

**Select Board
Regular Meeting Minutes
December 13, 2021, 7:00 pm**

Present: Chair Brian R. Keyes, Selectman Louis J. Arcudi, III, Selectwoman Glenda A. Hazard, Town Administrator Diana M. Schindler.

Chair Keyes called the meeting to order at 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance. Selectman Arcudi took a moment of silence to the lives that were lost in the disaster that happened in the south of the Country recently.

Chair Keyes read the Pole Petition Public Hearing Notice.

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

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

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

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

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

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

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

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

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

Plan No. 29251325 Dated 11/19/2019

Consent Items

Approval of November 22, 2021 Regular Minutes

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

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

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

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

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

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

New Business

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

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

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

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

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

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

Hazard – Aye, Arcudi – Aye, Keyes – Aye

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

ABCC 2022 Seasonal Population Increase Estimation Form (Vote)

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

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

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

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

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

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

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

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

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

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

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

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

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

Arcudi – Nay, Hazard – Abstained, Keyes – Nay

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

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

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

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

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

Selectwoman Hazard stated that if any residents are wondering why she decided to vote how she did tonight to please reach out to her via email. Hazard thanked the Friends of Historic Hopedale for putting on the holiday events. Chair Keyes thanked the Hopedale Police Department and Fire Department for putting on the Santa Parade.

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

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

Chair Keyes reviewed the correspondence items.

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

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

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

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

Comcast/Xfinity – Price Changes & Updates

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

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

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

Green River Cannabis – Community Outreach Meeting Information

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

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

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

Future Agenda Items:

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

Selectwoman Hazard moved to Passover the executive session. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session:

In accordance with G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to collective bargaining and litigation that an open meeting may have a detrimental effect on the bargaining and litigation position of the public body and the chair so declares, which he does. (CB: Clerical; Call Fire).

Selectman Arcudi moved to adjourn the regular meeting. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 10:54PM

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____

**Select Board
Regular Meeting Minutes
December 27, 2021, 7:00 pm**

Present: Chair Brian R. Keyes, Selectman Louis J. Arcudi, III, Selectwoman Glenda A. Hazard, Town Administrator Diana M. Schindler

Chair Keyes called the meeting to order at 7:00PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Frederick Oldfield moved to open the joint meeting with the Library Trustees and Select Board at 7:00PM. Christine Seaver seconded the motion.

7:00 PM Joint Meeting with Library Trustees

Accept Resignation of Nancy K. Verdolino from the Library Trustees
Chair Keyes read the resignation letter provided by Nancy Verdolino.

Selectman Arcudi moved to accept the resignation of Nancy Verdolino. Selectwoman Hazard seconded the motion.

Hazard – Aye, Arcudi – Aye, Keyes – Aye

Selectman Arcudi stated that he is very close with Nancy and her Husband. She will be very missed in Hopedale, and he thanked her for all of her hard work. Selectwoman Hazard thanked Nancy for her 20 years of dedication to the Town of Hopedale. Hazard stated that Nancy will surely be missed by her colleagues and members of the Town. Chair Keyes thanked Nancy for the impact she left with the Town and the Bancroft Memorial Library.

Address Request for Appointment of Marie Riddell to the Library Trustees, to fill the remainder of term. Town Administrator Schindler clarified that this term will serve until the regular May 2022 election. This term is appointed to fill the vacancy until the election.

Selectwoman Hazard moved to appoint Marie Riddell to the Library Trustees, to fill the remainder of term until the May 2022 election. Selectman Arcudi seconded the motion.

Roll Call Vote: Oldfield – Aye, Seaver – Aye, Arcudi – Aye, Hazard – Aye, Keyes – Aye

Selectman Arcudi stated that he thinks Marie would be a good candidate for the position. He and Selectwoman Hazard have no questions. Marie Riddell stated that she is thankful to be considered. Riddell thanked the Select Board and the Library Trustees for their time.

Fred Oldfield moved to close the Library Trustees Meeting. Christine Seaver seconded the motion.
Oldfield – Aye, Seaver – Aye, Riddell – Aye

Consent Items

Approval of December 13, 2021 Regular Minutes

Selectwoman Hazard asked that the Select Board postponed the approval of the December 13, 2021 Regular Minutes until the next scheduled Select Board meeting, she stated that she needs more time to review.

Selectwoman Hazard moved to table this item until the next scheduled meeting. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Appointments and Resignations

Accept Resignation of Firefighter and EMS Coordinator/SAFE Coordinator Brian Kelley from the Hopedale Fire Department, effective January 1, 2022

Selectman Arcudi moved to accept the resignation of Firefighter and EMS Coordinator/SAFE Coordinator Brian Kelley from the Hopedale Fire Department, effective January 1, 2022. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Fire Chief Daige stated that Brian Kelley is an instrumental part of the Fire Department. Kelley began the Advanced Life Support Program (ALS) for the Hopedale Ambulance. Kelley presented the SAFE Program to the Hopedale Schools. Chief Daige stated that Kelley was an excellent talent, great Firefighter and EMS who will be terribly missed. Chair Keyes read the resignation letter provided by Brian Kelley.

Accept Resignation of Suzanne MacNeil from the Open Space & Recreation Planning Committee, effective immediately

Chair Keyes read the resignation letter provided by Suzanne MacNeil from the Open Space & Recreation Planning Committee. Chair Keyes stated he appreciated the service to the committee that Suzanne has provided. Town Administrator Schindler stated that if any Town residents are interested in the Open Space & Recreation Planning Committee or the Master Plan Steering Committee to reach out to her office. The Town Administrator's Office was just informed that they were approved for funding of the next phase of the Master Plan.

Selectwoman moved to accept the resignation of Suzanne MacNeil from the Open Space & Recreation Planning Committee, effective immediately. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

New Business

Accept the Legislative FY22 Local Earmark of \$25,000 from the General Appropriations Act granted to the Hopedale Fire Department for the Purchase of Personal and Life-Saving Equipment (list of equipment identified in Grant Scope)

Chair Keyes read the letter provided. Chair Keyes read the grant project description. The Hopedale Fire Department will use these funds to purchase the following items: one battery operated auto-extrication combination tool. This tool will be kept on our primary ambulance with just two Firefighters working per shift, there have been times that those two Firefighters have waited up to fifteen minutes for an engine with hydraulic extrication tools to arrive to extricate a victim(s) in a car accident. With this battery-operated tool on the ambulance, it will allow the Firefighters to initiate extrication and access to treat the victim(s) more quickly. Two new thermal imaging cameras to replace the TC's that are over 10 years old. Two new multi-gas meters to replace meters that have been out of service because they can no longer be used due to age. Twenty-six personal LED flashlights for the members so that they always have the safety of having a flashlight.

Selectman Arcudi moved to accept the Legislative FY22 Local Earmark of \$25,000 from the General Appropriations Act granted to the Hopedale Fire Department for the Purchase of Personal and Life-Saving Equipment. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Old Business

COVID-19 Operations Update

Town Administrator Schindler stated that the Town currently has 43 active cases as of Friday, December 24, 2021. As of Friday, there was a 6.5 increase of cases. For Town and Municipal Vehicles, there are procedures in place that are listed in the packet. Currently, Town buildings are open to the public and the hours have not been cut.

Update Litigation re: Reilly, et als. v. Town of Hopedale, Grafton & Upton Railroad, and One Hundred Forty Realty Trust, et als., Worcester Superior Court, C.A. No. 2185CV00238D

Chair Keyes read the statement provided by the Select Board and Counsel. This letter recapped the events of the 364 West Street litigation. In summary, the Court stated the where the Towns actions of 85 acres was a fundamental part of the settlement agreement, unless the Board obtained Town Meetings validation to obtain this property, the agreement will not become legally effective, and the Town could request that the Town reopen the previously dismissed lawsuit and seek to enforce the option. In light of the superior court's clarification, the Select Board, has a limited number of options going forward with a Court imposed deadline of Mid-February 2022. One course of action would be to call a new Special Town Meeting in January 2022 and put the settlement agreement terms to the voters. Town Counsel, in reliance on the decisions of the superior court and the appeals court, has advised that if Town meeting did vote to authorize the terms of the settlement agreement (2/3rds vote in favor to pass) there would be no further impedance to carrying it out. A second option would be to attempt to reopen the land court litigation and pursue the Town's original plan that it properly exercised it's right of first refusal. The third option, not favored by the Select Board, would be to take no action further and allow the railroad to remain in possession of the property. After deliberation, the Select Board has decided not to call a Special Town Meeting at this time. The Board reached this decision based on these factors, at the October 2020 Special Town Meeting the voters unanimously supported the acquisition of 155 acres, while we require a new Town meeting vote on acquiring the 85 acres the Board acknowledges the informal statements of several hundred voters through social media and petitions in favor of instead of attempting to further land court proceeding to acquire the 155 acres. Chair Keyes stated that as developments come in the Select Board will provide updates to the residents and be transparent.

Joint Meeting with Board of Health to Address Animal Control Officer/Program, Tabled until 1/10/22
Town Administrator Schindler stated that the Town needs to respond to joining the MOA by July 1, 2021.

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

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

FY22 Rural and Small Town Development Fund Grant Program Materials

Town Administrator Schindler stated that the Board has voted to accept the grant of \$75,000 in a previous meeting and these documents are pertaining to that grant. The grant funding will go toward a traffic and circulation study in the village center.

75 Plain St – Opposition Letters from Residents

Xfinity – Programming Advisory, on December 22, 2021 ACC Network will be added to the Expanded Basic, Sports & News, and Xfinity Latino Starter levels of service in your community.

P/R Warrant 22-13 \$850,555.57

A/P Warrant 22-13 \$360,149.57

Requests for Future Agenda Items:

Joint Meeting with Conservation Commission re Select Board option to exercise the "Town's Right of First Refusal" concerning the West St, Date TBD

Selectman Arcudi asked to add to a future agenda that the select board and finance committee meet to provide some guidance to Departments/Boards regarding budget planning for 2023.

Selectman Arcudi also asked to add to a future agenda a code of conduct item regarding Boards and Committees.

Administrator Updates

<https://www.hopedale-ma.gov/home/webforms/hopedale-town-projects-initiatives>

Chair Keyes read the executive session purpose below.

Selectman Arcudi moved to enter executive session per the parameters that Chair Keyes read. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session:

In accordance with G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to collective bargaining and litigation that an open meeting may have a detrimental effect on the bargaining and litigation position of the public body and the chair so declares, which he does. (Collective Bargaining; DLR Case No. JLM-21-8830, Hopedale Fire/EMS, Call Fire and Clerical, Attorney Tim Zessin present).

Chair Keyes dissolved the meeting at 8:18PM

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____



Bancroft Memorial Library
50 Hopedale St.
Hopedale, MA 01747

29 December 2021

Mr. Frederick G. Oldfield III



Dear Fred:

On behalf of the Library Trustees, staff, and patrons, I want to thank you for your recent donation in the amount of \$200 to the Marge Hattersley Memorial Fund.

The funds will be placed in a donation account in Mrs. Hattersley's name to be used to fund special library needs that are not covered by the municipal budget.

Your donation prompted me to visit www.hope1842.com to read a little bit more about your grandmother and her amazing career at the Bancroft Memorial library. Your donation is truly a special gift and a wonderful tribute to her and to the generations of children who were captivated by her stories and love of reading.

Thank you for your continued support of her legacy.

Yours sincerely,

Tricia Perry
Library Director

cc: Town of Hopedale Select Board

FREDERICK G. OLDFIELD III

December 27, 2021

Dear Treva,

Please accept this donation for
the Marguerite E. Watterday Memorial Fund
in loving memory from her family.

Thank you.

Fred

FREDERICK G. OLDFIELD III

December 27, 2021

Dear Treva,

Please accept this donation for
the Marguerite E. Hatterday Memorial Fund
in loving memory from her family.

Thank you.

Fred

Rites Set Friday For Marjorie Hattersley

~~6-14-94~~ 6-15-94

HOPEDALE - Funeral arrangements have been completed for Mrs. Marjorie E. (Arnold) Hattersley, 79, of Freedom Street, retired children's librarian for the Bancroft Memorial Library.

A funeral service will be held Friday afternoon at 1 in the Hopedale Unitarian Parish Church, with Rev. Dr. Mark Allstrom officiating.

Burial will follow in Hopedale Village Cemetery.

Calling hours are tomorrow from 2 to 4 and 7 to 9 p.m. in the Suma-Sargeant Funeral Home, 42 Congress Street, Milford.

Mrs. Hattersley died Monday at Milford Hospital. She was the widow of Stenson T. Hattersley, who died in 1983.

Before her retirement this past April, Mrs. Hattersley was employed as children's librarian at the library here for 50 years. At a retirement dinner held in her honor, officials announced the dedication of the "Marjorie E. Hattersley Children's Room."

A native and lifelong resident of

Hopedale, she was the daughter of the late Gilbert S. and Annie (Newman) Arnold Jr. She graduated from Hopedale High School in 1931 and earned certification as a librarian from Simmons College in Boston.

Mrs. Hattersley was a lifelong member of the Hopedale Unitarian Parish and currently a member and secretary of the parish's Ladies Alliance. She was also a member of the Hopedale Friends of the Elders.

She is survived by a daughter, Judith Oldfield of Hopedale, three grandchildren and two great-grandchildren. She was also the mother of the late Sandra A. Sessa of Hopedale, who died in 1982.

Contributions in Mrs. Hattersley's memory may be made to Bancroft Memorial Library, care of the Marjorie E. Hattersley Children's Room, Hopedale Street, Hopedale 01747; or the Hospice of Greater Milford, 391 South Main Street, P.O. Box 122, Hopedale 01747.



Senator Matthew Amorello presents children's librarian Marjorie Hattersley a Senate citation recognizing her more than 50 years of service. Hattersley's daughter, Judy Oldfield, left, and grandson, Fred Oldfield, look on. (Daily News/David Del Poio)

Hopedale Librarian Honored For Half Century Of Service

By **JOSEPH FITZGERALD**
and **VIRGINIA CYR**
Daily News Staff

HOPEDALE — Marjorie E. Hattersley gazes affectionately at the huge wooden doors of the Bancroft Memorial Library in Hopedale and remembers the children.

She smiles quietly to herself as though she were hearing a half-century of hushed young voices echoing among the long stacks of books inside.

"I brought up two generations of the town's kids there," Mrs. Hattersley says after a long silence. "Some of the older children are now bringing their children here."

Hattersley, a longtime fixture at the library, is retiring as children's librarian after more than 50 years of service. That extraordinary career was recognized by the Town of Hopedale Sunday at a surprise retirement party at the Canoe Club in Mendon.

A surprised Hattersley was accompanied to the party by her daughter, Judy Oldfield, her grandson, Fred Oldfield, and other family members and friends.

She was greeted with cheers by library co-workers, town and state officials and several family members and friends, many of them longtime patrons of the library.

Hattersley, a well-known Hopedale native, will officially retire at the end of this month.

Sunday's party, which had been

planned more than a month ago, had a gathering of over 130 people. Organizers of the event said everything possible was done to keep knowledge of the affair from the honored guest.

And from the look on her face as she walked through the doors, it was indeed a surprise.

"It was quite a surprise," Hattersley said. "It was so nice of all those people who came out for this wonderful event."

Grandson Fred Oldfield was toastmaster of the retirement party, and Hattersley was presented a gold locket on behalf of the gathering. The locket contained pictures of the Statue of Hope, which stands on the side lawn of the library. She was also given a memory book that contained letters from elementary school children, newspaper stories about activities conducted by Hattersley through the years and other memorabilia.

She received several citations from officials at the national, state and local level, including a Senate citation given to her personally by State Sen. Matthew Amorello.

Among those attending the party were Library Trustees Marcia Sweet, Roger Edwards and David Williams, Selectmen Alfred Sparling and John DiPietropolo, Town Clerk Mary Draper, Unitarian Church Rev. Dr. Mark Allstrom, Town Accountant Kathy Garabedian, former selectman Walter

Swift and several past library trustees.

Guests enjoyed dinner and dancing which followed the speaking program. Bancroft Memorial Library Director Elaine Malloy gave a brief speech about her many years of working with Hattersley.

Although she is retiring from her full-time job, the town's children will still get to see their favorite librarian. Hattersley said she wants to return to the library during the summers as a volunteer.

"My greatest joy all these years was my work with the children," she said. "I truly loved working with them and instilling in them a love of books and reading."

"I loved my work, and that is something not many people can say especially after 50 years," she said.

Date 11/22/2021 **Invoice Number** 2021 DAY IN THE PARK

Donation to
Hopedale
Cultural
Council for
2021 Day In
The Park

256702

Amount
200.00

Amount Due: 200.00

W/H Amount: 0.00

Net Amount: 200.00

M 658730

THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY SENSITIVE PAPER, FLUORESCENT FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

ROCKLAND TRUST ACCOUNT'S PAYABLE CHECK

Payment Date 12/2/2021 **Amount** \$200.00

PAY TWO HUNDRED and 00/100*****

TO THE ORDER OF TOWN OF HOPEDALE
78 HOPEDALE ST
HOPEDALE, MA 01747

[Signature]
AUTHORIZED SIGNATURE



High Hopes LLC
1 Meritt Way, Suite #9
Hopedale, MA 01747

DATE	INVOICE	AMOUNT

PAY *thirty thousand one hundred seventy-six dollars & 51/100* — DOLLARS
CHECK NO. *4774* TO THE ORDER OF *Town of Hopedale* CHECK AMOUNT
DATE *1-4-21* DESCRIPTION *Quarterly Payment 30,176.5*

GFA Federal Credit Union
229 Parker Street • Gardner, MA 01440

Pratt

MP
Debit on back



CKZ9815-05-21

**TOWN OF HOPEDALE
BOARD, COMMISSION OR COMMITTEE
TALENT BANK FORM**

Local Government needs citizens to give of their time and talents serving the Town of Hopedale. A Talent Bank has been established to compile a list of interested citizens, willing to serve on a voluntary basis on boards, commissions and committees. Some groups meet often, others require less time, and still others are busy only at specific times of the year. Occasionally, there are requirements for ad hoc committees or sub-committees appointed to work on specific projects. Experience indicates that the two most appropriate qualities for successful service are an open mind and exercise of common sense.

If you are interested in serving, please list the position(s) you wish to be considered for:

Board, Commission or Committee applying for:

Master Planning Steering Committee and Economic Development Committee

Please return completed forms to:

Town Administrator's Office – Hopedale Town Hall 78 Hopedale Street, Hopedale, MA 01747

The Town Hall mailing address is: P.O. Box 7, Hopedale MA, 01747

Please Note:

- The Board of Selectmen may fill vacancies until next election.
- It is recommended that you attend a few meetings of the committee or board you are contemplating joining to help determine your interest.
- The board/committee will be asked for their recommendation on each applicant appointment.

Name: David Cedrone Are you a registered voter? Yes No
Address: [REDACTED] How long have you lived in Hopedale? 3+ years
Home Phone: _____ Cell Phone: [REDACTED] E-Mail: [REDACTED]
How would you like to be contacted? email
Occupation: Pre-Sales Engineering Leader

Please list any potential conflicts of interest, e.g. membership in an organization or your business:

Education and Experience: Associate in Science
3+ years leadership experience, 10+yrs as a sales engineer, 1yr as a Tech trainer

How many times during the last year have you attended a meeting of the Board/Committee to which you are requesting appointment? 0

Have you ever had business before the Board/Committee to which you are requesting an appointment?

Yes No If yes what type of business? _____

Special interests and skills: Business, Sales, Training, Problem solving,

Activities, e.g. Government/Civic & Community/Charitable & Educational: _____

Reasons for wanting to serve: To help hopedale be the best it can be

The completion of this form in no way assures appointment. Citizens deemed most qualified to serve in a particular capacity will fill all board, commission or committee vacancies.

Applicant's Signature David Cedrone Date 12/22/2021

January 4, 2022

Chief,

Thank you very much for checking in with me Chief Daige. I hope the Hopedale Fire Department has had a safe and exciting year. I have continued to have medical examinations throughout last year. I have seen multiple cardiologists. After the examinations over the year, my cardiologist feels confident that my heart does not present diminished ability to function during strenuous activity. My heart works in a healthy manner, and I can continue to do physical tasks. The EKG looks different because of a physiological difference in my heart, and this developed because of my high level of physical exercise and activity. However, this doesn't make me any less healthy.

Last year, I had to look beyond firefighting as I planned my career. I worked in a biology focused lab testing the health of animals. I chose to gain experience in biology to exercise the skills and knowledge I gained from my biology degree. Last fall, I chose to continue my studies at UMass Lowell as I continue down the path to my career. As my career plans evolved, I recognized that I wouldn't be able to serve at the Hopedale Fire Department in the way that is expected of a call candidate or call fire fighter. I am very grateful to you and everyone at the department for the invaluable experience of serving with Hopedale. My experience was incredible specifically because of the people I worked alongside. You all welcomed me kindly, and I learned something different from everyone's individual backgrounds and personalities. Thank you so much for giving me the opportunity to contribute my effort and my abilities to the Hopedale Fire Department. I hope I was able to return the favor in a small way with my role on the Hopedale Fire Department. I hope all of you have a fulfilling year. The town of Hopedale is lucky to have your department, really. Thank you very much Chief Daige.

Kindly,

Peter Robinson



HOPEDALE FIRE DEPARTMENT

40 Dutcher Street - Hopedale MA. 01747

Tel. (508) 473-1050 Fax: (508) 902-0076

www.hopedale-ma.gov/fire-department

Thomas M. Daige – Fire Chief

David J. McMorrow – Deputy Chief



Select Board
Town Hall Office
78 Hopedale Street
Hopedale MA 01474

January 5th, 2022

Re: Call Candidate Peter Robinson Resignation

Mr. Chairman,

In October of 2021 Call Candidate Peter Robinson, while undergoing a medical evaluation for acceptance into the Massachusetts Fire Academy – Call/Volunteer Training Academy, it was discovered that Peter had an underlying medical issue thus prohibiting his attendance of the Massachusetts Firefighting Academy, which is part of the job requirements of being a Call Firefighter. In December of 2021 a decision was made to allow Peter one year to see if medical treatment would resolve the issue. Peter had kept us update periodically of his status, which was unchanged throughout. On January 4th, I reached out to Peter to see if there was any progression as his one year of treatment had made it possible to allow him to continue the process of becoming a Call Firefighter. Unfortunately, Peter's condition, although not a detriment to his overall health, has not improved to where his doctor will allow him to perform the strenuous activities involved with the job of Firefighting.

Peter was a member of our department as a Call Candidate for just under 2 years prior to him being placed on medical leave, with a great work attitude and call attendance.

I have included Peter's email reply as his letter of resignation.

Respectfully,

Thomas Daige
Fire Chief



HOPEDALE FIRE DEPARTMENT

40 Dutcher Street - Hopedale MA. 01747

Tel. (508) 473-1050 Fax: (508) 902-0076

www.hopedale-ma.gov/fire-department

Thomas M. Daige – Fire Chief

David J. McMorrow – Deputy Chief



Select Board
Town Hall Office
78 Hopedale Street
Hopedale MA 01747

January 4, 2022

Re: Appointment of Career Firefighter/Paramedic Matthew Berger

Mr. Chairman,

The resignation of Firefighter/Paramedic Brian Kelley created an opening within the career staff of the Fire Department. Call Lieutenant/Paramedic Matthew Berger inquired whether the Town, and I, would be willing to accept him on a transfer of employment, otherwise known as a "Lateral Transfer", through Civil Service from the Franklin Fire Department. A "lateral transfer" means that Hopedale would acquire the employment of Mr. Berger from the Town of Franklin. Knowing Mr. Berger's talent level as a Firefighter and Paramedic, having Mr. Berger as a member of our department for more than five years combined and realizing the savings in money (\$28,000.00) for the town as Mr. Berger already has the required training (Massachusetts Firefighting Academy – Career Recruit Training), I felt this would be a homerun for our department and the town.

I am asking the Board to appoint Matthew Berger to the position of Firefighter/Paramedic effective January 1st, 2022.

Respectfully,

Thomas Daige
Fire Chief

REQUEST FOR TRANSFER
FORM 9-10M 6/2002

HUMAN RESOURCES DIVISION

To be filled out in duplicate and all forms sent to the Human Resources Division. Do not use this form for change in classification to a position in a higher grade or for a position having substantially dissimilar requirements for appointment. A request for transfer from Official to Labor Service must be accompanied by a statement containing promotional bulletin posting information as required by G.L. Ch. 31, §29 and, in addition, it must be stated that the person selected is the best qualified of those applying (G.L. Ch. 31, §36).

To the Personnel Administrator
Civil Service Unit
One Ashburton Place, Boston, MA 02108

City/Town Hopedale
Address 40 Dutcher St.
Date 12/18/2021

Request is made for approval of the permanent or temporary transfer of:

Name Matthew Berger

Effective Date 01/01/2022

PRESENT PERMANENT POSITION

Department Franklin Fire
Division _____
Title FF / Paramedic

POSITION TO WHICH TRANSFER IS PROPOSED

Department Hopedale Fire Department
Division _____
Title FF / Paramedic

Permanent Temporary _____ If temporary, state why and period for which transfer is requested

FT PT _____ Intermittent _____ Reserve _____

FT PT _____ Intermittent _____ Reserve _____
Voluntary _____ Involuntary _____

Duties (*Actual duties must be stated in detail. Continue on other side of form if necessary.*)

Duties (*Actual duties must be stated in detail. Continue on other side of form if necessary.*)

Firefighting and emergency medical services

Firefighting and emergency medical services

Reason why this transfer is for the public good

Hopedale fire is in need of an experienced FF/EMT-P and Mr. Berger is familiar with Hopedale have volunteered here for many years and would be able to fill a gap at #FD.

Signature of officer authorized by law to make appointments (in department requesting transfer)

[Signature]

Title:

BOARD OF SELECTMAN, CHAIR

I hereby consent to the transfer of Matthew David Berger
Signature of officer authorized by law to make appointments (in department in which employee has permanent status)

[Signature]

Title:

Person Administrator

I consent to this transfer. I understand that my seniority is not affected by a temporary or involuntary transfer but is affected by a voluntary permanent transfer from a position in one department to a position in another department.

Signature of Employee Matthew Berger

From: [Contact form at Town of Hopedale MA](#)
To: [Lindsay Mercier](#)
Subject: [Town of Hopedale MA] Memorial 5K (Sent by Leah Hodgdon, Leahhodgdon@gmail.com)
Date: Thursday, December 30, 2021 10:55:17 AM

Hello lmercier,

 sent you a message via your contact form (<https://www.hopedale-ma.gov/user/4991/contact>) at Town of Hopedale MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.hopedale-ma.gov/user/4991/edit>.

Message:

Hi there,

My name is Leah Hodgdon and I am a freshman at the Hopedale Junior-Senior High School. My father, David Hodgdon, passed away in February of 2020 from stage four gallbladder cancer. One of the things he loved doing and that brought us together as a family was running. Because of this, I would love to organize a 5k walk/run in his honor, with all of the proceeds benefiting the Dana-Farber Cancer Center (where he was treated). I was thinking of holding it in June of 2022. The course would (tentatively) begin at Draper Field, and then run along the bridge by what used to be the mill. From there, the runners would continue to the Parklands and run the Parklands loop, emerging right by the entrance to Draper field. The runners would run onto the field where they began, which would be 3.1 miles. I contacted the Park Commission, and their clerk told me to reach out to you. She placed my request on the agenda to be discussed at their December 15th meeting, and she told me to reach out to you at the Select Board for permission to use the roads in town for the race. I reached out to the park commissioner a few times, but she hasn't gotten back to me. I just wanted to make sure my request gets discussed at some point, however let me know if this is impossible for any reason. Please reach out if you have any questions, concerns, or alterations to my initial thoughts, and I look forward to hearing from you!

Sincerely,

Leah Hodgdon



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



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: Jayme Last Name: Solomon-Zissu

Address: [REDACTED]

City: Hopedale State: MA Zip Code: 01747

Phone: [REDACTED]

Email: [REDACTED]

Organization or Media Affiliation (if any): _____

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): Hopedale Select Board

Specific person(s), if any, you allege committed the violation: Brian Keyes

Date of alleged violation: 12/13/21

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.

I sent an email to the 3 members of the select board and the town administrator. I am concerned with his behavior. In this meeting, he was abusive towards people, tried to shame a board member into voting the way he wanted, raised his voice and refused to listen to people and talked over them. Below is my email and his response. I want to express my disappointment and disgust at the tone and tenor that was in the select board meeting that was held on 12/13. The belittlement and denigration of other board members and citizens was abhorrent. It came off as bullying even if that was not the intent. Tone matters. The way things are said and words chosen matter. Maybe you need to take a beat and a breath before you say something. A little measure goes a long way. Next, the constant derision of social media does nothing but infuriate and divide. Yes there are pros and cons to it but denigrating it when it doesn't fit your narrative does nothing to help the situation. Stop bringing up social media unless you want to bring up a specific situation with the facts and screenshots to back it up AND if it is necessary and pertinent to the issue. I was ashamed at the behavior of all involved even if you weren't. It came off as childish, petty, and counterproductive. I am sending this to each board member and Diana so do not think you are singled out.

Good morning,

At this point I could honestly care less about your opinion. You are loud and have something negative to say about everything we do. The emotion and enthusiasm on both sides beyond the board come off as strong some times but people tend to get frustrated when there is constant misinformation, misstatement of fact and constant insults and accusations. If you think you can do a better job, put your name on a ballot and run. We are more than free to express our thoughts, our opinions, and if we want to talk or discuss the content or actions of a fellow member we are allowed to. Having a board member tell another to "give it a rest" is abhorrent and disrespectful behavior, you are right. But we both know you are not referring to that. You don't like what we have to say because it doesn't play or support your narrative or cause. Too bad. You sit there and complain that there is no public comment or interaction and then send me this nonsense when there is and it's spirited. It's ok for me to sit there and get yelled at by a guy Rob Fahey who doesn't even live here anymore who constantly misquotes facts and then yells at me and gets defensive when called out. And then it goes right to insults. Your collective default. Anyway, you probably do not like my response to you it again, I could care less. Have a great day and enjoy the Holiday season.

Brian

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.

help us to address the behavior and establish a code of conduct. His behavior is rude and if he does not want to listen to constituents opinions, then he should not hold the office.

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: Jayne Solomon-Zissu

Date: _____

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

January 7, 2022

Brian W. Riley
briley@k-plaw.com

BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Hopedale – Select Board
Open Meeting Law Complaint from Jayme Solomon-Zissu received December 22, 2021

Dear Attorney Benedon:

Please be advised that this office serves as Town Counsel to the Town of Hopedale. The Town’s Select Board (“Board”) received an Open Meeting Law Complaint dated December 22, 2021 from Ms. Jayme Solomon-Zissu (“Complaint”), a copy of which is enclosed. In summary, the complainant alleges that at a Board meeting on December 13, 2021, the Chair of the Board, Brian Keyes, was “abusive towards people,” refused to listen to people and talked over them. She also objects to the tone of an email that the Chair sent to her.

Notwithstanding the complainant’s objections, the Complaint does not state any provision of the Open Meeting Law that was allegedly violated. The Law does not require a public comment period and a board chair may allow one, not allow one, or end it at his discretion. Since no violation of the Open Meeting Law is alleged, no remedial action is required.

Very truly yours,



Brian W. Riley

BWR/
794713/HOPD/0001



TOWN OF HOPEDALE

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

Tel: 508-634-2203 Fax: 508-634-2200
www.hopedale-ma.gov

Select Board

Brian R. Keyes, Chair
Louis J. Arcudi, III
Glenda A. Hazard

Town Administrator

Diana M. Schindler

Michael Milanoski, President
Grafton and Upton Railroad Company
42 Westboro Road
North Grafton, MA 01536

January 5, 2022

Dear Mr. Milanoski:

We are writing on the behalf of the Town of Hopedale to request information and actions necessary to assist the Town in compliance with safety and oversight responsibilities of the Town's MS4 Stormwater Management Plan and EPA's Clean Water Act, adopted in May of 2021. Two previous requests relative to implementation and operation of the silos went unanswered. Given the Board's ongoing support of GU RR projects in the Village Center, we assume this was an oversight.

At this time, we respectfully request the following actions:

1. Provide a copy of the structural engineering report (only condition made when the Board of Selectmen approved the installation of the silos). (See letter enclosed.)
2. Determine whether a protective barrier should be installed and establish accordingly.
3. Establish an ongoing reporting procedure to communicate to the Board of Health the schedule and volume of fly ash transported.
4. Establish test wells between the fly-ash silos and the Mill River.
5. Establish an emergency response plan which includes an engineered solution with the appropriate redundancies to address emergencies and excess, accumulated seepage. (Similar to the Grafton Propane Plan).
6. Perform periodic ground testing to identify fly-ash to monitor the accumulation of ground level fly-ash. (Per new techniques identified by the EPA – here's link to report: https://www.nsf.gov/discoveries/disc_summ.jsp?cntn_id=303257&org=NSF&from=news).

On behalf of the Town of Hopedale residents, thank you for your prompt attention to the requested information.

Sincerely,

Brian R Keyes, Chair

Louis J Arcudi

Glenda Hazard

cc: Road Commission
Water/Sewer Commission
Board of Health
Conservation Commission



TOWN OF HOPEDALE

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

Tel: 508-634-2203 Fax: 508-634-2200
Email: ssette@hopedale-ma.gov

Board of Selectmen
Louis J. Arcudi-Chair
Thomas A. Wesley
Brian R. Keyes

Town Administrator
Steven A. Sette

October 25, 2018

Michael Milanoski
President
Grafton-Upton Railroad
42 Westboro Road
N. Grafton, MA 01536
P.O. Box 952
Carver, MA 02330

Dear Michael,

I want to thank you and the owner of the Grafton and Upton Railroad Jon Delli Priscoli for meeting with Fire Chief Tom Daige, Building Commissioner Bob Speroni and I, regarding the project in the Hopedale rail yard. Specifically, we discussed the Railroad's Preemption Authority and that the portable silos and scales to be installed and that they fall under that Preemption and does not require a building permit.

The Town agrees with the Preemption Authority for this project; in addition, work done under the railroad's Preemption shall conform with state building codes and associated safety standards under controlled construction and will need sign-off from a geotechnical engineer once foundation is built. ***Since no building permit application will be secured, the Town will not have any responsibility for the inspection of the project nor any approvals of the construction. The Town also asks that any insurance policy for this project reflects that fact that the Town had no role in the permitting or approval of the construction of this project and be indemnified should any issue arise as a result. Please provide a copy of this to the Town Administrators office prior to the construction beginning.***

You have suggested that you would still pay a fee equal to what a permit fee would have been as if we were required to secure a building permit, since the Town will have no role with this construction we ask that any fee in lieu of permit not be made directly to the Town of Hopedale or it's Building Department; instead please feel free to donate to another organization in Town.

Good Luck with your project and continued success with your business.

Sincerely,

Steven A. Sette
Town Administrator



**Hopedale Police Department
Incident Report**

**Incident #: 22-4-OF
Call #: 22-103**

Date/Time Reported: 01/04/2022 0942
Report Date/Time: 01/04/2022 1036
Occurred Between: 01/04/2022 0942-01/04/2022 1030
Status: No Crime Involved

Reporting Officer: Patrolman Mario Sousa

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
---	----------	-----	------	-----	-----	-------

1	OLIVEIRA, MAURICIO A 3 WESTCHESTER DR MILFORD MA 01757	M	W	55		508-837-7160
---	---	---	---	----	--	--------------

Military Active Duty: N
BODY: NOT AVAIL.
DOB:
LICENSE NUMBER: MA S07368511
PCF #: NONE

COMPLEXION: NOT AVAIL.
PLACE OF BIRTH: NOT AVAIL.
ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 508-837-7160

2	COSTA, ESTEVAO LUIZ 33 SCOTT ST BELLINGHAM MA 02019-2935	M	W	33		781-706-8965
---	---	---	---	----	--	--------------

Military Active Duty: N
BODY: NOT AVAIL.
DOB:
LICENSE NUMBER: MA S76674903
PCF #: NONE

COMPLEXION: NOT AVAIL.
PLACE OF BIRTH: NOT AVAIL.
ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 781-706-8965

3	GREGORIO, ALEXANDRE O 2603 FRANKLIN CROSSING RD FRANKLIN MA 02038	M	W	32		617-901-6785
---	--	---	---	----	--	--------------

Military Active Duty: N
BODY: NOT AVAIL.
DOB:
LICENSE NUMBER: NOT AVAIL.
PCF #: NONE

COMPLEXION: NOT AVAIL.
PLACE OF BIRTH: NOT AVAIL.
ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) 617-901-6785

**Hopedale Police Department
Incident Report**

**Page: 2
01/04/2022**

**Incident #: 22-4-OF
Call #: 22-103**

EVENTS(S)

LOCATION TYPE: Commercial/Office Building Zone: South Sector
PATRIOTS CUSTOM AUTO INC
1B AIRPORT DR Apt. #B
HOPEDALE MA 01747

1 TOWN OF HOPEDALE LICENSING VIOLATIONS

Entered: 01/04/2022 @ 1100 Entry ID: 65
Modified: 01/04/2022 @ 1203 Modified ID: 65

TOWN LICENSING PERMIT VIOLATIONS

(1) On 010422 at approximately 0930 hours I was tasked with checking on 2 separate business' in town as I was notified by the Chief of Police and Lindsay Mercier, the Executive Assistant to Town Administrator that there were possible town licensing violations. The two business' in question were Costa Auto Group, Inc. and Patriots Custom Auto, Inc.. I arrived first at Patriots Custom Auto, Inc. and spoke with the owners son, Alexandre Gregorio DOB 021089 of 2603 Franklin Crossing Rd., Franklin and he stated that his father was out of the office at the moment. I asked if I could ask him a few questions about the business and he stated that it would be fine. Alexandre asked me if it was regarding the visit from the State Trooper Lawrence yesterday and I stated it was. Alexandre stated that all he really knew was that his father asked him to draft up some paperwork for the town to change his business license restrictions.

(2) I asked Alexandre what kind of business was being run there and he stated it was just an internet car sales business and that there was also a construction company being run out of the same office as well, Patriot Construction. I asked Alexandre if the vehicles in the rear of the building and on the side were theirs and he stated that they were. He advised me that he was fully aware that the license was only valid for 5 vehicles that were to be only stored inside the building. At this time I asked if I could see the garage in the back of the building and he allowed me to walk in. There were 2 vehicles in the garage and one was up on a lift being worked on. The indoor space in the rear only allows for 3 vehicles max to be parked in the building. At this time I left the building and counted 12 total cars on the property with only 2 of them being registered all the others did not have plates attached.

(3) At this time I went down to 11 Airport Rd. and spoke with the owner of Costa Auto Group, Inc., Estevao Costa. I advised Estevao that I was following up on the visit he received yesterday from the State Trooper Lawrence. He stated willingly that Trooper Lawrence was there yesterday because he was lending his dealer license plate to his friend at Patriots Custom Auto, Inc. and that was a violation of the rules and regulations of the dealer plate. I advised Estevao that I was there to follow up on some violations that Trooper Lawrence observed. I asked Estevao what type of business he was running out of the building and he stated that he has multiple business'. The main business being ETS Equipment Rental where he rents out heavy equipment to other business'. The other four business' he and his partner are running are as follows; Costa Auto, Premium Framing, Costa Brothers Auto Transportation, and Premium Contracting. I advised Estevao that his town license was for auto sales with no more than 40 cars on the premises at one time. He stated that he doesn't have any cars on the lot for sale. At this time I advised Estevao to contact the town licensing board and advise them of what business is actually being run out of 11 Airport Rd.



TOWN OF HOPEDALE

Office of the Town Administrator

Diana M. Schindler, Town Administrator

January 11, 2021

Patriot Custom Auto, Inc.
1B Airport Drive
Hopedale, MA 01747
Attn: Maurico Oliveira

Dear Mr. Oliveira,

We have been notified by the Massachusetts State Police, Officer Gene Lawrence, that your establishment has exceeded the number of cars on premise permitted by your Class II license issued by the Select Board which states: "There will be a maximum of (5) cars to be stored inside only. No repairs are to be done onsite." (see attached copy of license). The report also stated that there are vehicles being stored outside of the building.

We have also been notified that vehicles are being repaired on site. Patriot Custom Auto's Class II license does not permit repairs on site (see attached copy of license).

If you are looking to expand your license parameters to cover repairs on site and extend the maximum number of vehicles and storage outside, you must seek approval from the Zoning Board of Appeals. Should they approve, you must notify my office so that the proper paperwork can be filed by you and be heard by the Select Board.

By this notice, you have fourteen (14) days from the date of this letter to come into compliance. Should you fail to do so, we will take any and all legal remedies available to us to bring your license into compliance. Should this fail, the Board of Selectmen will be asked to revoke such license.

Please contact my office prior to the expiration of the fourteen (14) days that you are in compliance with the terms of your license. We will have an inspection done upon notice.

Thank you for your cooperation.

Sincerely,

Diana Schindler
Town Administrator

Cc: Select Board
Building Commissioner
Zoning Board of Appeals
Police Department

Number: 20-12

Fee: \$100.00

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF HOPEDALE

AGENT'S OR SELLER'S LICENSE – CLASS II
FOR THE SALE OF USED MOTOR VEHICLES

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto **Patriots Custom Auto, Inc.**, owner **Mauricio A. Oliveira** is hereby licensed to buy and sell second-hand motor vehicles at **1B Airport Drive Hopedale, MA 01747** on the premises described as follows:

The premise is a one-story building located in the Airport Industrial Park. The Class II is to buy and sell used cars. The Select Board restrictions include inside sales only with no overnight parking of vehicles that are for sale and no displaying of cars outside during the day. There will be a maximum of (5) cars to be stored inside only. No repairs are to be done onsite. The hours of operation are 9-6 p.m. Monday through Saturday. The owner must keep a logbook of every vehicle and the licensee must comply with all applicable laws under M.G.L. Chapter 140 §§ 57 – 59. The license holder must also comply with the bylaws of the Town of Hopedale pertaining to his Class II license. In addition, the licensees must request any changes to the license in writing.

The Hopedale Select Board acting as the Local Licensing Authority hereby approve a Class II license with the above stated conditions.

HOPEDALE SELECT BOARD

Approved: December 13, 2021

Signed _____

Brian R. Keyes

Louis J. Arcudi, III

Glenda A. Hazard

THIS LICENSE EXPIRES JANUARY 1, 2023

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE
PREMISES**

EXTRACTS FROM GENERAL LAWS, CHAPTER 140

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of Class 2; and provided further that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license, and shall be subject to the following conditions:

1) The person shall obtain a bond, or equivalent proof of financial responsibility and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

Class 3. Any person whose principal business is the buying of secondhand motor vehicles for remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event, shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight; and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all the questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.



TOWN OF HOPEDALE

Office of the Town Administrator

Diana M. Schindler, Town Administrator

January 11, 2021

Costa Auto Group, Inc.
11 Airport Road
Hopedale, MA 01747
Attn: Estavo Costa

Dear Mr. Costa,

We have been notified by the Massachusetts State Police, Officer Gene Lawrence, that your establishment has been running four different businesses at 11 Airport Road, Hopedale, MA 01747, this exceeds the number of businesses permitted by the Hopedale Zoning Board. Your Class II license issued by the Select Board states: "The license holder must also comply with the bylaws of the Town of Hopedale pertaining to his Class II license." (see attached copy of license).

If you are looking to expand verify the additional businesses being run at 11 Airport Road, Hopedale, MA, you must seek approval from the Zoning Board of Appeals. Should they approve, you must notify my office so that the proper paperwork can be filed by you and be heard by the Select Board.

By this notice, you have fourteen (14) days from the date of this letter to come into compliance. Should you fail to do so, we will take any and all legal remedies available to us to bring your license into compliance. Should this fail, the Board of Selectmen will be asked to revoke such license.

Please contact my office prior to the expiration of the fourteen (14) days that you are in compliance with the terms of your license. We will have an inspection done upon notice.

Thank you for your cooperation.

Sincerely,

Diana Schindler
Town Administrator

Cc: Select Board
Building Commissioner
Zoning Board of Appeals
Police Department

Number: 20-11

Fee: \$100.00

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF HOPEDALE

**AGENT'S OR SELLER'S LICENSE – CLASS II
FOR THE SALE OF SECOND-HAND MOTOR VEHICLES**

In accordance with the provisions of Chapter 140 of the General Laws with amendments, thereto **Costa Auto Group, Inc.** owner, **Estevao Costa** is hereby licensed to buy and sell second-hand motor vehicles at No.: 11 Airport Road Hopedale, MA 01747 on premises described as follows:

The Class II license is primarily to be an internet business, the owner may not display cars for sale outdoors and can have no more than forty vehicles for sale on the premises at any one time. The owner must keep a logbook of every vehicle and the licensee must comply with all applicable laws under M.G.L. Chapter 140 §§ 57 – 59. The license holder must also comply with the bylaws of the Town of Hopedale pertaining to his Class II license. In addition, the licensee must request any changes to his license in writing.

Approved: December 13, 2021

HOPEDALE SELECT BOARD

Brian R. Keyes

Louis J. Arcudi, III

Glenda A. Hazard

LOCAL LICENSING AUTHORITY

CLASS II LICENSE EXPIRES JANUARY 1, 2023

unless sooner revoked

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE
PREMISES**

Fom 55

H & W

HOBBS & WARREN
(OVER)

EXTRACTS FROM GENERAL LAWS, CHAPTER 140

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of Class 2; and provided further that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license, and shall be subject to the following conditions:

1) The person shall obtain a bond, or equivalent proof of financial responsibility and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section, which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight; and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws, which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made there under; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal there from to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.

CODE OF CONDUCT AND ETHICS

TOWN OF Hopedale, MA

*Unanimously adopted by the Selectboard on **Month, Day**, 2022*

1. ENABLING AUTHORITY – MGL Chapter 268A, Section 23 (e)

A municipality may have a Code of Conduct, provided it is consistent with State law and that the Selectboard, as the chief appointing officials for the Town, vote to adopt such policy.

MGL Chapter 268A, §23 (e): Nothing in this section shall preclude any ... head of such agency from establishing and enforcing additional standards of conduct.

2. PURPOSE STATEMENT

The intent of this policy is to establish a clear statement and guidelines to serve as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect regarding how the Town and its officials conduct business. This policy will define and create a centralized policy regarding conduct and ethical standards.

The Selectboard recognizes the importance of professional standards at all levels of the government including those who volunteer their time and services on behalf of the Town. The Board encourages other boards and committees of the Town who are not appointed by the Selectboard to adopt this standard by reference thereby creating a **Unified Code of Conduct and Ethics for Town Officials** as a standard for expectations of public officials.

3. APPLICABILITY

This policy in all its sections shall apply to the boards, presiding officers, public officials, commissions and committees and other representatives appointed by the Selectboard and those representatives appointed by the Board, more particularly defined below:

- The term “the Board” shall apply to the Selectboard
- The term “member” shall apply to those appointed by the Selectboard
- The term “official” shall apply to a Selectboard member or a member appointed by the Selectboard
- The term “chair or presiding officer” shall apply to the chairperson of a committee/board/commission or the officer serving in the absence of the chair
- The term “appointing authority” shall apply to the Selectboard

- All the terms used herein including commission members, committee members, board members, representatives appointed by the Board or Town Administrator and other officials mentioned in this guideline are subject to this policy

4. CODE OF CONDUCT

4.1 Obligations

These obligations and commitments shall be assumed by all members of the Board and other officials defined in the Applicability section:

- Be well informed concerning the local and state duties of a board/committee member whenever applicable
- Remember that he/she always represents the Town of Hopedale
- Accept their position as a means of unselfish public service, not to benefit personally, professionally, or financially from his/her board/committee position
- Treat all members of the board/committee with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences
- Recognize that the chief function of local government always is to serve the best interests of all of the people
- Honor confidential information, seek no favor and believe that personal aggrandizement or profit secured by holding these positions is dishonest
- Conduct themselves to maintain public confidence in their local government and in their performance of the public trust
- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties
- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law (MGL Chapter 39, Section 23B)

4.2 Relationships to Fellow Board Members and other Persons:

A member in his/her relations with fellow Selectboard members and other persons shall:

- Accept differences of opinion as building blocks of our democratic process
- Always treat other members, the Town administrators and employees with personal respect and act in a civil manner towards them
- Concentrate all dialogue on the issue and refrain from personal criticism
- Recognize that Board action at official meetings is binding and that he/she alone cannot bind the Selectboard outside such meetings
- Realize that statements or promises should not be made regarding how he/she will vote on matters that will come before the Selectboard

- Uphold the confidentiality of executive sessions and documents presented during such meeting and respect the privileged communications that exists in executive sessions
- Not withhold pertinent information on municipal matters or personnel problems, either from members of his/her own Selectboard or from members of other bodies who may be seeking help and information on problems
- Make decisions only after all facts on an issue have been presented and discussed by the Selectboard
- Cooperate with the Chair of the Board in the conduct of meetings
- Treat persons who appear before the Board with respect, and dignity and in a manner free from discrimination, abuse and harassment
- Act in a civil and professional manner at all Board meetings
- Speak in a civil manner and not harass or bully citizens, other Board members, the Town administrators, and employees

4.3 Community Responsibility:

A member in his/her relations with the community should:

- Realize that his/her primary responsibility is to all Hopedale citizens
- Remember that he/she is one of a team and must abide by, and carry out, all Selectboard decisions once they are made
- Be well informed concerning the duties of a Selectboard member on both a local and state level and on the municipal issues in Hopedale
- Remember that he/she always represents the entire community of Hopedale
- Accept the office of Selectboard member as a means of unselfish public service with no intent to "play politics" in any sense of the word, or to benefit personally from his/her Selectboard activities

5. CODE OF ETHICS

5.1 Purpose

This policy is issued for the purpose of ensuring that the Board and all other officials defined in the Applicability section comply with the provisions of MGL Chapter 268A, the Conflict-of-Interest Law, including disclosures made under Sections 19 and 23 and **more stringent policies adopted by the Board herein.**

5.2 Actual Conflict of Interest (MGL Chapter 268A)

The Board and all other officials defined in the Applicability section must understand that there may be times when actions they take could be inconsistent with Conflict-of-Interest laws of the Commonwealth. There may also be times when an appearance of conflict exists.

The official should be proactive in recognizing, disclosing, and acting professionally, with the public trust and compliance of the laws at the forefront of their actions. It is the responsibility of each official to determine for themselves whether to make disclosures prior to acting on a particular matter where a conflict exists or might exist.

5.3 Procedure

- The official in question shall not participate in his/her official capacity in matters in which such participation is prohibited by the Conflict-of-Interest Law and the official in question shall disclose in writing the conflict of interest to their appointing authority and this disclosure shall be recorded into the minutes of the meeting
- The member shall leave the room for the duration of the discussion unless advised otherwise by Town Counsel or the State Ethics Commission
- When a conflict or appearance of conflict exists, the chair or presiding officer shall state the reason (s) for the conflict of potential conflict and will ensure that the member does not participate in the matter as a point of order
- The chair or presiding officer of the meeting shall ensure that the reasons for the conflict are clearly stated (as stated by the member in person) and this shall be recorded into the minutes of the meeting and made available for public view; if the member chooses to recuse himself from the meeting and is not present to state the reasons for recusal, then the presiding officer shall verbally enter the member's statement which will be recorded into the minutes
- The member shall re-enter the room only after the discussion has concluded and the chair or presiding officer of the meeting will state, upon re-entering the meeting by the member in question, that member has re-entered the meeting.
- This shall be repeated each time the subject in question is discussed at subsequent meetings
- All officials defined in the Applicability section should seek and adhere to advice from the Ethics Commission, their appointing authority and Town Counsel if necessary (Note: the State Ethics Commission offers free advice via phone or in writing)

5.4 Appearance of Conflict of Interest (MGL Chapter 268A, Section 23)

The Conflict-of-Interest Law provides that public officials and employees must avoid conduct that creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of kinship, rank, position or undue influence by any party or person.

MGL Chapter 268A, Section 23 allows public officials to act on certain matters, even if it creates the appearance of a conflict, if they openly admit all of the facts surrounding the appearance of bias prior to any official action.

MGL Chapter 268A, Section 23(b)(3):

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act because of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Under MGL Chapter 268A, Section 1 (definitions), an official may be classified as a “Special Municipal Employee” when such status is authorized by the Selectboard. Such a status provides greater latitude for officials serving in multiple roles. However, the Board’s designation of an employee as a Special Municipal Employee will not preclude the expectation that the official must and will avoid conduct which creates a reasonable impression that any official can improperly influence or unduly enjoy their official favor or that they are likely to act (or fail to act) because of financial interests, kinship, rank, position or undue influence by any party or person.

Irrespective of governing statute, the Board urges all members and officials to exercise due diligence with respect to preserving the public trust. At times, this may mean an official or member must not act or participate until the matter has been determined by Town Counsel, the State Ethics Commission or any other governing entity if applicable. That determination will also be made in writing and be made available for public view.

5.5 Procedure

- The member in question must fill out the appropriate disclosure form, available from the State Ethics Commission (www.mass.gov.ethics) or from the Town Clerk
- This form must be submitted to the appointing authority for review
- The member in question shall submit, in writing, all the facts surrounding the potential conflict to their appointing authority
- The member in question shall not participate in the matter until and unless the approving authority has granted written permission specific to the disclosure and has filed a copy of such written permission with the Town Clerk
- The reason for the existence of the potential conflict, the granted permission and the compliance of these guidelines shall be stated by the member before participation and shall be verbally disclosed at the meeting and recorded into the minutes of the meeting
- This shall be repeated each time the subject in question is discussed in subsequent meetings
- It is the responsibility of the chair or presiding officer to oversee the procedure after initiation by the member in question; the chair or presiding officer shall also be

responsible for ensuring that these disclosures are entered into the minutes and are appropriately filed with the Town Clerk for public view

- The Town Clerk shall maintain a separate file of disclosure statements which shall be kept available for public view

6. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy to all members as defined in the Applicability section upon its issuance and upon the subsequent appointment of re-appointment of any member
- The Town Clerk shall also maintain and distribute educational materials from the State Ethics Commission to members
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict-of-Interest Law and this policy
- The Town Clerk shall have each member sign a statement that they have read these policies and will comply with all requirements set forth in this policy; this form shall be available for public view

7. ENFORCEMENT OF THE CODE OF CONDUCT AND ETHICS

- The Selectboard shall enforce the Code of Conduct.
- Any Selectman violating the Code of Conduct may be removed from Committee assignments and from Board assignments by the Chair and may be subject to public censure by the Selectboard.
- During a meeting the Chair may, after an initial warning, remove a member or citizen from a meeting who acts in an inappropriate manner, is unruly or disorderly

Signature

Date:

Signature

Date:

Signature

Date: