



TOWN OF HOPEDALE SPECIAL TOWN MEETING MINUTES

NOVEMBER 14, 2022

The inhabitants of the Town of Hopedale qualified to vote in elections and Town affairs met in the Dennett Auditorium of the Junior/Senior High School on Monday November 14, 2022. The meeting was called under the Warrant dated the 24th day of October 2022, which was posted in accordance with Town By-Laws. Moderator Eugene N. Phillips called the Special Town meeting to order at 7:00 PM. There were sixty- three (63) registered voters recorded as present [a quorum being fifty (50) registered voters].

Privileges of the floor were extended to the following:

Thomas M. Daige, Fire Chief
Mark Giovanella, Police Chief
Katherine Klein, Town Counsel
Michael D'Ortenzio, Town Counsel
Diana Schindler, Town Administrator
Cheryl Hanly, Principal Assessor

Eugene N. Phillips, Moderator, welcomed all residents, lead the Town Meeting in the Pledge of Allegiance and held a moment of silence for Dorothy Gately, Dickie Daige, Paul Tonelli, Kenneth Melin and Doug Scott residents that have recently passed.

ARTICLE 1: Prior Year Bills

To see if the Town will vote to transfer from current year expense funds, the sums of money necessary to pay the prior year bills remaining from FY22 or before, or take any other action related thereto.

Glenda Hazard, Select Board Chair, moved to transfer from current year expense funds, the sums of money listed below, necessary to pay prior year bills as identified.

\$30.00	Verizon Wireless	Manager acct# 01-123-5200-5341
\$359.94	W.B. Mason	Manager acct# 01-123-5400-5420
\$132.92	W.B. Mason	Manager acct# 01-123-5400-5420
\$199.95	W.B. Mason	Manager acct# 01-123-5400-5420
\$1,097.16	Gatehouse Media MA	Planning Board, acct #, acct# 01-175-5700-5780
\$510.14	Eco Systems Pest Control	Public Buildings, acct# 01-192-5400-5430
\$709.50	Dell Technologies	Ambulance, acct# 01-231-5700-5780
\$125.00	Imperial Chevrolet	Highway, acct #01-422-5200-5240
\$700.00	Compliance Testing Services, Inc.	Highway, acct #01-422-5200-5380

\$150.50	RI Analytical	Water Dept, acct# 20-450-5200-5313
\$115.50	RI Analytical	Water Dept, acct# 20-450-5200-5313
\$1.30	Verizon Wireless	Water Dept, acct# 20-450-5200-5341
\$15.87	Verizon Wireless	Water Dept, acct# 20-450-5200-5341

9/10ths Vote Required

The motion was seconded and carried unanimously.

ARTICLE 2: Hopedale Fire Fighters Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund and implement the cost items of the first year of a collective bargaining agreement between the Town and the Hopedale Fire Fighters IAFF Local 2225 covering the period of July 1, 2021 through June 30, 2024, or take any other action relative thereto.

Glenda Hazard, Select Board Chair, moved to raise and appropriate the sum of \$79,202; the sum of \$43,777 to be added to Fire Salaries & Wages Permanent and the sum of \$35,425 to be added to Ambulance Salaries & Wages Permanent; to fund and implement the cost items of the first year of a collective bargaining agreement between the Town and the Hopedale Fire Fighters IAFF Local 2225 covering the period of July 1, 2021 through June 30, 2024.

The motion was seconded and carried unanimously

ARTICLE 3: Capital Funding Article

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, including Stabilization, sums of money to fund equipment and capital purchases, or take any other related action thereto.

Glenda Hazard, Select Board Chair, moved to pass over.

The motion was seconded and carried unanimously.

ARTICLE 4: Board of Health Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to adjust the Board of Health Expenses for FY23, or take any other action related thereto.

Walter Swift, Board of Health Chair, moved to raise and appropriate, the sum of \$42,520 to be added to the Board of Health Expenses for FY23, into the account line titled "Other Property Services".

The motion was seconded and carried unanimously.

ARTICLE 5: Police Detail Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of \$11,000 to the Highway Department Other Personal Services account and a sum of \$4,000 to the Election Wages account, for a total sum of \$15,000, to cover the cost of police details for FY23, or take any other action related thereto.

Bernard J. Stock, Select Board, moved to raise and appropriate the sum of \$15,000; the sum of \$11,000 to be added to the Highway Department, Other Personal Services account and the sum of \$4,000 to be added to the Elections account to cover the cost of police details for FY23. The motion was seconded and carried unanimously.

ARTICLE 6: Heath Insurance Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to adjust the Town's Health Insurance Expenses account for FY23, or take any other action related thereto.

Bernard J. Stock, Select Board, moved to raise and appropriate the sum of \$100,000, and transfer from Free Cash, the sum of \$300,000, for a total sum of \$400,000, to supplement the FY23 budget for the Town's Health and Life Insurance account as voted in Article 3 of the May 24, 2022 Annual Town Meeting.

The motion was seconded and carried unanimously.

ARTICLE 7: Fire/EMS Department Salaries/Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the FY23 salary and/or expense budgets of the Fire Department as voted in Article 3 of the May 24, 2022 Annual Town Meeting, or take any action relative thereto.

Bernard J. Stock, Select Board, moved to raise and appropriate the sum of \$34,512, the sum of \$22,012 to supplement the FY23 Salaries & Wages Permanent account and the sum of \$12,500 to supplement the FY23 Repair and Maintenance of the Fire Department as voted in Article 3 of the May 24, 2022 Annual Town Meeting.

The motion was seconded and carried unanimously.

ARTICLE 8: Add Juneteenth to Legal Holidays

To see if the Town will vote to amend the Town of Hopedale MA General Law, Chapter 137, titled Personnel, by amending Article 2, Section 25 to add "Juneteenth" to holidays listed, between Memorial Day and Independence Day, or take any other action relative thereto.

Bernard J. Stock, Select Board, moved to amend the Town of Hopedale MA General Law, Chapter 137, titled Personnel, by amending Article 2, Section 25 to add "Juneteenth" to holidays listed, between Memorial Day and Independence Day.

The motion was seconded and carried unanimously.

ARTICLE 9: Fire/EMS Exempt from Civil Service

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation providing that all positions in the Fire Department after passage of the Act not be subject to the Civil Service statute, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

AN ACT EXEMPTING ALL POSITIONS IN THE FIRE DEPARTMENT OF THE TOWN OF HOPEDALE FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the fire department of the town of Hopedale shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding the provisions of Section 2, no appointments or promotions made after the effective date of this act will be governed in any way by chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

Glenda Hazard, Select Board Chair, moved to authorize the Select Board to petition the General Court for special legislation providing that all positions in the Fire Department after passage of the Act not be subject to the Civil Service statute, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

AN ACT EXEMPTING ALL POSITIONS IN THE FIRE DEPARTMENT OF THE TOWN OF HOPEDALE FROM THE CIVIL SERVICE LAW

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the fire department of the town of Hopedale shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding the provisions of Section 2, no appointments or promotions made after the effective date of this act will be governed in any way by chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

A motion to dispense with the reading of the article was made, seconded and carried. After some discussion, the original motion was seconded and carried unanimously.

ARTICLE 10: Amend Hopedale Zoning Bylaw

To see if the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, to change the zoning for the following fourteen (14) parcels from General Business (GB-A) to Commercial (C), the complete text and maps relative to such changes being available for inspection in the Town Clerk's office, or take any other action act relative:

1. 24-31-2, 10 Charlesview Road
2. 24-36-0, 404 South Main Street
3. 24-37-0, 144 Hartford Avenue
4. 24-38-0, 1 Charlesview Road
5. 24-39-0, 3 Charlesview Road

6. 24-40-0, 5 Charlesview Road
7. 24-41-0, 7 Charlesview Road
8. 24-42-0, 8 Charlesview Road
9. 24-43-0, 6 Charlesview Road
10. 24-44-0, 4 Charlesview Road
11. 24-45-0, 150 Hartford Avenue
12. 24-45-1, 156 Hartford Avenue
13. 24-55-2, 4 Evergreen Lane
14. 24-55-3, 2 Evergreen Lane

2/3rds Vote Required.

Stephen Chaplin, Planning Board Chair, moved to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, to change the zoning for the following eleven (11) parcels from General Business (GB-A) to Commercial (C), the map relative to such changes being available for inspection in the Town Clerk's office, and attached as Appendix A. And further the Town Clerk is authorized to renumber any subsections necessary to insert this amendment into the Zoning Bylaw.

- 1. 24-31-2, 10 Charlesview Road*
- 2. 24-36-0, 404 South Main Street*
- 3. 24-37-0, 144 Hartford Avenue*
- 4. 24-38-0, 1 Charlesview Road*
- 5. 24-39-0, 3 Charlesview Road*
- 6. 24-40-0, 5 Charlesview Road*
- 7. 24-41-0, 7 Charlesview Road*
- 8. 24-45-0, 150 Hartford Avenue*
- 9. 24-45-1, 156 Hartford Avenue*
- 10. 24-55-2, 4 Evergreen Lane*
- 11. 24-55-3, 2 Evergreen Lane*

A motion to dispense with the reading of the article was made, seconded and carried. Stephen read the addresses that were listed. After some discussion, the original motion was seconded, the Moderator asked for a standing vote which passed 60 to 3 (2/3rd vote) which was then carried.

ARTICLE 11: Amend Hopedale Zoning Bylaw to Create Marijuana Overlay District

To see if the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, to create a Marijuana Overlay District, the complete text and map relative to such overlay district being available for inspection in the Town Clerk's office, or take any other action related thereto.

MOTION: Move the Town vote to amend the Zoning Map of the Town, as it is established and referenced in Section 3.2 (Location of Districts) of the Zoning Bylaw, and to adopt a new Article of the Zoning Bylaw entitled "Marijuana Overlay District", the complete Article text and map relative to such overlay district map as shown on Appendix B. And further the Town Clerk is authorized to renumber any subsections necessary to insert this amendment into the Zoning Bylaw.

2/3rds Vote Required.

Stephen Chaplin, Planning Board Chair, informed residents there was technical glitch in the key of the map and thought it would be best to pass over the article until the Spring. The motion to pass over was seconded and carried.

ARTICLE 12: Reserve Fund Transfer to Planning Board Salaries

To see if the Town will vote to transfer a sum of money from the Reserve Fund account to the Planning Board Salaries and Wages Permanent account, or take any other action related thereto.

Stephen Chaplin, Planning Board Chair, moved to transfer the sum of \$75,000 from the Finance Committee Reserve Fund to the Planning Board Salaries and Wages Permanent account, to provide funding to hire Town Planner. The motion was seconded and carried unanimously.

ARTICLE 13: To see if the Town will vote to amend the Zoning Bylaw: Section 12. 12, Non-Medical Marijuana Retailers, to prohibit the issuance of Special Permits allowing the physical locating and operation of Retail Marijuana Establishments, as defined under G.L. c94G 1, on a parcel which is within one thousand (1000) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Retail Marijuana Establishment is or will be located) of a parcel occupied by another licensed Retail Marijuana Establishment, or act on anything relating thereto?

Submitted by: **Citizen's Petition**

Nicholas Obolensky, Attorney for the Citizens Petition, proceeded to read the article but is not a resident in Town, Russell Bogartz read on his behalf. The motion was seconded. Stephen Chaplin, Planning Board Chair, voiced his opinions on the request suggesting the Town hold off on voting until the Marijuana Overlay District goes before the residents at a future Town Meeting. At this point in time the Planning Board recommendation is unfavorable. A standing vote count was made, the article failed 20 to 27.

ARTICLE 14: This change would alter the restriction against curbside transactions for a Cannabis Retailer. This change would allow Cannabis Retailers to do curbside transactions ONLY in the following scenario:

1. The State of Massachusetts changes the law back to allow curbside transactions because of shutdowns preventing customers to enter a Retail Cannabis store. This happened in 2020 due to the COVID-19 pandemic.
2. Assuming condition 1 has been met, an actual shutdown of Cannabis Retailers has been ordered either at the town or state level. This shutdown would prevent customers from entering a retail store. A restriction on the number of occupants would NOT allow curbside operations to commence, only the inability of any customers to enter the store.

Curbside transactions are currently not allowed by the State. This petition is focused on a time in the future if curbside transactions are allowed again. All retailers would have this right to do curbside transactions regardless of Special Permit conditions in play when there is (not) a shutdown. Once a shutdown order has been ended, Retailers would then immediately discontinue curbside transaction activities.

Submitted by: **Citizen's Petition**

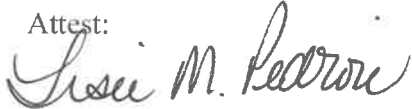
The motion read by Russell Bogartz was seconded, the motion was amended to remove the word (not) from the original motion.

The motion was seconded and carried.

Eugene Phillips thanked the town residents and town officials for their attendance. A motion to dissolve the Warrant was made and seconded. Meeting was dissolved at 8:12 PM.

A True Record

Attest:

A handwritten signature in cursive script, reading "Lisa M. Pedroli".

Lisa M. Pedroli, Town Clerk

