

BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES

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April 7, 2010

ORLEANS TOWN CLERK

Approved on April 21, 2010

An executive session meeting of the Orleans Board of Selectmen was held on Wednesday April 7, 2010, in the Nauset Room of the Orleans Town Hall for the purpose of discussing property negotiations. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Orleans Town Counsel Michael Ford, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:00 pm.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted by way of roll call to enter into executive session for the purpose of discussing property negotiations. The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller and Mr. Carron all voting aye.

Orleans Town Counsel Michael Ford updated the Board on the property negotiations for the possible acquisition of the Hubler property.

Mr. Ford explained that after he, Mr. Fulcher and Mr. Kelly had concluded their discussions and research, an offer of \$4,050,000 was made to the owners of the Hubler property. The attorney and brokers asked that the offer be submitted in writing. Mr. Ford submitted the purchase and sales agreement on Monday and on Wednesday Mr. Ford received a counter offer of \$4,625,000.

Mrs. Fulcher joined the meeting at 6:10 pm.

Mr. Ford explained that he is disturbed by the fact that the attorneys may have misled the town, as he has received email communications with numbers that do not match up with what the town has been told during discussions and negotiations.

Mr. Kelly explained that the attorneys are playing the town against the purported owner of lot one. Mr. Ford and Mr. Kelly wanted the Board to be aware of these factors.

Mr. Ford recommended that the Board hold their negotiating position and to not raise the offer price to no more than \$4,100,000.

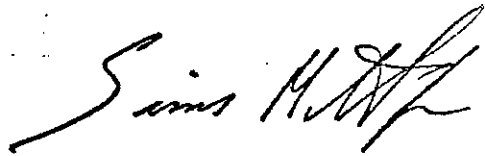
Mr. Kelly updated the Board on an upcoming meeting with Alan McClennan and David Withrow regarding the purchase of the Putnam Property. Mr. Kelly also informed the Board that the property cannot be purchased with Community Preservation Committee funds if the property is designated for "renewable energy" use.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to remove "renewable energy" from the article for acquisition of the Putnam Property. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted by way of roll call to return to open session. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

Respectfully submitted:

Kristen Holbrook

A handwritten signature in cursive script, appearing to read "Sims McGrath Jr.", written over a horizontal line.

Sims McGrath Jr., Clerk

Released by Town Counsel: 11/2/10

Released by vote of Selectmen: 11/17/10