**Select Board**

**Meeting Minutes**

**REMOTE MEETING ONLY**

**February 10, 2022, 6:00 pm**

Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler

Chair Keyes called the meeting to order at 6:01PM. Chair Keyes began the meeting with the Pledge of Allegiance.

Chair Keyes read the executive session paragraph and purpose below.

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Executive Session: Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for item # (3): To discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares. Roll Call Vote

Purpose: Litigation strategy re: Town v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, et als, Attorneys Brian Riley and Peter Durning present.

The Board returned to Open Session at 7:50PM

Old Business

Update regarding Town v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, et als.

Chair Keyes stated that the Board will not be opening up the meeting for public comment or discussion. Public comment and discussion will take place at meeting in the near future. Attorney Durning provided an update regarding the Land Court litigation. Durning stated that following the hearing with Judge Goodwin, she did rule to not extend the injunction that she had previously put on the property. Grafton Upton Railroad had agreed to not take any action until Monday, February 14, 2022. Attorney Durning feels that this was a good discussion and following the discussion a vote was taken to appeal Judge Rubin’s decision from the Land Court on the motion to vacate the stipulation of dismissal to the Appeals Court and to seek an injunction in the Appeals Court in connection with that request.

Durning stated that an important aspect in the last public session, he had speculated that depending on whether or not the Municipality was viewed as an extension of the Commonwealth. If it was viewed as an extension, Hopedale would have 60 days to file a notice of appeal. On their analysis, a Municipality does not enjoy the status of an extension of the Commonwealth and the agencies that the Commonwealth holds. The time to appeal would be 30 days, which is Monday, February 28, 2022. In an effort to not let the notice expire, the Town is moving forward to file the notice of appeal to Judge Rubin’s decision.

Attorney Durning stated that he can report that the robust element of the discussion was the sincere interest in bringing this matter to the residents in a Special Town Meeting that has not been scheduled, a date has not been set. What the Town has learned from the Superior Court and the Land Court is that much of this matter hinges on the Town Meetings review of the potential land acquisition and the appropriations of that acquisition. The Select Board is going to take the steps to bring this matter to Town Meeting so the vote can occur. Attorney Durning stated that the appeal that is being sought in the Appeals Court for Judge Rubin’s ruling is an appeal of her decision denying the motion to vacate the stipulation of dismissal under 60B6.

Selectman Arcudi clarified that the Town Meeting is to vote on the appropriation of monies, not to vote on the settlement agreement. Attorney Durning confirmed this statement.

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 8:06PM.

*Submitted by:*

*\_\_Lindsay Mercier\_\_\_\_\_\_\_\_\_  
Lindsay Mercier, Executive Assistant*

*Adopted: 2/14/2022*