

BOARD OF SELECTMEN
EXECUTIVE SESSION MEETING MINUTES

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March 31, 2010

ORLEANS TOWN CLERK

Approved on April 14, 2010

An executive session meeting of the Orleans Board of Selectmen was held on Wednesday, March 31, 2010, in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairwoman Margie Fulcher, Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly, Orleans Parks and Beaches Superintendent Paul Fulcher, Orleans Town Counsel Michael Ford and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 5:30 pm.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, 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, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

Town Administrator John Kelly updated the Board with information on the possible acquisition of the Hubler property. Mr. Kelly has spoken to Mike Sutton regarding the original appraisal of the property done in 2007, and Ryder and Wilcox have put together a preliminary plan for a parking lot that would accommodate 453 parking spaces.

Mr. McGrath joined the meeting at 5:35 pm.

Mr. Kelly further advised the Board to vote to direct the Town Administrator and Staff to move forward in making an offer for acquisition of the property.

Orleans Town Counsel Michael Ford presented the Board with information on the history of the town's interest in the property. Mr. Sutton originally appraised the value of the property at \$3,500,000 in 2007. Mr. Kelly and Orleans Town Planner and Director of Community Development, George Meservey originally met with the owners of the property and the owners rejected the offer of \$3,500,000 countering with a proposal of \$7,000,000.

Mr. Ford explained that the property is currently held under two separate deeds. TD Bank holds a mortgage of \$2,600,000 on the property. There are five parcels that make up the property; lot 1 is under a purchase and sales agreement for \$950,000. Also a provision in the agreement states that the other lots are under customary subdivision covenants, and therefore if lot 1 is sold, the covenant would be enacted and for the town to build the parking lot, it would be difficult without taking the property by eminent domain.

Mr. Ford stated that in respect to the regulatory aspects, a parking lot is permissible with a MEPA filing and an exemption from the Cape Cod Commission. If the lot is not needed for five to ten years, he cannot predict what the regulatory hurdles would be. Cape Cod Commission permits are valid for 7 years. Mr. Fulcher stated that to his knowledge the area is not mapped for endangered species.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to authorize the Town Administrator and Town Counsel to approach the property owners with an offer not to exceed \$4.5M for acquisition of the Hubler property, and to authorize a commitment to the placement of the warrant article and the ballot question for debt exclusion purposes. Further the Board directs the Town Administrator and Town Counsel to continue the due diligence in research of beach rights surrounding the property with terms and conditions that are most beneficial to the Town. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye

Open Space Committee Chairman Alan McClennan joined the meeting and presented an update to the Board with information on the acquisition of the Putnam property. The Board had previously authorized Mr. McClennan to offer up to \$330,000 for purchase of the property. Mr. McClennan asked the Board to authorize offering a purchase price of \$360,000 for the purchase of the Putnam Property. Mr. McClennan stated that the property would be bonded for \$160,000 as debt exclusion, but the details would be discussed with Mr. Withrow before being finalized. The Putnam's would like to close the first week in July, which would preclude the town from participating from the grant program.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to authorize Mr. McClennan to offer a purchase price not to exceed \$360,000 for the acquisition of the Putnam Property for Public Open Space, Conservation and Agricultural Purposes contingent on an extension of the P&S agreement to a closing on 12/31/10 to allow the Town to apply for a grant for the purchase of the property. Should the Town not be awarded a grant, the closing would take place in October. 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 Mrs. Fulcher, 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


Sims McGrath Jr., Clerk

Released 10/20/10