

**Board of Selectmen
Regular Meeting Agenda
October 30, 2020**

Chair Keyes convened the meeting at 7:05PM via Zoom.

Pledge of Allegiance

Roll Call of Attendance: Chair Keyes, Selectmen Arcudi, Town Administrator Diana Schindler, Attorney Peter Durning

Chairman Keyes discussed the Special Town Meeting that took place on Saturday, October 24, 2020 and the results of the Special Town Meeting. Chairman Keyes stated that there was a very large turn out and thanked the Town residents for their dedication to the Town of Hopedale.

Attorney Peter Durning explained that a Public Hearing was held October 8, 2020. A new Public Hearing regarding the Town of Hopedale's Right of First Refusal and Land Acquisition, 364 West Street is posted for today. Attorney Durning reviewed what was discussed at the previous Public Hearing regarding the land acquisition and Right of First Refusal, along with the possible repercussions of purchasing the property.

Notice of Public Hearing:

TAKE NOTICE that on October 30, 2020, at 7:00 p.m., the Hopedale Board of Selectmen will hold a public hearing pursuant to Chapter 30A, Section 20 of the General Laws at which said board reasonably anticipates that the following topics will be discussed:

- The first refusal option held by the Town of Hopedale for 130.18 acres of land located at 364 West Street which are currently classified as forest land under Chapter 61 of the General Laws, and the exercise thereof by the Board of Selectmen on behalf of the town;
- The instrument of taking for ±25 acres, Wetlands *Not* Classified as Forest Land under Ch 61;
- All other matters related to the foregoing.

Attorney Durning addressed potential legal proceedings if the Board of Selectmen vote to move forward with purchasing the land. Attorney Durning discussed costs of the land purchase, including litigation costs, how it would affect the Town budget and residents and potential legal action that may need to be taken. Attorney Durning stated that he believes Town has a very defensible position with the operation of Chapter 61 and its provision to offer the right of first refusal to a municipality is the legal outcome that we should follow in this matter. Chair Keyes asked if the proceeding moved to a federal district court, would this affect the timeline of the Town obtaining the land and would this increase the cost of litigation. Attorney Durning stated that if this were to move to federal district court, he feels that it would not affect redundant or excessive costs. He feels that the proceedings would not affect the time frame either.

Chair Keyes thanked the Hopedale Foundation and the Anonymous Donor for their generous donations regarding the land purchase.

Selectman Arcudi made a motion for Taking Chap. 61 Land: Motion is made, pursuant to Massachusetts General Laws Chapter 61, Section 8, to exercise the Town's first refusal option to meet the bona fide offer of \$1,175,000 to purchase the land located at 364 West Street, Hopedale, MA, consisting of 130.18 acres, more or less, that is classified as forest land under Chapter 61 which was the subject of the Notice of Intent to Sell Forest Land Subject to Chapter 61 Tax Lien dated July 9, 2020 sent to the Town by the landowner, the One Hundred Forty Realty Trust. Chair Keyes seconded the motion.

Prior to voting, Selectman Arcudi confirmed with Attorney Durning that this motion, if voted favorably, would be to exercise the towns right to purchase the land and then Attorney Durning would put in a notice of exercise as well as a purchase of sale if the closing of the property on Monday, November 2, 2020. Selectman Arcudi thanked the Hopedale Foundation for their donation, and continued involvement with the Town of Hopedale. Chair Keyes echoed Selectman Arcudi's sentiments. Selectman Arcudi confirmed with Attorney Durning that this warrant article is for the acquisition of the land is for public conservation and is consistent with Article 97. Chair Keyes noted that once this land is moved into Article 97, the town would need a 2/3rds vote from Massachusetts Legislature to change this.

Arcudi – Aye, Keyes – Aye

Selectman Arcudi made a motion for Taking Non-Chap 61 Land: Motion is made, pursuant to Massachusetts General Laws Chapter 79, Section 1, to exercise the right of eminent domain on behalf of the Town for the taking of the land located at 364 West Street, Hopedale, MA, now owned by the Grafton & Upton Railroad Company, consisting of 25.06 acres, more or less, being a portion of that land described in an instrument of redemption of tax title taking recorded with the Worcester South District Registry of Deeds in Book 61533, Page 78, and shown on a sketch plan on file with the Town Clerk, that is not classified as forest land under Chapter 61, which land is also described as "Parcel 2" in the quitclaim deed from the One Hundred Forty Realty Trust to the Grafton & Upton Railroad Company, dated October 12, 2020, recorded in the Worcester South District Registry of Deeds in Book 63493, Page 34, such taking to be for the purpose of public park land. Chair Keyes seconded the motion

Prior to the vote, Attorney Durning explained that the eminent domain statute is Chapter 79, the intention for this land is also preserving it as park lands, conservation/recreation which is explained in the motion. Attorney Durning stated that this motion is a follow through regarding Article 5 that was adopted at Special Town Meeting. The Town voted 2/3rds to authorize the taking of the land.

Arcudi – Aye, Keyes – Aye

Selectman Arcudi made a motion to adjourn the public hearing at 8:30PM and move into Regular Session. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

A. Consent Items

Approval of the Cooperstown Bottle and Can Drive – November 7, 2020, 9AM-12PM at the Highschool Parking Lot

Selectman Arcudi made a motion to approve the Cooperstown Bottle and Can Drive for Nov 7, 2020 from 9AM-12PM. Chair Keyes seconded the motion

Arcudi – Aye, Keyes – Aye

B. Appointments and Resignations

C. New Business

D. Old Business

E. Public and Board Member Comments (votes will not be taken)

F. Correspondence and Selectmen Informational Items (votes will not be taken)

G. Requests for Future Agenda Items:

H. Administrator Updates (In Packet)

Selectman Arcudi made a motion to adjourn the Regular Meeting and move into Executive Session not to reconvene. Chair Keyes seconded the motion.

Arcudi – Aye, Keyes – Aye

I. Executive Session

Motion: To move into Executive Session, pursuant to M.G.L. c.30A, § 21(a) for reasons: (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,

(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Roll Call Vote

Purpose: Land Acquisition, 364 West Street, Attorney Durning present.

Submitted by:

Lindsay Mercier

Lindsay Mercier, Executive Assistant

Adopted: _____