

TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: January 16, 2007
MINUTES

Members Present: Muriel E. Kramer, Chairman; Mary C. Pratt, Vice-Chairman; Leonard A. Holden, Ronald M. Clark; Michael W. Shepard.

Others Present: Robert Falcione, HopNews; Mavis O'Leary; Michael Kennedy; Beth Rohlfs; Theodore D. Kozak (Executive Secretary); Land Use Study Committee: Finley Perry, Chairman, and Eric Sonnett; Ronald Eldridge, Appropriation Committee; Selectmen's Office: Anthony Troiano, Town Manager, and Geri Holland, Executive Assistant

Public Meeting opened (Room 211):

6:15 p.m. Mrs. Kramer opened the discussion regarding the town's potential purchase and interest in the Weston Nurseries property; and invited Mr. Sonnett and Mr. Perry to give an overview of the LUSC's meetings with Attorney Dennis, the Town's legal counsel in this matter. Mr. Sonnet said that he believes that this issue is nearing the end of the beginning of the Town's ability to consider their first right of refusal under MA Gen. Law Ch. 61A due to the work that Attorney Dennis has performed on behalf of the Town. Mr. Perry explained the process that has occurred since the property has been under the bankruptcy law and that there is a current buyer, Boulder Capital, for an approximate cost between \$21-26M. Mr. Perry said that as the sale is taking place under Federal Bankruptcy Law there is a 30 day period during which counter offers may be made by January 25th and that the price might go up, but the terms of the sale would remain the same. There was a discussion about the Town's options and how the Town can remain active in this process to protect the best interests of the Town. There was also a discussion regarding whether or not the town should continue to use Attorney Dennis versus Town Counsel; and should Boulder Capital purchase the property, the town should keep an interest and how it would affect the town in the future. Mr. Clark pointed out if it's realistic for the town to purchase this property; and if the town is interested in passing a \$30M override this year. Mr. Eldridge pointed out how important it is to keep an interest in the process. There was a discussion regarding the various scenarios that the town needs to look at.

7:00 p.m. Mrs. Pratt left the meeting at this time.

The discussion continued regarding how the town needs to defend its Ch. 61A rights; and Mrs. Kramer pointed out the fact that Attorney Dennis and the Land Use Study Committee has brought the town through the bankruptcy law to the Notice of Conversion giving the town its 61A rights. Mr. Perry said that it's difficult to discern at this time how this issue will play out until the counteroffers are made at the January 25th court hearing. The Board agreed to continue retaining Attorney Dennis as Town Counsel does not have the background in this area; and to re-evaluate the issue once the judge makes his decision at the January 25th hearing. Mr. Troiano said that he has telephoned Attorney Dennis and will be speaking with him about this; he also suggested that there needs to be a "gate-keeper" in the legal fees process. It was pointed out that with the change of legal counsel, due to Attorney Faiman's recent resignation, the oversight of the rising costs of legal fees concerning this issue was overlooked. The Board asked Mr. Perry to give an overview of the LUSC's work on this project at the next Quarterly meeting. Mr. Clark commented that with the Ch. 61A rights, the town would receive back taxes and at least have an opportunity to present a matching offer for the property.

Meeting Adjourned:

7:30 p.m. Vote: Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Respectfully submitted,
Geri Holland, Executive Assistant

Date approved: 2/13/07