

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GRAFTON & UPTON RAILROAD)
COMPANY, JON DELLI PRISCOLI and)
MICHAEL R. MILANOSKI, as Trustees)
of ONE HUNDRED FORTY REALTY TRUST,)

Plaintiffs)

Case No. 4:22-cv-40080-ADB

vs.)

TOWN OF HOPEDALE, THE HOPEDALE)
SELECT BOARD, by and through its members,)
GLENDA HAZARD, BERNARD STOCK,)
and BRIAN KEYES and THE HOPEDALE)
CONSERVATION COMMISSION by and)
through its members, BECCA SOLOMON,)
MARCIA MATTHEWS and DAVID)
GUGLIELMI)

Defendants)

THIRD AFFIDAVIT OF MICHAEL R. MILANOSKI
IN SUPPORT OF MOTION FOR CLARIFICATION

Now comes Michael R. Milanoski, who on oath deposes and says as follows:

1. I am the President of Grafton & Upton Railroad Company (GURR), a position I have held since approximately May 2017 while directly growing and managing the tripling of GURR’s rail car volume and safe operating record in that timeframe. I have personal knowledge of the facts set forth in this Affidavit.

2. I incorporate herein by reference the content of my Affidavit, dated July 18, 2022 and July 28, 2022.

3. I submit this third Affidavit in support of GURR’s Motion for Clarification so that GURR may install a well at its 364 West Street property.

4. GURR has not engaged in any further development work to date, although it has maintained the Stormwater Pollution Prevention Plan (“SWPPP”), approved and required by the United States Environmental Protection Agency. To this end, GURR has hosted EPA representatives on site and has had meetings with EPA to ensure compliance with the SWPPP.

5. GURR currently has 359 railcars on its railroad. GURR's railcar capacity is currently over 90% and with the addition of the 90+ railcars over the next week, GURR's rail capacity will approach 100% as some will be outbound railcars. GURR requires additional track to handle the railcar volume and future growth, which is planned for its 364 West Street property.

6. Additionally, winter and colder temperatures are fast-approaching. Before consistent freezing temperatures arrive, GURR seeks to identify a new water source on the subject land, in conjunction with the Massachusetts Department of Environmental Protection (MassDEP).

7. GURR's proposed new water source exploration work is further consistent with the Settlement Agreement entered into between the Town and GURR in February 2021.

8. GURR's proposed new water source exploration work would include the installation of a bedrock well to conduct a 48-hour pump test to collect water quality samples for submission to MassDEP. This effort will include the hiring of a licensed well driller to install bedrock water supply well, and will be overseen by a licensed hydrogeologist. Water quality testing will meet all MassDEP requirements.

9. The water testing will not cause any permanent alteration to the subject property, but for the installed well, as after the water test concludes, the areas of disturbance will be returned to their condition prior to commencement of the work.

Signed under the penalties of perjury this 3rd day of November 2022.



Michael R. Milanoski

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to counsel of record for all parties on this 9th day of November 2022.

/s/ Andrew P. DiCenzo