

**Selectmen's Executive Session Minutes
Town Hall Stage Conference Area, 2nd Floor, 30 Martin Street**

April 23, 2018

Present: Chairman Lisa J. O'Donnell, Selectman David A. Doane, Selectman Andrew C. Spinney, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Selectmen's Assistant Pamela J. Witham, Town Accountant Virginia Antell, Finance Committee member Benn Buttrick, Finance Committee member Richard Ross, Town Building Committee member Westley Burnham, Town Building Committee member Stuart Pratt, and Town Building Committee member Peter Silva.

EXECUTIVE SESSION

At 6:48 p.m., citing the need to discuss the purchase, exchange, lease or value of real property relative to a possible future site for a public safety facility; and, to review minutes from executive sessions held on 10/16/17, 1/22/18, 1/29/18, 2/6/18, 2/12/18, 2/15/18, 2/26/18, 3/12/18, 3/26/18, and 3/28/18 to determine whether continued non-disclosure is warranted; the Chairman entertained a motion to move to Executive Session pursuant to G.L. c. 30A, §21(a)(6) and (7). She stated that discussing these matters in Open Session would be detrimental to the Town's negotiating strategy and invited the Town Administrator; Town Counsel; members of the Finance Committee Richard Ross and Benn Buttrick; Town Building Committee members Stuart Pratt, Pete Silva, and Westley Burnham; and Town Accountant Virginia Antell to attend the Executive Session. She said that the Board would be returning to Open Session. The motion was moved and seconded. Following a unanimous Roll Call Vote by the Board, the Board, their Assistant, the Town Administrator, Town Counsel, the Town Accountant, and members of the Finance Committee and the Town Building Committee moved to Executive Session. Tina Lane, Jodi Harris, and Ernie Nieberle left the meeting.

Purchase, exchange, lease or value of real property relative to a possible future site for a public safety facility and Executive Session pursuant to G.L. c. 30A, §21(a)(6) and (7), to review minutes from executive sessions held on 10/16/17, 1/22/18, 1/29/18, 2/6/18, 2/12/18, 2/15/18, 2/26/18, 3/12/18, 3/26/18, and 3/28/18 to determine whether continued non-disclosure is warranted: Mr. Zubricki said a letter had been received requesting release of all executive minutes related to the proposed purchase of the Village restaurant. Mr. Zubricki stated that the Board discussed the matter in executive session on each of the above-listed dates and that some of the discussions also referenced appraisal reports. Those present considered at length whether to release the requested minutes or whether to release any of the associated documents. Attorney Corbo noted that the minutes and associated documents could be withheld under the Public Records Law until as late as the Town passing papers on the purchase, given that there are contingencies that may arise between now and then which may still require further negotiation with the seller, including a vote of Town Meeting.

After discussing the status of the transaction, the remaining contingencies and how releasing the minutes and associated documents could impact the Town's negotiating position, there was a consensus of the Board that the information contained in the minutes and documents could still negatively affect the Town's negotiating position and that there was a need to continue to protect

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the confidentiality of those documents. All acknowledged that specific details found within the appraisal documents and other documents associated with the potential transaction, may need to be disclosed during the presentation of the article at the Annual Town Meeting on May 7. The Chairman will confer with Counsel as that time approaches to review what is proposed for discussion, so as not to run afoul of the Open Meeting Law or the Public Records Law.

Based on this discussion, the Chair made the following Motion:

I move that the Board vote not to publicly release the minutes from the executive sessions held by the Board on 10/16/17, 1/22/18, 1/29/18, 2/6/18, 2/12/18, 2/15/18, 2/26/18, 3/12/18, 3/26/18, and 3/28/18 because the purpose for which the Board entered executive session on those dates still applies insofar as the Board's negotiating position may be jeopardized by the release of those minutes at this time.

Following a roll call vote, the Motion was approved unanimously.

There being no further business before the Board requiring an Executive Session, a motion was made and seconded to return to Open Session. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, the Town Accountant, Town Counsel, and members of the Finance Committee and the Town Building Committee returned to Open Session at 7:17 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Andrew C. Spinney