

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
JULY 1, 2002**

Present      Arnold Wilson, Chairman  
                 Charles Blanchard  
                 Hal White  
                 George Dib  
                 James Malloy, Town Administrator

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**

J. Malloy informed the Board that the Community Preservation Act Committee has taken a vote in public session to recommend that the Town issue debt backed by the CPA for a five-year term. Mr. Malloy discussed the vote with Joel Bard at Kopelman and Paige. He submitted to the Board a copy of the June 27<sup>th</sup> FAX from Joel Bard which explains the process of expenditure of CPA funds and provides a sample warrant article on how the CPA funds are supposed to be recommended to Town Meeting (copy on file). Mr. Malloy submitted to the Board the letter from the law firm of Pepe Hazard, who represents the Dumas estate (copy on file) and the revised "Notice of Assignment of Right of First Refusal from Shelter Island" (copy on file). Mr. Malloy asked Town Counsel to re-write an agreement between the Town and Sosk/Flynn, with what he believed needed to be the terms and conditions that have been discussed and which was provided to the Board. Mr. Malloy met with Senator Brewer and representatives of Bob Durand, Secretary of EOEA, Division of Fisheries and Wildlife and Todd Smola of Rep. Hillman's office. They reviewed the proposals with Shelter Island and Sosik/Flynn and discussed the state's participation. Mr. Malloy asked that EOEA provide a written commitment for a minimum of \$125,000, and that the state commit to a higher level of funding, should an appraisal prove that more was justified. The representative of EOEA made this commitment and Senator Brewer requested that they forward a written commitment to the Town, which J. Malloy has received.

A.Wilson said that it might be more convenient to purchase the property at \$800,000 and proceed from there, noting that the residents have the right

to reject it at Town Meeting. H. White said that the Town has the right of first refusal on Chapter 61 land, nothing else.

G. Dib arrived at 9:05 p.m.

C. Blanchard recommended entering into an agreement with Sosik and Flynn, saying that there would be less risk to the Town and no conflict with the owner, and it would guarantee preservation of a significant part of the property. G. Dib said that he was strongly in favor of this position, with the possibility of reducing the number of lots. He said that going with Shelter Island could result in more expenditure to the Town.

A. Wilson said that some lots would have to be developed with Shelter Island, but considerably less than with the Sosik and Flynn proposal. He said that it is possible to have zero development using CPC funds.

**MOTION: To enter into an agreement with Sosik and Flynn based on the Agreement for Acquisition of Real Estate, by C. Blanchard.**

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

**Roll call vote: G. Dib and C. Blanchard in favor; H. White and A. Wilson opposed.**

**MOTION: To enter into an agreement with Shelter Island, by A. Wilson.**

**2<sup>nd</sup>: H. White**

**Roll call vote: G. Dib, C. Blanchard and H. White opposed; A. Wilson in favor.**

J. Malloy expressed concern about what could happen if the Board does not have an agreement in place with either Flynn/Sosik or Shelter Island, and Town Meeting does not vote to issue the debt; then the Town would be in a position where there were no options, and the opportunity to acquire the land would be lost. Flynn and Sosik could then develop the land any way they want.

**MOTION: To adjourn, by G. Dib.**

**2<sup>nd</sup>: H. White**

**Roll call vote: All were in favor.**

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Executive Session Minutes – July 1, 2002

Judy Knowles

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BOS Clerk

Date