

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
APRIL 16, 2002**

Present:     Arnold Wilson, Chairman  
              Charles Blanchard  
              Hal White  
              George Dib

The Chairman called the executive session to order under MGL Chapter 39, §23B, Paragraph #6: To consider the purchase, exchange, taking, lease or value of real property, not to reconvene in open session.

**Dumas Property/138 McGilpin Road – Chapter 61A**

The Board received a response from Deborah Eliason of Kopelman and Paige (copy on file) concerning questions regarding the above-mentioned property. The farmhouse and the acre around it are included in the P & S, but they are not under Chapter 61A. She indicated that the Town's right of first refusal does not include the right to purchase non-classified land. The Town is not required to purchase the non-classified land even though the Purchase & Sale agreement includes the non-classified land as part of the purchase. However, provided that the appropriate authorizations for the acquisition are obtained and MGL Ch. 30B is complied with, the Town may acquire the non-classified property if it chooses to do so. She indicated that since the P & S does not state a separate purchase price for the non-classified land, the transaction is analogous to receipt of a notice to convert classified land rather than sell classified land. The value of the classified land may be determined by an independent appraisal.

Regarding paragraph #26 of the P & S containing special conditions, D. Eliason recommended that the Town require the seller to provide a document executed by both seller and buyer stating that the parties agree to the following: 1) that either paragraph #26 has been waived or that the condition has been met, and 2) that the P & S remains in full force and effect.

**MOTION:     That the Chairman contact Deborah Eliason and have her notify the seller or seller's attorney that the P & S agreement needs to have a document executed between buyer and seller stating that the parties agree that either paragraph #26 has been waived or that the condition has**

been met; and that the P & S remains in full force and effect, by C. Blanchard.

2<sup>nd</sup>: G. Dib

Roll call vote: All were in favor.

It was the consensus of the Board that the issue of the farmhouse be clarified, and that J. Malloy should move ahead with the appraisal.

**MOTION:** To adjourn, by H. White.

2<sup>nd</sup>: G. Dib

Roll call vote: All were in favor.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Judy Knowles

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BOS Clerk

Date