



TOWN OF HOPEDALE

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

Tel: 508-634-2203 ext. 212
Fax: 508-634-2200

Board of Water & Sewer
Commissioners

Ed Burt, Chair
James Morin

The Hopedale Board of Water & Sewer Commissioners ("W&S") met in a combined meeting with the Hopedale Board of Selectmen ("BOS") via Zoom on January 20, 2021 at 7:30 AM.

Attendees:

BOS – Brian Keyes, Lou Arcudi, and Glenda Hazard
W&S – Ed Burt and Jim Morin
Diana Schindler, Town Administrator
Tim Watson, Water Department Manager
Peter Durning, Mackie Shea Durning, PC – Special Counsel
Eric Kelley, P.E., Environmental Partners Group, Inc.

Zoom recording is active.

After opening the public meeting, the both boards moved separately to commence an Executive Session, pursuant to M.G.L. c.30A, § 21(a). As stated by BOS Chair, Brian Keyes, the purpose of the Executive Session purpose was to conduct confidential discussions regarding on-going mediation in connection with litigation pending in the Land Court between the Town of Hopedale and the Grafton & Upton Railroad.

After a motion duly made and seconded, both boards took an official roll call vote on to enter an Executive Session without returning to an open public meeting.

Peter used a brief PowerPoint to guide the discussion.

Peter emphasized importance of confidentiality:

- o If mediation does NOT result in an agreement, all discussion remain confidential;
- o If mediation does result in an agreement, that agreement will be made public.

Jim questioned whether the Land Court directed the parties to conduct just a mediation screening, that is to decide whether or not to mediate the issues, or if the instruction was to conduct a full mediation. Peter confirmed that the Land Court only specifically ordered a mediation screening, but the parties decided to go forward with a full mediation. Peter confirmed the parties are now in an actual mediation, and noted he had stated as much at a previous open BOS meeting.

W&S understands, appreciations the confidentiality requirement. Ed made a request that whatever could be made public about the mediation, especially related to the process, be shared publically. Peter explained that pursuant to the confidentiality provisions of the Mediation Agreement, the parties are not able to share information publically, including details about the mediation process.

This portion of the BOS meeting was a consultation with W&S as part of the BOS's due diligence regarding the site conditions on 364 West St, with respect to developing new public water supply.

A discussion ensued about the viability of pursuing future public water supply from either a shallow groundwater well or well field or the potential bedrock wells site identified in the September 2019 fracture trace study performed by Geosphere. In addition, the discussion focused on the importance of this property to the Town's existing water supply. Tim commented on the condition of the Town's current well issues and the limited range of future options alternative supply.

Jim emphasized the need to protect any and all viable land options.

Ed noted that the Hopedale Conservation Committee, specifically David G, could provide the history of this property, including how it is hydrologically connected to the Town's existing water supply. Ed suggested the Conservation Committee be included in this due diligence phase.

From a broader perspective overall impact, detailed environment studies, additional costs (testing wells), financial assistance for infrastructure should all be addressed.


Eric confirmed the desktop study performed by Environmental Partners was limited in scope and details. He noted that subsequent analysis would be required to understand the viability of any potential water supply from this property. Eric also noted that RR development activities could be a significant factor in any new source approval for a well by MassDEP, including the possibility that a viable source might be denied without sufficient land use restrictions within the Zone I or Zone II of the well.

Lou asked about any alternate plans to meet the Town's water demand. There was a discussion about the possibility of purchasing water from Milford, but there was a concern that it might not be a favorable arrangement. It was discussed that having the ability to develop additional water supply on 364 West Street would be important for maintaining an independent, self-managed water supply for the Town. If owning the property cannot be accomplished, then limiting development with predefined, manageable terms that would reduce or eliminate potential detrimental impacts on the watershed and current water supply must be addressed.

Comments – prior to closing the portion with Water and Sewer, Chairperson Burt commented that he would expect any land split to be defined as an easement for the railroad. The Town would hold the deed for the entire property.



Ed Burt – Chairperson



James Morin