

BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES

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ORLEANS TOWN CLERK

March 24, 2010

Approved on April 7, 2010

An executive session meeting of the Orleans Board of Selectmen was held on Wednesday, March 24, 2010 in the Nauset room of the Town Hall. Present were Vice-Chairwoman Margie Fulcher, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Vice-Chairwoman Fulcher 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 and litigation. The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mrs. Fulcher and Mr. Carron all voting aye.

Mr. Kelly presented the Board with updated information on the Huebler property. He explained that one parcel of the property is under agreement for \$950,000, and, as a contingency of the purchase and sale agreement, the existing motel structure is required be demolished in October 2010. Orleans Town Counsel, Michael Ford, met with all parties last week, and discussed the terms, if any, that would preclude the Town from attempting to negotiate for the remaining parcels of the property.

Mr. Kelly further explained that since the town last met with the owners, a substantial mortgage has been incurred on the property. It is Mr. Ford's stated opinion that he sees no reason why the town could not approach the owners for all five lots, and negate the previous agreement for the one parcel.

The Huebler's attorney maintains a concern that any delay in the sale of the lot places the owners in a difficult position in terms of mortgage payments.

Mr. Kelly recommended that the Board allow the continuation of research into the acquisition of the property, by directing the Town Administrator and Town Counsel to collect all of the necessary information and meet again on March 31, 2010 with Town Counsel to review the information for further instruction.

On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to reserve a place-holder article and a ballot question for debt exclusion purposes, on the Town Meeting Warrant, pending further information from the Town Administrator and Town Counsel regarding possible acquisition

of the Huebler Property. The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mrs. Fulcher and Mr. Carron all voting aye.

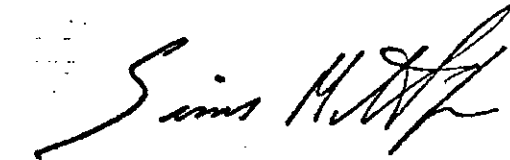
Mr. Kelly also updated the Board on a threat of possible litigation for discrimination if the part time mechanics position were to be eliminated from the FY11 budget.

Mr. Kelly recommended keeping the position in the budget for another year.

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 4-0-0.

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: 6/8/10 Michael Ford
BOS release : 10/20/10