**Select Board**

**Regular Meeting Minutes**

**March 22, 2022, 7 PM**

Present: Chair Keyes, Selectman Arcudi, Selectwoman Hazard, Town Administrator Schindler, Attorney Riley, Attorney Durning, Attorney Vetere

Chair Keyes called the meeting to order at 6:02 p.m. Chair Keyes began the meeting with the pledge of allegiance.

Chair Keyes read the executive session paragraph and purpose below.

Selectwoman Hazard moved to enter executive session per the paragraph and purpose that Chair Keyes read, returning to open session at 7:00PM. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

The Hopedale Select Board entered executive session at 6:08PM

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.

Board will return to Open Session at 7:00 pm.

Selectwoman Hazard moved to return to open session. Selectman Arcudi seconded the motion.

Arcudi – Aye, Hazard – Aye, Keyes – Aye

The Select Board returned to open session at 7:02PM

Old Business

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

Attorney Durning stated that a hearing application took place this morning, March 22, 2022, for an injunction pending appeal that was filed on behalf of the Town in the Land Court. The Town had filed a motion to vacate the stipulation of dismissal in the Land Court, which Judge Rubin denied. The Town had filed a notice of appeal, to appeal this action in the Appeals Court. The Town was following procedure by asking the Trial Court to impose an injunction to maintain the status quo while that appeal was going forward. That hearing had been postponed; however, Judge Rubin convened the hearing. Judge Rubin heard from all sides and effectively Judge Rubin read a prepared decision that she had.

Attorney Durning anticipates that Judge Rubin will release the decision as an order or docket entry soon. In Judge Rubin’s decision, she decided that she would not grant the injunction. This came as no surprise to the Town because Judge Rubin did not impose injunctions previously. The importance came from Judge Rubin’s estimation, the Town did not necessarily demonstrate a likelihood of success on the appeal and an injunction was not warranted at this juncture.

The Town does have the ability to seek an injunction directly from the Appeals Court, but the Town had to go through this procedural step first. Attorney Durning reiterated that as of now, there is no Court imposed injunction on the activities of the Trust or the GURR pertaining to 364 West Street. Durning noted that there was a request for an intervention by the Citizens group and their Counsel and Judge Rubin denied the request for intervention.

Town Administrator Schindler stated that the was Storm Water Prevention Plan that was done for the area that was filed with the EPA but she does not have the documents in hand. Resident Ed Burt asked if these documents are supposed to be given to the Planning Board. Schindler stated that she will have to check with the Planning Board. Schindler stated that if they are violating Town Bylaws regarding storm water then there are penalties/fines that would be applied, Schindler also stated that the planning board can issue a stop work order as well. Selectman Arcudi stated that if the proper planning documents and procedures have not been submitted to the Planning Board, then the Building Inspector is to be contacted because they are the authority. Tim Watson stated that anything over 3/4s of an acre needs to be submitted to the planning board for review. Non-Resident Rob Fahey asked Michael Milanoski with the GURR if they will provide storm water documents to the Hopedale Planning Board by tomorrow. Michael Milanowski stated that the railroad has historically submitted the proper stormwater documents required under federal law, the GURR is in compliance with all federal regulations that they need to comply with. The GURR will continue to follow those regulations.

Review Warrant Motions for Special Town Meeting, Saturday, March 26, 11 am.

Town Administrator Schindler shared the draft motions with the Board and the public. The Select Board had no questions or comments on articles 1-10. Selectman Arcudi stated that regarding Articles 11 and 12, these are non-binding votes. Chair Keyes stated that they will reiterate this at Town Meeting. Selectman Arcudi stated that the Finance Committee is meeting to do the recommendations this week. Schindler stated that the Select Board will not be voting on the motions at tonight’s meeting.

Resident and Chair of the Conservation Commission, Becca Solomon, asked for clarification on whether the meeting on March 24, 2022 will be hybrid or virtual.

Selectman Arcudi moved to have the agenda for the joint meeting on March 24, 2022, revised to an all-virtual meeting. Chair Keyes seconded the motion.

Selectman Arcudi stated that a meeting with Board members in person and attending via zoom will be too chaotic and attendees won’t be able to see body language and the meeting should require all participants to be in person, this including the Attorneys. However, he stated that he takes his motion off the table due to some Boards needing the hybrid option. The joint meeting will take place as a hybrid meeting to accommodate all of the Board/Commission participants.

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

Arcudi – Aye, Hazard – Aye, Keyes – Aye

Chair Keyes dissolved the open meeting at 8:24PM

Submitted by:

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

Adopted:04/28/2022