

**BOARD OF SELECTMEN  
MINUTES  
JULY 23, 2002  
BURGESS ELEMENTARY SCHOOL**

Present                      Arnold Wilson, Chair  
                                 Charles Blanchard  
                                 Hal White  
                                 Doris Sosik  
                                 George Dib  
                                 James Malloy, Town Administrator

The Chair called the meeting to order at 6:30 PM. The Board decided they would reconvene after the Special Town Meeting to further consider their options on the Dumas Property.

**Special Town Meeting Articles**

Article 28 – Motion to recommend \$66,958 on item (b) by C. Blanchard, seconded by G. Dib. Vote: All in favor.

Article 30 – A. Wilson asked J. Malloy to explain what actions would be taken if the article did not pass.

Article 34 – Motion to submit a substitute motion as recommended by Bond Counsel, by H. White, seconded by A. Wilson. Vote 2 in favor; 2 opposed; 1 Recused. The motion failed.

Article 37 – J. Malloy explained the Personnel Committee's vote. Motion to submit a substitute motion to fund \$3,000 for the purpose of the article, by C. Blanchard, seconded by D. Sosik. Vote: All in favor.

Article 38 – J. Malloy explained that this article was dependent on Article 37 and should be reduced consistently. Motion to submit a substitute motion to fund \$250 for the purpose of the article, by C. Blanchard, seconded by D. Sosik. Vote: All in favor.

Article 39 & 40 – The Board of Selectmen opted to not take any action in relation to substitute motions, that this would be left to the Board of Assessors.

**Firefighter's Request to Unionize**

The Board discussed the Firefighter's request to unionize. J. Malloy was asked to find out whether the part-time call firefighters should or could be included in the union and whether the Captains should be excluded from the union should the Board approve the request to unionize.

Motion to recess and reconvene after the Special Town Meeting, by G. Dib, seconded by H. White. Vote: 5-0 in favor.

**The meeting was recessed at 7:00 PM.**

**The meeting reconvened at 11:15 PM**

Motion by G. Dib, seconded by H. White to hold the meeting in open session to discuss the Board's position on the Dumas property. D. Sosik recused herself and left the meeting. Vote 4-0 in favor.

A. Wilson discussed the options at this point on the Dumas property were to either agree with the Sosik/Flynn proposal or assign the Town's right of first refusal to Shelter Island.

G. Dib asked J. Malloy if he were comfortable with the agreement being enforceable. J. Malloy responded that the agreement was drafted by Town Counsel and he was comfortable that it was enforceable based on his discussions with Town Counsel.

H. White expressed concern that J. Malloy did not point out the changes made to the agreement, which he believed were substantial changes. J. Malloy explained that the changes were in print and each Selectmen had a copy and he thought it was clear to the Board members. The Board discussed the changes. H. White expressed concern the Board was being asked to sign an agreement with hand-written modifications and corrections.

A. Wilson asked if there was a motion to take any action. C. Blanchard moved to execute the agreement with Flynn/Sosik as presented, seconded by G. Dib.

G. Dib stated that the property would have open access to the public.

A. Wilson stated that he prefers the Assignment of Rights of First Refusal in the agreement with Shelter Island, he believes they are prepared to pay \$800,000 if necessary, plus there are more options with Shelter Island.

Vote: 2 in favor, 2 opposed. The motion failed.

Motion by A. Wilson to assign the Town's right of first refusal to Shelter Island as per the Assignment Agreement, seconded by H. White.

Vote 1 in favor, 3 opposed. The motion failed.

Randall Chinnock of McGilpin Road asked Mr. White why he voted against the Shelter Island agreement. H. White explained that he felt it would be a slap in the face of the town meeting vote if the Town did not vote to exercise the Town's

rights and then the Selectmen simply circumvented this by voting to assign the Town's rights to a third party.

A. Wilson commented that the Board was still stalemated, but needed to take action so that the Town's rights were protected.

G. Dib asked A. Wilson or H. White if there was anything that could be changed in the agreement that would make them more comfortable with the Sosik/Flynn agreement since it had received more votes than the Shelter Island option. Neither felt changes would allow them to support the agreement.

A. Wilson stated that he would abstain from voting to get this off center. He could not support 16 homes.

Motion to reconsider by G. Dib, seconded by C. Blanchard to execute the agreement with Sosik/Flynn as presented. 2 in favor, 1 opposed, 1 abstention. Motion passed.

Motion to adjourn by G. Dib, seconded by H. White. Vote: all in favor.

The meeting adjourned at 11:40 PM.

Respectfully submitted,

James J. Malloy

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BOS Clerk

Date