

Executive Session Minutes

April 3, 2006

**BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES
APRIL 3, 2006**

Present: Arnold Wilson, Chairman
Hal White
Doris Sosik
David Schmida
William Emrich
James Malloy, Town Administrator

The Chairman called the executive session to order under MGL Chapter 39, §23B, Paragraph #3: To discuss strategy with respect to collective bargaining or litigation, not to reconvene in open session.

55 Champeaux Road

J. Malloy submitted to the Board information on how the Assessors valued the property at 55 Champeaux Road and input from Town Counsel (copies on file). The Assessor indicated that the property is valued based on qualified sales of residential and vacant land. When J. Malloy questioned them regarding whether they had reviewed whether the property was buildable, the Board of Assessors indicated that they had no knowledge of whether it was buildable or not. They had assessed it as residential vacant land.

J. Malloy noted that the property does not have legal frontage, the nearest frontage being 600 feet away from the lot. He said that the Building Inspector will give the Board an opinion in writing; his verbal opinion was that it is not a buildable lot due to lack of frontage.

J. Malloy said that if it goes to court, Town Counsel will have to make the case that Woodstock Properties bought 60 acres of land and shaved off the front lots, removing the frontage. The property appraisal said that it was an unbuildable lot. He said that the Assessors should have abated the property value. Visions will come in to set a value on it. H. White said that he was appalled regarding the credibility of the Board of Assessors.

It was the consensus of the Board that no settlement should be offered at this time.

Choinski v. Wilson et. al.

J. Malloy noted that this is the lawsuit against the Selectmen regarding the denial of a sewer connection on Cedar Lake. Mr. Choinski had applied for three sewer connections for a property that he purchased on Cedar Lake, which the Board had denied, allowing the one sewer connection that the property was due under

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the Sewer Service Area Bylaw. Subsequent to the Board's vote, he filed suit and followed through with an ANR subdivision of the land and had perc tests done. He now has three separate lots which are proposed to be served (one lot) by public sewer and two lots by private septic systems. During the Conservation Commission hearing on the proposed development of these lots, numerous residents of the Cedar Lake area turned out and voiced their opposition to allowing the houses to be built on private septic systems when the remainder of the lake is on public sewer.

J. Malloy said that the Board of Health may be able to pass a regulation disallowing septic systems within an area of Town, but then the Selectmen would likely be required to allow properties to connect to town sewer. He said that he could check with Town Counsel about that.

D. Sosik said that in her opinion they were exempt, and she would be in favor of allowing them to connect. A. Wilson said that he was leaning toward allowing his to connect. D. Schmida agreed with D. Sosik, and said that when sewer systems are installed, there is an increase in density.

It was the consensus of the Board to hold action for a few weeks to review and consider the options.

MOTION: To adjourn, by H. White
2nd: D. Schmida
Roll call vote: All were in favor.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date