**Select Board**

**Regular Meeting Minutes**

**March 9, 2022, 8:20am**

Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler, Attorney Vetere, Attorney Durning will join in executive session.

Chair Keyes called the meeting to order 8:21AM.

Chair Keyes read the executive session paragraph and purpose below.

Selectwoman Hazard moved to enter executive session per the purpose Chair Keyes read, returning to open session at 6:00PM this evening. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

The Board entered executive session at 8:29AM

This meeting is exclusively for the purpose of mediation and will be held virtually through REBA Dispute Resolution, Inc.

Executive Session:

Motion: To move into Executive Session pursuant to M.G.L. c. 30A, § 21(a): paragraph 9, with respect to participation in mediations. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that: (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

**REBA Dispute Resolution Mediation:** Town of Hopedale v. Jon Delli Priscoli, Trustee of the One Hundred Forty Realty Trust, Land Court Civ. Case No. 20 MISC 000467 [DRR].

**The Board returned to open session at 6:00PM**

Old Business

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

Attorney Durning stated that there was not change from the mediation proceedings. Meaning, the Town is in the same position as it was before Judge Rubin issued her mediation screening order on February 23, 2022. The Town has established a date for Town Meeting, on March 26, 2022. The articles that KP Law have prepared which address the acquisition of Parcel A settlement agreement and the GU RR’s gift of Parcel D will be on the warrant. Durning stated the appropriate focus should be on the residents having the ability to assess and vote on those articles. This will be a 2/3rds vote for parcel A and a simple majority for the gift from GU RR.

Selectwoman Hazard stated that she was surprised that the Town and other parties ended up in mediation again. She feels that going forward, the Town will need to include the residents and give out as much information as possible. Selectman Arcudi stated that he feels the Board did their due diligence and he stands by his vote and the settlement agreement. He stated that he was not provided any information that proved otherwise. Chair Keyes stated he echoed Selectman Arcudi’s sentiments.

Durning reiterated that there is no change to the settlement agreement. He believed there was a possibility of modifying the settlement agreement during the mediation session but that did not happen. The land acquisition portions of the settlement agreement will need to go to Town Meeting per Judge Goodwin’s order.

Attorney Durning stated that the Town has made direct requests to the Railroad to refrain from development on the land prior to the Town Meeting decisions. This request is not backed by an order of the Court. Rob Fahey asked Attorney Durning to explain this point again. Durning reiterated that there is no Court imposed injunction controlling the GURR activities on the property at this time. Durning reiterated that requests were made by the Town and the 10 Taxpayers to refrain from work prior to Town Meeting. The GURR has not directly responded that they are agreeing to this. Rob Fahey asked Michael Milanowski with the GURR to comment on this. Milanowski did not make a comment.

Attorney Durning stated that pursuant to Judge Goodwin’s decision, the portion of the settlement agreement that the Board lacked authority to structure the acquisitions without further authorization from Town Meeting. Durning stated that Judge Goodwin’s decision also explores that in the event that Town Meeting is not held, or a Town meeting vote is against the acquisition, then the transfer of title that’s contemplated in the settlement agreement would not occur. The 140 Realty Trust would own the property outright. Selectman Arcudi made note of this distinction. Chair Keyes stated that he recommends the residents take a serious look at the settlement agreement and the risk assessment of what a no vote would mean to the Town. Chair Keyes stated that the Town is currently in the red regarding getting legal fees paid, this is something that the Board has had to take into consideration regarding ongoing litigation.

Review & Sign Special Town Meeting Warrant (vote)

Town Administrator Schindler shared the Special Town Meeting Warrant with the Board and public. Article 8 and 9, were discussed by the Town’s Counsel. Attorney Riley stated that Article 8 is asking the Town to authorize the Select Board to acquire of Parcel A and to appropriate funds to pay for that, roughly $587,000. Riley stated that Article 9 is regarding the portion of land that the GURR has offered to donate to the Town.

Article 1-7: Schindler stated that Finance Committee has not provided their recommendations regarding the Articles. She is not aware of if they recommend this article or not. Attorney Riley stated that this is fine if the Finance Committee weighs in on the articles on, they have reviewed. Town Administrator Schindler reviewed Articles 1-7 with the Board.

Selectman Arcudi moved to close the warrant and its articles for the March 26, 2022 Special Town Meeting. Selectwoman Hazard seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the meeting at 7:59PM.

*Submitted by:*

*\_\_Lindsay Peterman\_\_\_\_\_\_\_\_\_  
Executive Assistant*

*Adopted: April 11, 2022*