

EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
JUNE 6, 2017 – 6:30 p.m.
SELECTMEN'S MEETING ROOM, TOWN HALL

Approved
Not Released: 6/20/17

Approved
Released on: 10-3-17

Present: Maura C. Curran, Chairman, Anthony V. Vegnani, Vice Chairman, Martin J. O'Toole, John Danehey, Shawn Harris

Also present were: Al Bangert, Acting Town Administrator and James Toomey, Town Counsel (retired)

Chairman Curran stated that the Board would move into Executive Session to consider the purchase, exchange, lease or value of real property for the Ellis property as an open session could have a detrimental effect on the bargaining position of the Town. The Board announced it would reconvene in open session after the Executive Session.

Move that the Board of Selectmen go into Executive Session to consider the purchase, exchange, lease or value of real property and reconvene in open session – Ellis Property

Roll Call Vote to move into Executive Session at 6:30

Mr. O'Toole - yes

Mr. Vegnani - yes

Ms. Curran - yes

Mr. Danehey - yes

Mr. Harris - yes

The meeting was called to order at 6:35 p.m.

Ellis Estate Transfer of Land Legality and Letter for Office of Attorney General

Members of the Board informed Mr. Toomey it was unacceptable for the Assistant Attorney General (AAG), Carol Iancu to insinuate that the Board did something wrong in her letter and asked Mr. Toomey what happened. Mr. Toomey said he informed the AAG on April 25, 2017 that the Selectmen agreed to the conservation restriction on the land and that was acceptable to the Board. Mr. Toomey expressed to the AAG that he was not in the office and was travelling and may need time to get back to her with a response. On May 25, 2017, Mr. Toomey was completely unaware that there was a letter or that the letter was already released to the public. He said there was a very clear understanding that any document would be approved by Mr. Toomey and the Town first. When he contacted the AAG Iancu she apologized for not giving Mr.

Toomey time to review the letter. Mr. Toomey expressed to her that she had put he and the Selectmen in an untenable position. Although the substance of the letter reflected general discussions and was accurate as to that aspect, there were several things that would not be agreed to by the Board. For example, Mr. Toomey demonstrated that the 7.1 acres of land was obtained from the state GIS group and no acreage other than six had been discussed. The Board of Selectmen has still not received the letter. The Board determined they would not sign a Memorandum of Understanding (MOU) and place the land in conservation with CR's. The AAG accepted that and responded in writing by stating she would draft a letter for the Town's review. The letter was never reviewed and accepted by Mr. Toomey or the Selectmen but released to the public the same afternoon it was emailed to Mr. Toomey.

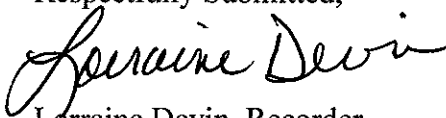
There were three legal opinions prior to building the Public Safety Complex. The Article 97 statute passed a year after the transfer of land to the School Committee. This would be a long negotiation process and the Selectmen do not want to spend tax payer dollars on litigation of this magnitude. It would cost over \$100,000 to take the case to trial.

Board members observed that what was most troubling was that the letter was sent out contrary to the process agreed to by Town Counsel and the AAG admits that there is no issue of admission but put the Town in a position that was not deserved. Mr. Toomey is drafting response on behalf of the Board of Selectmen to cover the following points:

- The AAG blindsided the Town with no notice
- The reference to not receiving legislative approval is not resolved; the Board feels that all approvals were obtained at each step of the process.
- The Board has already agreed to put a CR on the remaining Ellis acreage not in the possession of the School Committee and place a CR on another six acres to be identified. The time-frame still needs to be negotiated, but the Selectmen will endeavor to try to get it done in the next year.

The Selectmen made a motion to reconvene in open session at 6:55 p.m. Motion by Mr. Danehey Second by Mr. O'Toole Unanimous Vote (5-0)

Respectfully Submitted,

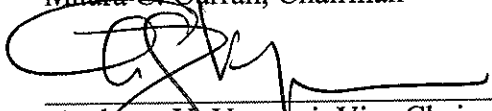


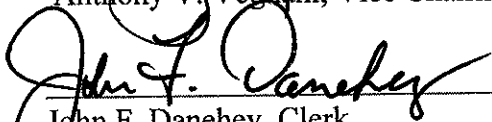
Lorraine Devin, Recorder

Board of Selectmen Executive Session Meeting Minutes for June 6, 2017

BOARD OF SELECTMEN


Maura C. Curran, Chairman


Anthony V. Vegnani, Vice Chairman


John F. Danehey, Clerk


Shawn Harris