



## BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

### EXECUTIVE SESSION MINUTES 5/12/88

4 members present - Anne M. Morse absent. Mr. Cibley denied the request to sit in during the session. He requested minutes of this executive session and the one conducted on 4/28/88. He acknowledged that remarks were made during that session which involved himself and a colleague on the Board of Selectmen.

Mr. Cibley was told it takes "a court order" to release executive session minutes.

Mr. Cibley left the room and the doors were closed.

Letter dated 5/4/88 to E.T. Moore and copied to A. Mazzola, L.G. Ambler, Esq. and other planning board members was read into the minutes. It basically expressed Cibley's concern over reflections made on his professionalism and ethicacy as a member of the B of Selectmen and wanted the Exec. Sessions minutes of 4/28/88 amended to say that at no time did he empower anyone to act on behalf of the Town of Bellingham in private negotiations with developer, Howard Fafard or others.

JPM wanted to know how Mr. Cibley knew his name was mentioned since the meeting was exec. session and highly confidential.

ETM stated town counsel advised that while no details of the meeting could be disclosed, Moore could ask those involved (Mr. Cibley and Mr. Mazzola) if they authorized or empowered anyone to act on behalf of Bellingham in the Fafard case.

Murray then stated he wanted to amend the minutes of 4/28/88 to state, Murray acted with Cibley and Mazzola's full knowledge and consent - a direct response to Cibley's letter regarding the "linkage" to Mr. Hood (William H.) and Mr. Fafard's proposals, Shores at Silver Lake and Lakeview Estates. Murray offered a synopsis of the events as they unfolded regarding "behind closed door negotiations."

Hood & Fafard (H & F) agreed to the linkage after the appearance of a 4/7/88 article appeared in the newspaper by Peter Vangel who wanted to resurrect the town meeting article involving the access road to these two projects in exchange for atheletic fields. The reason Murray got involved was to get more for the town in exchange for less condominiums.

Murray suggested that to Cibley and Mazzola. Cibley stated that if Murray talked to Hood, he wanted nothing to do with him. He had threatened to put Cibley in the hospital. On 4/11/88, all three (Cibley, Mazzola and Murray) were at a public meeting at town hall and Mazzola turned over a large roll of plans to Murray which Murray reported were the plans for the fire and police stations. The transaction took place in full public view.

There was an informal meeting on 4/8/88 in the a.m. where Cibley remarked to ETM that Murray would be playing "Monty Hall" (of let's make a deal t.v. fame.)

Another town official was also present during the sanctioning of Murray as negotiator but wishes to remain anonymous due to reprisals from the Board of Selectmen.



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Executive Session  
5/12/88

On 4/13/88 Police Chief Boucher and Selectman Mazzola met with Murray to clarify what was needed for the fire and police stations.

On 4/15/88 there was a meeting with Fafard and Hood regarding the "linkage" between developers and town of Bellingham (Mr. Murray). A summary of results:

\$756,000 "in kind" benefits to school department;

\$300,000 in labor for the construction of police facility;

\$130,000 in labor (site work) for the fire station; and

at the last minute, resulting from an article that appeared in the paper  
\$130,000 to assist the Conservtion Commission in purchasing Silver Lake.

In addition to the above-reference benefits, a reduction of 200 units was discussed. If the terms outlined above were agreed to, the proposal would have gone to a town meeting immediately.

On 4/20/88, there was a meeting in town counsel's (Lee G. Ambler) office between Mr. Ambler, Mr. Murray and Mr. Fafard. (Mr. Hood supposedly was not present).

ETM pointed out that the dialogue and proposal on 4/20/88 was quite different from what was initially discussed.

Murry agreed. He called Atty. Kaufman (sp) at the Attorney General's office to question the legality of "linkage" - he was told "linkage was 100% legal and encouraged."

Murray went on to say that this problem wouldn't be happending if another member of the planning board (Anne M. Morse) hadn't cast "aspersions" (sp) on this board, Larry Cibley, Tony Mazzola and town counsel. Murray further confirmed that he "did not act without anyone's knowledge and consent."

Murray had obtained the full knowledge and consent of the two selectmen previously named.

ON A GG/EN MOTION THE BOARD RETURNED TO REGULAR SESSION.

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Edward T. Moore, Chairman

### Attachments:

letter dated 5/4/88, L.J. Cilbey, on Selectmen Stationary & no date, hand written letter requesting minutes by L.J. Cibley which cannot be released to him without a court order.

letter 5/12/88 from J.P. Murray outlining the sequence of events re: "Linkage."

Received by Planning Board  
May 12, 1988  
B. G. Lavelle, Clerk

5/12/88

In response to Mr. Cibley's comments or letter regarding my negotiating or engaging in the process of linkage with Mr. Fafard and Mr. Hood, I would like to take this opportunity to point out that I was given the consent of both Mr. Cibley and Mr. Mazzola informally on 4/7/88 during an informal discussion of a newspaper article that appeared in the "Call" on 4/7/88, regarding Mr. Vangel's seeking a new town meeting in order to gain approval for the granting of an access road in return for new athletic fields. The whole idea of negotiating with Fafard and Hood was to get more in return for the town in exchange for the access road easment, while getting less condominiums than originally proposed.

I would like to quote Mr. Cibley "if you talk to Hood tell him I won't talk to him and that I want nothing to do with him, because he threatened to put me back in the hospital. You go talk to him, but I want nothing to do with him." The informal meeting can be further attested to by the fact that Mr. Mazzola gave me a set of plans for the fire/police station project at the town hall on 4/11/88, that I then turned over to Mr. Fafard, as he was present in the town hall that night. This took place in front of many people as Mr. Moore can attest. Our informal meeting can be further attested to by Mr. Moore who told me on the morning of 4/8/88, the night following our informal gathering, that Mr. Cibley told him that I would be negotiating (linkage) with Mr. Fafard and Mr. Hood. There was another town official present at the discussion of 4/7/88, but chooses to remain nameless for fear of reprisal from town fathers.

Another informal meeting was held on 4/13/88 with myself, Mr. Mazolla, and police chief Richard Boucher present, in the chief's office, for the purpose of clarifying exactly what was needed for the police/fire project and what I should propose to Mr. Fafard and Mr. Hood.

A linkage proposal was made to Mr. Fafard on 4/15/88 asking for \$756,000 of in kind benefits for the school department; \$300,000 in kind benefits for the police department; \$130,000 in kind benefits for the fire department; and \$130,000 for the conservation commission, along with a reduction of 200 condominium units on the combined sites of Mr. Fafard and Mr. Hood. It was made very clear between myself and Mr. Fafard that if he agreed to these terms that nothing would be binding, as the proposal would still have to go before a town meeting and then earn the approval of the planning board.

On 4/20/88 Mr. Fafard tendered a counter-proposal through the office of Mr. Ambler that I did not feel was up to par with what was originally proposed to him.

For anyone concerned, a check with Attorney Koffman of the state ethics commission at 727-0060 will confirm that negotiating or linkage as he called it, with a developer to derive benefits for the town, by anyone, and regardless of a pending lawsuit, is 100% legal, above board, common, and encouraged.

It is unfortunate that because of aspersions cast by another member of this board that Mr. Cibley has to concern himself with his professionalism and ethicacy over a matter that didn't require a public meeting, or any official action to begin with. In closing I will reiterate that I took no action toward a linkage agreement without anyones knowledge or consent.

John P. Murray

Received by Planning Board  
May 12, 1988  
D.A. Gualle, Clerk



## TOWN OF BELLINGHAM

OFFICE OF THE

### BOARD OF SELECTMEN

BELLINGHAM, MASSACHUSETTS 02019

Mr. Ed Moore, Chairman Planning Board

Dear Mr. Moore —

Please be advised that I am requesting the minutes of the "closed door session" of the planning board at their meeting of April 28<sup>th</sup>. I am requesting that portion of the minutes that specifically refer to me and any derogatory comments made by one member of your board against me. I realize you will have to check with Town Counsel however I am demanding these minutes at your earliest legal convenience.

Thank you

Lucas Kelly  
Chairman, Bellingham Board of Selectmen