ANNUAL)	\$1,000,000
PERSONAL AND ADVERTISING INJURY LIMIT - (COMBINED)	\$1,000,000
SELF-INSURED RETENTION (EACH OCCURRENCE OF OFFENSE NOT COVERED BY UNDERLYING INSURANCE)	\$10,000

ITEM 5. FORMS AND ENDORSEMENTS WHICH APPLY TO THIS POLICY:

UMB 8001 (01-04)	UMBRELLA LIABILITY POLICY
UMB 8111.1 (07-17)	EXCLUSION - PROPERTY DAMAGE LEGAL LIABILITY - RENTED PREMISES
UMB 8115 (02-88)	NUCLEAR ENERGY LIABILITY EXCLUSION - BROAD FORM
UMB 8117 (07-17)	EXCLUSION - ASBESTOS
UMB 8124 (01-15)	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM
UMB 8131 (01-15)	EXCL OF PUN DAMAGES RELATED TO A CERT ACT OF TERROR
UMB 8133 (05-03)	WAR LIABILITY EXCLUSION
UMB 8134 (04-06)	FUNGI OR BACTERIA EXCLUSION
UMB 8135 (01-15)	CONDITIONAL EXCLUSION OF TERRORISM
UMB 8141 (07-20)	EXCLUSION - COMMUNICABLE DISEASE
UMB 8203 (02-88)	COUNSELING PROFESSIONAL LIABILITY
UMB 8210 (03-03)	ACQUIRED AUTOMOBILES ENDORSEMENT
UMB 8214 (12-06)	AMENDATORY ENDORSEMENT - PERSONAL INJURY
UMB 8215 (12-07)	BODILY INJURY DEFINITION
UMB 8216 (12-07)	CORPORATE ENTITY ENDORSEMENT
UMB 8672 (10-16)	EXCLUSION - CYBER LIABILITY
UMB 8673 (10-16)	EXCLUSION - CYBER LIABILITY AND DATA BREACH RESPONSE
UN 914 (12-20)	NOTICE - DISCLOSURE OF TERRORISM PREMIUM

ITEM 6. SCHEDULE OF UNDERLYING INSURANCE (SEE ATTACHED SCHEDULE):

ITEM 7. PREMIUM: IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS IN THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

UMB D (02-20)

PROTECTING
THE GREATER
GOOD
ISSUED DATE: 05/10/22



**CHURCH MUTUAL INSURANCE COMPANY, S.I.
 UMBRELLA LIABILITY POLICY
 SCHEDULE OF UNDERLYING INSURANCE**

POLICY NUMBER: 0177521-81-390080

<u>TYPE OF INSURANCE</u>	<u>LIMIT OF INSURANCE</u>	
GENERAL LIABILITY	\$ 1,000,000	PERSONAL AND ADVERTISING INJURY GENERAL AGGREGATE EACH OCCURRENCE (BODILY INJURY AND PROPERTY DAMAGE) PRODUCTS/COMPLETED OPERATIONS AGGREGATE
	\$ 3,000,000	
	\$ 1,000,000	
	\$ 1,000,000	

COMPANY PROVIDING THE INSURANCE: CHURCH MUTUAL INSURANCE COMPANY
POLICY PERIOD: 05/28/22 TO 05/28/23

COUNSELING PROFESSIONAL LIABILITY	\$ 1,000,000	EACH CLAIM AGGREGATE
	\$ 3,000,000	

COMPANY PROVIDING THE INSURANCE: CHURCH MUTUAL INSURANCE COMPANY
POLICY PERIOD: 05/28/22 TO 05/28/23

HIRED AND NONOWNED AUTOMOBILE LIABILITY	\$ 1,000,000	EACH OCCURRENCE AGGREGATE
	\$ 3,000,000	

COMPANY PROVIDING THE INSURANCE: CHURCH MUTUAL INSURANCE COMPANY
POLICY PERIOD: 05/28/22 TO 05/28/23

From: [Paille, William](#)
To: [Diana Schindler](#)
Cc: [Chris Nadeau](#); [Offei-Addo, Samuel](#); [Paille, William](#); [Emerick, Thomas J. \(DOT\)](#)
Subject: Hopedale - GURR Crossing Update
Date: Tuesday, August 23, 2022 6:31:05 AM
Attachments: [Exhibit No. 1 GURR Final Plan 2021-03-10.pdf](#)
[Exhibit No. 2 GURR Driveway Detail.pdf](#)
[Exhibit No. 3 GURR DRIVEWAY SUMMARY.pdf](#)

Hi Diana,

Yesterday, I spoke with John Weston, a member of a company who have a contract with MassDOT to review, provide professional guidance and perform inspections of railroad crossings at the direction of and on behalf of the State. As you know, a few weeks ago, I initially reached out to Tom Emerick, MassDOT D3 Operations Engineer for guidance, at which time he actually visited the site to review the work recently completed by the GURR to which he cited that grade crossings are regulated by the Massachusetts Department of Public Utilities (MassDPU) and recommended I reach out to Elizabeth Cellucci at MassDPU. However, I decided to reach out to Norma Griffiths and Lou Frangella first, both with the Federal Railroad Administration, who primarily deal with issues related to quiet zone. As such, they recommended I reach out to John Weston. I believe John also visited the site recently, so he was very familiar with recent changes there.

As you and I share the same concern for safety and the importance of ensuring the proper review and approvals are being sought, especially related to railroad crossings, I asked John specifically, if the GURR is required to obtain approval from either the state or the federal government. He replied simply, if there were signals and gates prior to the proposed upgrades the answer would be "No". However, due to the fact there were no signals or gates previously at this location, any new signals/gates proposed is subject to review and approval by the Massachusetts Department of Public Utilities (MassDPU). This is also described in the Massachusetts General Laws under Part 1, Title XXII, Chapter 160, Section 138A ([General Law - Part I, Title XXII, Chapter 160, Section 138A \(malegislature.gov\)](#)) which states:

A railroad corporation whose railroad is crossed by a public way at the same grade shall at its own expense, install at any such grade crossing designated by the department and used by through passenger trains or cars or through freight trains a device to activate by hand a warning signal which shall audibly or visibly warn an approaching train from the grade crossing of danger at said grade crossing.

Based on my correspondence with John Weston, in practice MassDPU issues a Notice to Proceed after reviewing the signal plans to ensure the new signals are designed to operate in compliance with 49 CFR 234 and then the signals are tested prior to being placed into service.

I have asked Mike Milanoski and John DeWaele from GURR during recent site meetings, if their company is subject to a review by the state or feds and they stated they are not because the GURR is a private railroad. However, based on the Mass. General Laws, it would appear that any railroad (public or private) that crosses a public way at grade is subject to approval by the 'department' (aka MassDPU).

I have attached Exhibit No. 1 (GURR Final Plan) showing what was proposed by the railroad; Exhibit No. 2 (GURR Driveway Detail) showing what BSC Group provided as part of the contract plans based on coordination with the Town and GURR during the design phase; and Exhibit No. 3 showing existing conditions after the GURR upgraded their crossing last July 13th, some inconsistencies with their initial plan and some recommended modifications that have been discussed and agreed to in the field with GURR (John DeWaele).

Please understand that I am not trying to muddy the waters or delay the project or create unneeded tension between the Town and the GURR. My concern is entirely professional with the safety of the traveling public, liability of the Town, responsibility of an active railroad crossing a public right-of-way, my responsibility as a licensed professional in the State of Massachusetts and adherence to Mass. General Laws that are there for a specific purpose, in mind.

I hope this is helpful.

Regards,

Bill

William Paille, PE | Complete Streets Manager, Senior Associate

[BSC Group](#)

803 Summer Street | Boston | MA 02127

direct | 617-896-4312

main | 617-896-4300

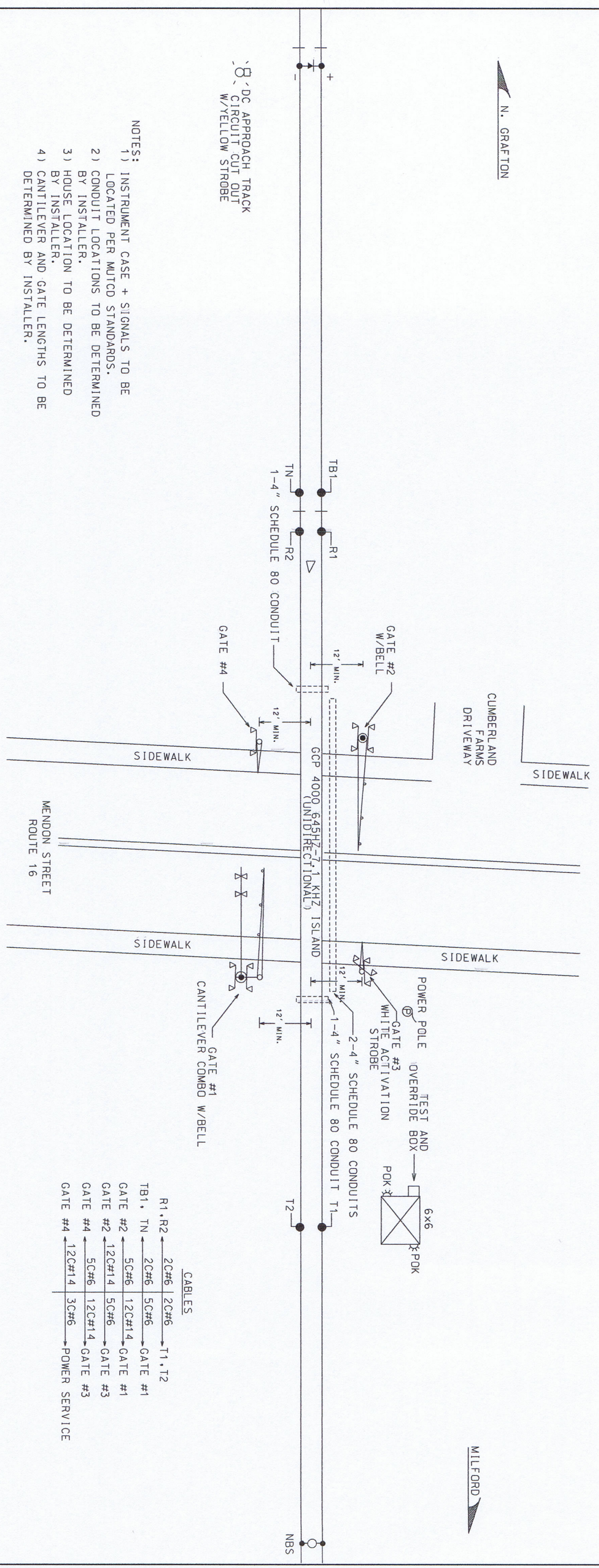


100' ± APPROACH
30 SEC. WARNING @ 10 MPH
100' +/-

500' ± APPROACH
30 SEC. WARNING + 4 SEC. GCP RESPONSE @ 10 MPH

N. GRAFTON

MILFORD



DC APPROACH TRACK
CIRCUIT CUT OUT
W/YELLOW STROBE

- NOTES:
- 1) INSTRUMENT CASE + SIGNALS TO BE LOCATED PER MUTCD STANDARDS.
 - 2) CONDUIT LOCATIONS TO BE DETERMINED BY INSTALLER.
 - 3) HOUSE LOCATION TO BE DETERMINED BY INSTALLER.
 - 4) CANTILEVER AND GATE LENGTHS TO BE DETERMINED BY INSTALLER.

CABLES

R1, R2	2C#6	2C#6	T1, T2
TB1, TN	2C#6	5C#6	GATE #1
GATE #2	5C#6	12C#14	GATE #1
GATE #2	12C#14	5C#6	GATE #3
GATE #4	5C#6	12C#14	GATE #3
GATE #4	12C#14	3C#6	POWER SERVICE

LOCATION PLAN
NOT TO SCALE

REVISIONS

1 PROPOSED
H PLAN
PRATT RAILWAY
SERVICES
12-29-20

PRATT
RAILWAY SERVICES

GRAFTON AND UPTON RR

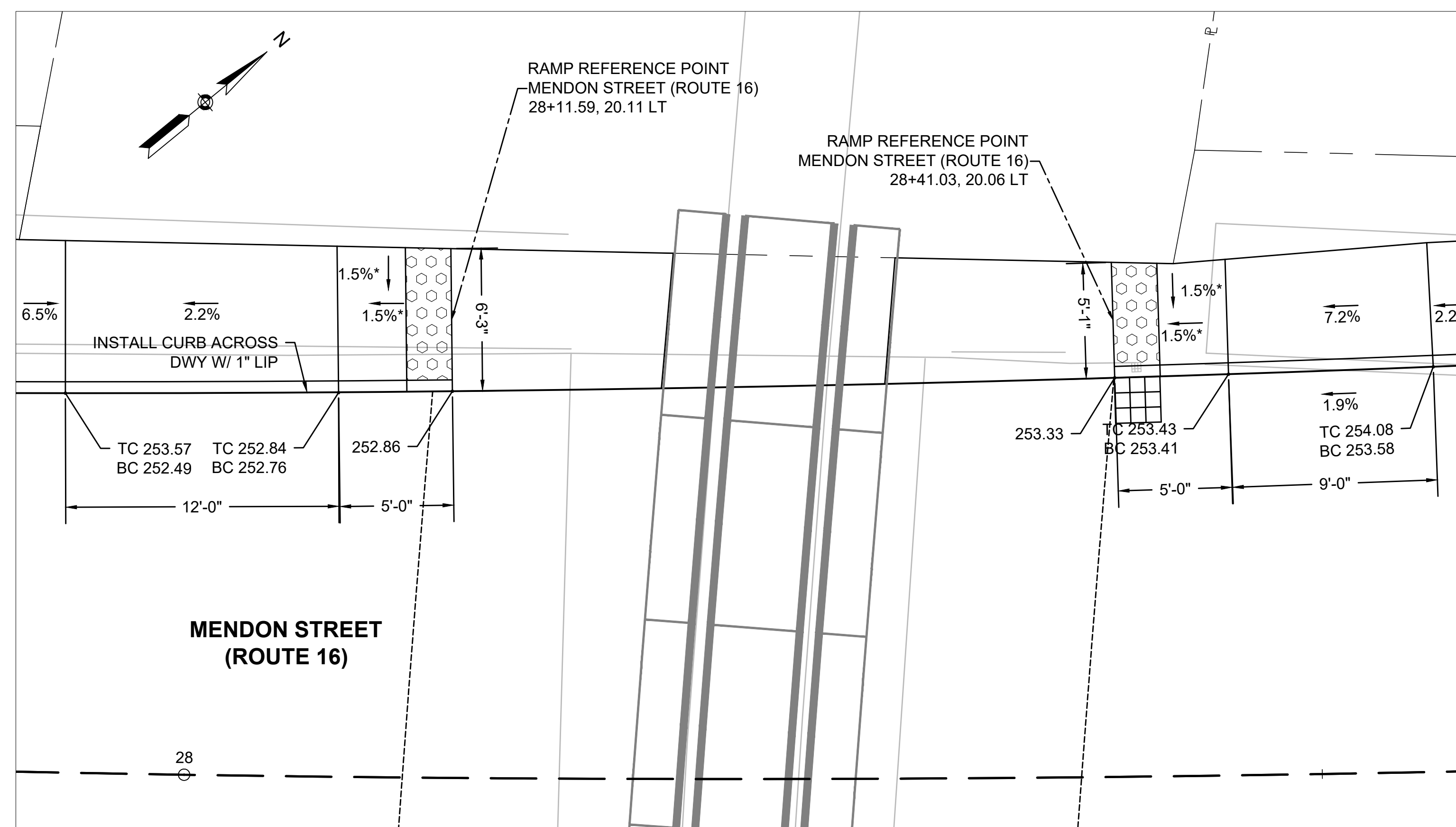
DRAWN: PRS	H PLAN	DRAWING NO. 861433G-1370
DESIGNED: PRS	MENDON STREET ROUTE 16	SHEET 01 OF 01
CHECKED: PRS	HOPEDALE, MA,	
DATE: 12-29-20	MILEPOST # 13.70	

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA	-	23	48
PROJECT FILE NO.		N/A	

PEDESTRIAN RAMP DETAILS

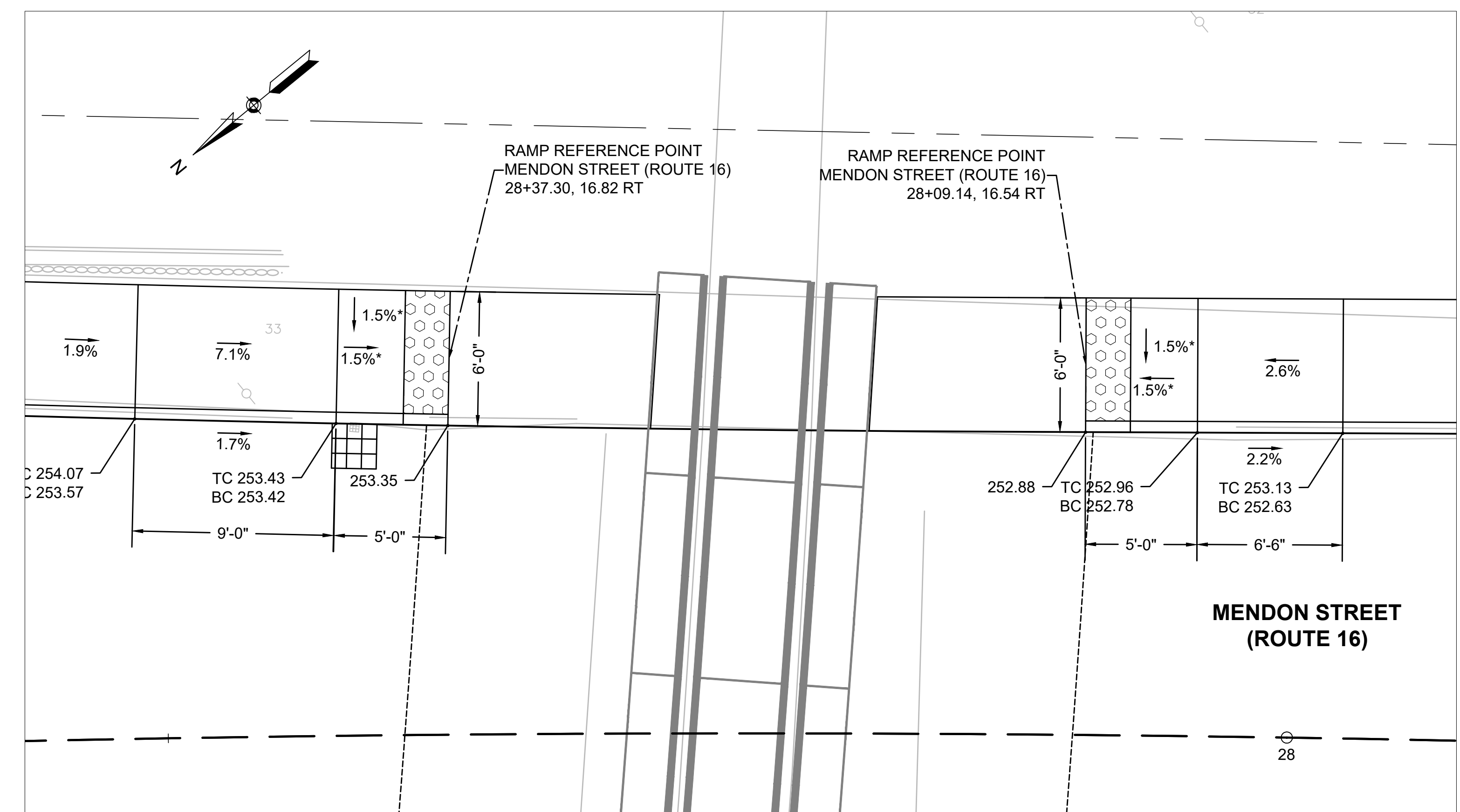
WHEELCHAIR RAMP NOTES

1. ALL WHEELCHAIR RAMPS SHALL CONFORM TO THE REQUIREMENTS OF THE MASSACHUSETTS ARCHITECTURAL ACCESS BOARD (AAB), THE AMERICANS WITH DISABILITIES ACT (ADA) AND THE LATEST MASSDOT HIGHWAY DIVISION WHEELCHAIR RAMP STANDARDS.
2. THE LOCATIONS OF THE PROPOSED WHEELCHAIR RAMPS ARE SHOWN ON THE CONSTRUCTION PLANS, ADDITIONAL TYPICAL DETAILS AND WHEELCHAIR RAMP DATA ARE SHOWN IN THE CONSTRUCTION DETAILS.
3. PROPOSED WHEELCHAIR RAMP SLOPES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE POURING OF CONCRETE, AND ADJUSTED, IF NECESSARY, TO CONFORM TO THE LATEST ADAAG/PROWAG/MAAB STANDARDS, AS DIRECTED BY THE ENGINEER.
4. ALL PROPOSED CURB FOR WHEELCHAIR RAMP TRANSITIONS SHALL BE CUT AND TRANSITIONED AS NECESSARY TO PROVIDE THE CORRECT TRANSITION LENGTHS FOR EACH WHEELCHAIR RAMP, AS SHOWN ON THE WHEELCHAIR RAMP DETAILS OR AS REQUIRED BY THE ENGINEER. ANY EXISTING CURB INLETS IN AREAS OF NEW WHEELCHAIR RAMP TRANSITIONS SHALL BE REMOVED AND REPLACED WITH APPROPRIATE TRANSITION CURB AS DIRECTED BY THE ENGINEER.
5. IN NO CASE, EXCEPT FOR MAXIMUM LENGTH HIGH SIDE TRANSITIONS (SLOPES GREATER THAN 4%) SHALL ANY TRANSITION SLOPE OF ANY WHEELCHAIR RAMP EXCEED 7.5%*
6. WHEN PLACEMENT OF THE PROPOSED WHEELCHAIR RAMP IS SUCH THAT IT IS UNAVOIDABLE FOR EXISTING STRUCTURES, THAT CANNOT BE MOVED OR RESET, TO BE WITHIN THE WHEELCHAIR RAMP, EXTREME CARE SHALL BE TAKEN SUCH THAT THE EXISTING STRUCTURE IS WITHIN THE RAMP TRANSITIONS ONLY, IF POSSIBLE, WHEN THE NEW WHEELCHAIR RAMP IS PLACED AND THAT A FOUR FOOT WIDE (MIN). CLEAR PATH OF TRAVEL EXISTS BETWEEN THE EXISTING STRUCTURE AND EITHER THE CURBLINE OR THE BACK OF SIDEWALK, AS DIRECTED BY THE ENGINEER.
7. IN RARE INSTANCES WHERE AN EXISTING MANHOLE, HANDHOLE OR OTHER EXISTING "SURFACE" TYPE STRUCTURE WHICH CANNOT BE REMOVED AND RESET, IS WITHIN THE ACTUAL WHEELCHAIR RAMP PATH, THE STRUCTURE SHALL BE CAREFULLY ADJUSTED SUCH THAT THE TOPMOST SURFACES OF THE STRUCTURE COVER SHALL BE FLUSH WITH THE NEW RAMP SURFACE AND SHALL MATCH THE SLOPE OF THE NEW WHEELCHAIR RAMP EXACTLY, AS DIRECTED BY THE ENGINEER.
8. ALL WHEELCHAIR RAMPS WITHIN THE PROJECT LIMITS SHALL HAVE DETECTABLE WARNING PANELS INSTALLED IN ACCORDANCE WITH MASSDOT STANDARD DRAWING E 107.6.5.
9. DETECTABLE WARNING PANELS SHALL BE YELLOW IN COLOR, OR AS OTHERWISE APPROVED BY THE ENGINEER.
10. *TOLERANCE FOR CONSTRUCTION +/- 0.5%



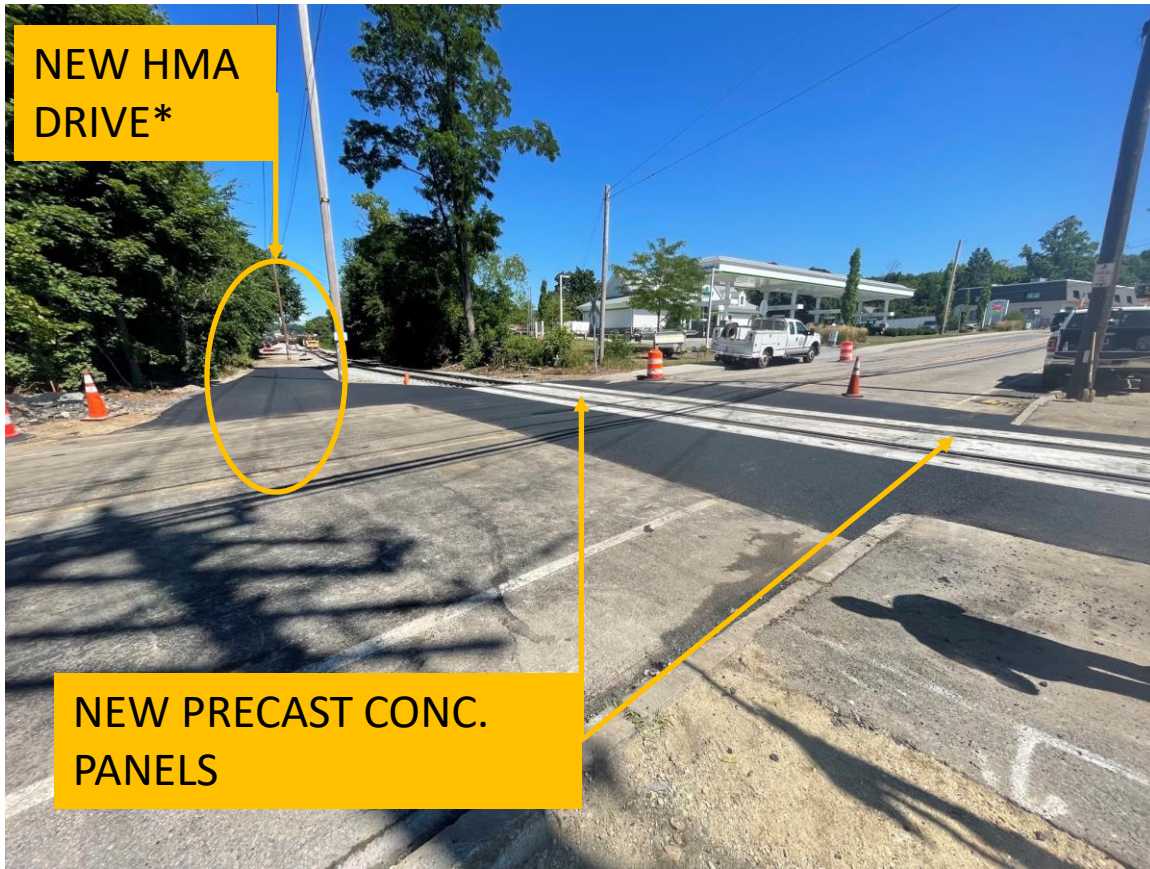
PEDESTRIAN RAMP #1
SCALE: 1" = 4'

PEDESTRIAN RAMP #2
SCALE: 1" = 4'



PEDESTRIAN RAMP #4
SCALE: 1" = 4'

PEDESTRIAN RAMP #3
SCALE: 1" = 4'

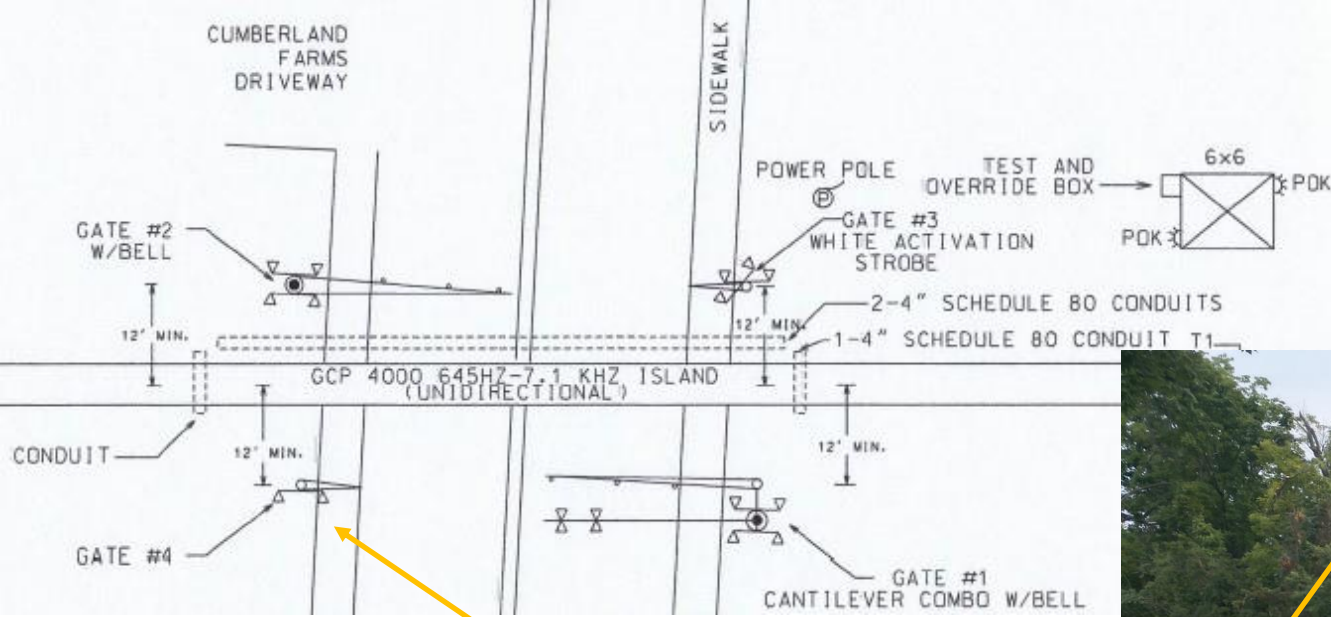


EXISTING CONDITIONS
WORK COMPLETED BY GURR ON 7.13.22

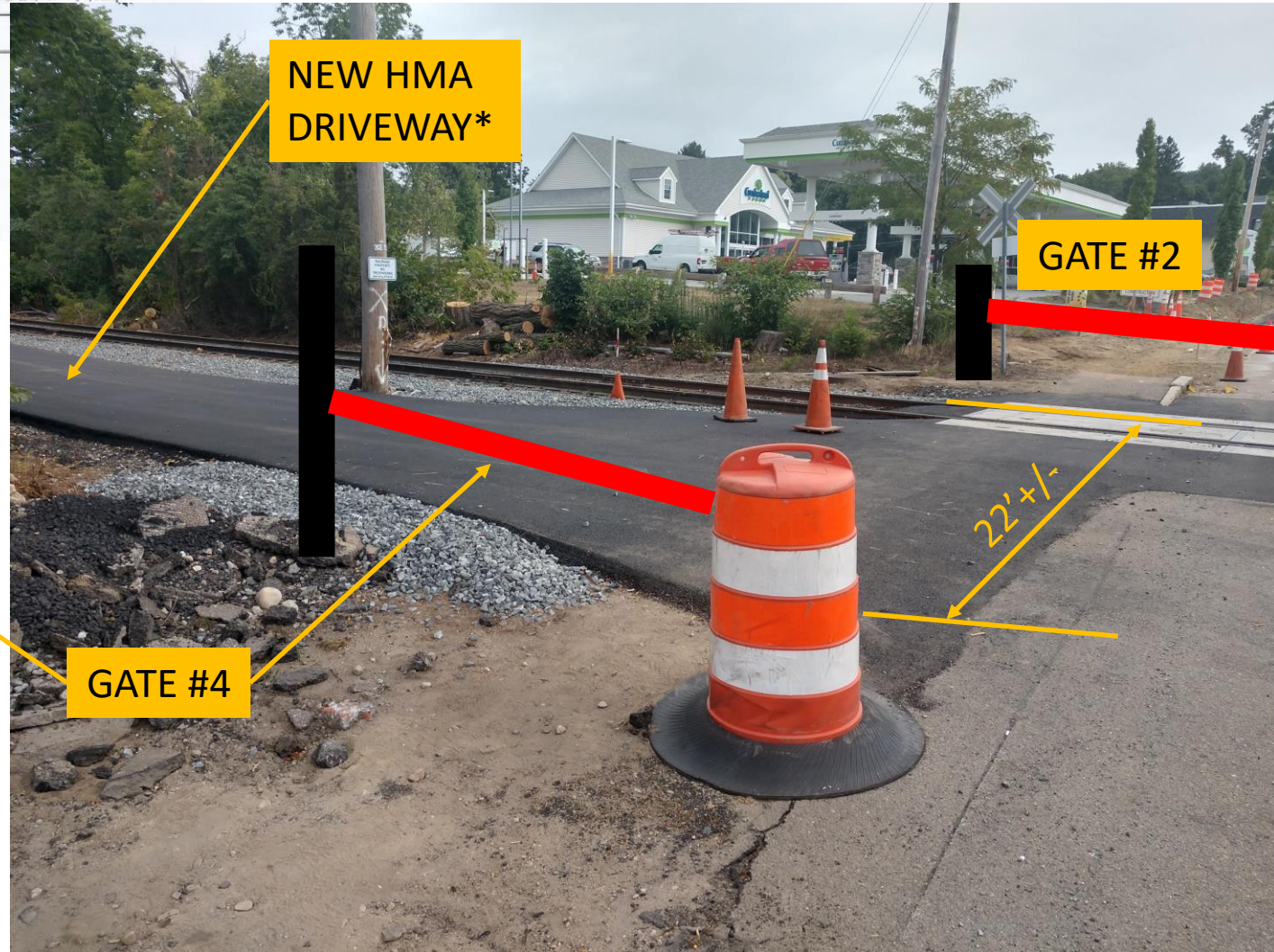


*INDICATES WORK NOT ON PLAN DEVELOPED BY GURR (12.29.2020)

PROPOSED UPGRADES BASED ON SITE MEETINGS WITH GURR ON 8.4.22 & 8.18.22

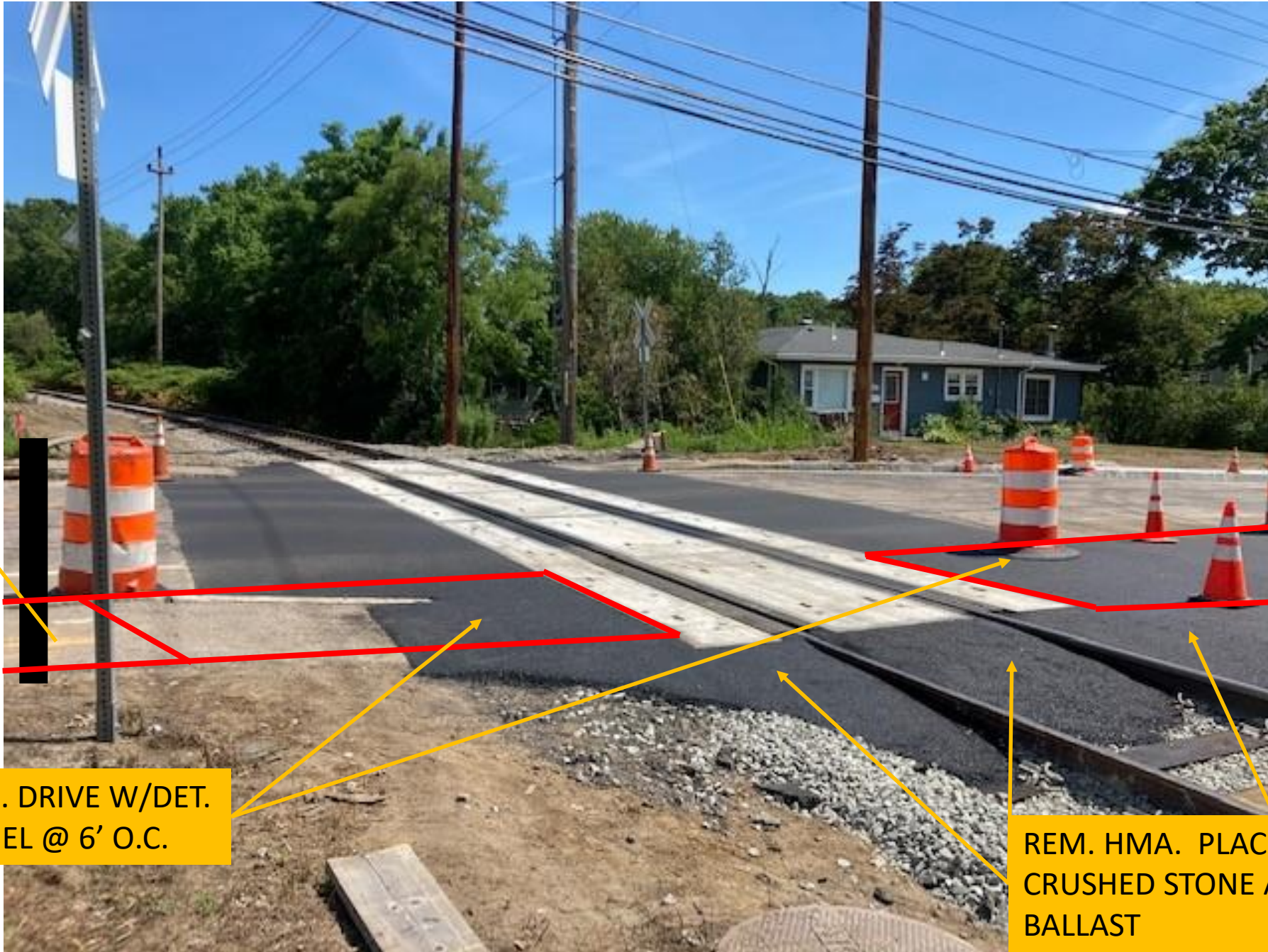


TAKEN FROM GURR PLAN
(DATED 12.29.20)



*INDICATES WORK NOT ON PLAN DEVELOPED BY GURR (12.29.2020)

RECOMMENDED ADA/SAFETY FIELD ADJUSTMENTS



ADA PED.
RAMP

CEM. CONC. DRIVE W/DET.
WARN. PANEL @ 6' O.C.

REM. HMA. PLACE DENSE GRADED
CRUSHED STONE AND/OR TRACK
BALLAST

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 Three Million Nine Hundred Thousand Dollars (\$3,900,000.00) 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 24th day of August, 2022.

TOWN OF HOPEDALE
SELECT BOARD

Glenda A. Hazard, Chair

Brian R. Keyes

Bernard J. Stock

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF WORCESTER

On this ____ day of August, 2022, 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:

Exhibit A
(attached)

MARIJUANA OVERLAY DISTRICT BYLAW – DRAFT

ARTICLE XXX – Marijuana Overlay District Bylaw

Section XXX- Purpose

The purpose of the Marijuana Overlay District Bylaw is to provide for the placement of Medical Marijuana Treatment Centers (“MMTCs”) and Adult Use Marijuana Establishments (“MEs”) in locations suitable for such uses in accordance with G.L. c. 94G and all applicable regulations, including 935 CMR 500.000 and 935 CMR 501.000, in order to support the public’s right to access marijuana and marijuana products while mitigating community impacts and protecting public health, safety and welfare.

Section XXX – Establishment

The Marijuana Overlay District (“MOD”) is established as an overlay district. The boundaries of the MOD are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:

Address: XXX, Assessor’s Map XXX, parcels XXX

Commented [NJC1]: Please update.

Within the MOD, all requirements of the underlying zoning district shall remain in effect, except where these regulations provide an alternative to such requirements. Land within the MOD may be used for a (1) MMTC; and (2) any state-licensed MEs, including Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Research Facility, Independent Marijuana Testing Laboratory, Marijuana Transporter, Craft Marijuana Cooperative, Marijuana Micro Business, and Marijuana Delivery Licensee, in which case the requirements set forth in this section shall apply; or (3) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MOD conflict with the requirements of the underlying district, the requirements of the MOD shall control.

Commented [NJC2]: As we previously discussed, unless the Town bans or limits marijuana establishments pursuant to the two-step process outlined in G.L. c.94G, sec 3, marijuana establishments must be allowed under the Town Zoning Bylaws.

Commented [NJC3]: Does the Town want to limit cultivation to only indoor cultivation?

Section XXX- Definitions

1. Where not expressly defined in the Zoning Bylaws, terms used in the MOD Bylaw shall be interpreted as defined in G.L. c.94G, § 1 and the regulations governing Adult Use of Marijuana (935 CMR 500.000), Medical Marijuana (935 CMR 501.000) and otherwise by their plain language.

Section XXX – Limitation and Prohibitions

- 1. Retail Establishments: No more than four (4) Marijuana Retailers shall be permitted within the Town of Hopedale.

Commented [NJC4]: Please confirm that this is equal to or more than 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not be drunk on the premises where sold under section 15 of Chapter 138. If not, a ballot question will be required as we previously discussed.

MARIJUANA OVERLAY DISTRICT BYLAW – DRAFT

2. Social Consumption Establishments: No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises of any MMTC or ME. The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

Section XXX – Location and Dimensional Controls

1. MMTCs and MEs may be permitted in the MOD pursuant to a Special Permit and Site Plan Approval.
2. MMTCs and Marijuana Establishments may not be located within 500 feet of the pre-existing public or private school providing education in kindergarten or grades 1 through 12.

The distance under this section shall be measured in a straight line from the geometric center of the ME or MMTC Entrance to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the ME or MMTC Entrance to the geometric center of the nearest School Entrance.

3. Cultivation and Product Manufacturing Establishments located within the MOD shall be separated from adjacent uses by a 100-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.
4. All aspects of a MMTCs and MEs relative to the cultivation, possession, processing, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations.
5. MMTCs and MEs shall be located only in a permanent building and not within any mobile facility, storage freight container, or other similar movable enclosure, unless operating as a licensed Marijuana Transporter or Marijuana Delivery Licensee.
6. Unless explicitly stated otherwise, MMTCs and MEs shall conform to the dimensional requirements applicable to non-residential uses within the underlying zoning district.
7. All MMTCs and MEs shall conform to the signage requirements of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

Commented [NJC5]: Please confirm that the intent is to require a SP for all MEs.

Commented [NJC6]: This is regulatory buffer zone (935 CMR 500.110(3)); the buffer zone distance of 500 feet may be reduced if the Town adopts bylaw that reduces the distance requirement.

Commented [NJC7]: Did the Board want to establish additional buffer zones to help mitigate odor?

MARIJUANA OVERLAY DISTRICT BYLAW – DRAFT

8. No drive-through service shall be permitted at a Marijuana Establishment.

Section XXX – Special Permit

1. Procedure: The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) and the Planning Board shall conduct Site Plan Review for an applicant for a MMTC or ME.

Commented [NJC8]: Please confirm.

a. Application: In addition to the materials submission requirements of Sections 18 and 10.6 of this Bylaw, the applicant shall also include:

- i. A detailed floor plan of the premises of the proposed MMTC or ME that identifies the square footage available and describes the functional areas of the facility;
- ii. Detailed site plans that include the following information:
 1. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Bylaw;
 2. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 3. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 4. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the site, including designated parking for home delivery vehicle(s), as applicable;
 5. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
 6. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 7. Adequacy of water supply, surface and subsurface drainage and light.
- iii. A description of the security measures, including employee security policies;
- iv. A copy of the emergency procedures;

MARIJUANA OVERLAY DISTRICT BYLAW – DRAFT

- v. A copy of proposed waste disposal procedures;
 - vi. A copy of all licensing materials issued by the Cannabis Control Commission and any materials submitted to the Cannabis Control Commission by the applicant for purposes of seeking licensing to confirm that all information provided to the Town is consistent with information provided to the Cannabis Control Commission;
 - vii. A copy of an odor control plan that provides for proper and adequate ventilation at MMTCs and MEs in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing and/or keeping of marijuana or marijuana related products from being dispersed or released outside the facilities and to prevent odor from marijuana or its processing from being detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of such facility or at any adjoining use or property; and
 - viii. Evidence of the applicant's right to use the proposed site for the MMTC or ME, such as a purchase and sale agreement, deed, owner's authorization, or lease.
- b. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department and the Water and Sewer Department. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
- c. After notice and public hearing in accordance with Section 10.9 of the Bylaw and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit and request for site plan approval.
2. Special Permit Findings: In addition to the standard findings for special permit set forth in Section 10.6, the SPGA shall not issue a special permit for a MMTC or MC unless it makes the following findings:
- a. The MMTC or ME does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
 - b. The proposed MMTC or ME is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
 - c. The applicant demonstrates that the MMTC or ME will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations;

MARIJUANA OVERLAY DISTRICT BYLAW – DRAFT

- d. The security plan provides sufficient assurance that adequate security controls will be implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
 - e. The odor control plan proposed adequately provides for the ongoing safe operation of the MMTC or ME and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
 - f. The proposed design and operation of the MMTC or ME will meet the requirements of this Bylaw.
3. Special Permit Conditions on MMTCs and MEs: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant’s MMTC or ME, the SPGA may include the following conditions in any special permit granted under this Bylaw:
- a. Hours of Operation, but if none are specified in the special permit, hours of operation shall be limited to 8:00 a.m. – 6:00 p.m.
 - b. The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.
 - c. A Security Plan shall be required for all MMTC and MEs, which shall be subject to approval by the Hopedale Fire and Police Chiefs and submitted to the SPGA.
 - d. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 - e. MMTCs and MEs may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.
 - f. A special permit granted under this Section shall have a term limited to the duration of the applicant’s ownership and use of the premises as a MMTC or ME. A special permit may be transferred only with the approval of the SPGA in the form of an amendment to the special permit.
 - g. The special permit shall lapse upon the expiration or termination of the applicant’s license by the Cannabis Control Commission.

Commented [NJC9]: Please confirm.

Commented [NJC10]: Please confirm this is the intent. I have provided alternative language below if it is not:

The special permit shall lapse within **[5]** years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least **[120]** days prior to the expiration of the special permit.

The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the MMTC or ME.

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- h. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the MMTC or ME’s expiration or termination of the permit holder’s license with the Cannabis Control Commission

Section XXX - Prohibition Against Nuisances

No use shall be allowed in the MOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

Section XXX - Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.