

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: February 28, 2007 AM
MINUTES**

Board of Selectmen members present: Muriel E. Kramer, Chairman; Mary A. Pratt, Vice-Chairman; Michael W. Shepard; Ronald M. Clark. Absent; Len Holden.

Land Use Study Committee members present: Finley Perry, Chairman; John Coolidge, Vice-Chairman; Andrew Branz; Stuart Cowart; Liisa Jackson; Muriel E. Kramer; Mavis O'Leary; Nancy Peters; Rebecca Robak; and F. Eric Sonnett.

Invited participants: Attorney John Dennis; Town Manager, Anthony J. Troiano; Planning Board members Mark Abate, Chairman, and Joseph Markey; Planning Director, Elaine Lazarus; and Badge Blackett, Trust for Public Lands (TPL).

Others Present: Robert Foster, Lyn Branscomb: Hopkinton Independent reporter; Wayne Mezitt, Michael Kennedy, Jennifer Lund and John Knowles.

Meeting Opened (Room 211)

7:30 a.m. Mr. Perry opened the Land Use Study Committee meeting and gave a brief summary of the LUSC efforts to date and status of current notice that pertains to the real estate property issue.

Move into Executive Session:

Vote: Mrs. Kramer entertained a motion to enter into Executive Session for the purposes of discussing the purchase of real property. **Second Mr. Clark** to enter into Executive Session to discuss the purchase of real property and then to reconvene in open session to discuss business, i.e. legal costs. **Mrs. Pratt seconded the motion. The roll call votes follow: Mrs. Kramer: yes; Mr. Shepard: yes; Mr. Clark: yes; Mrs. Pratt: yes. Unanimously voted.**

Vote: Mr. Sonnett moved that the Land Use Study Committee (LUSC) enter Executive Session for the purpose of discussing the purchase of real property and then reconvening in open session to discuss business as necessary. **Mr. Branz seconded the motion.**

Public Discussion:

A lengthy discussion followed. Audience members asked why an Executive Session is being held. Mr. Perry and Mr. Troiano answered that closed strategy sessions were necessary to protect the interests of the town in the deal. Mr. Perry asserted that the minutes would be made public as soon as possible and gave a detailed recap of the very public process to date.

Mr. Mezitt was invited to comment. Many people have worked for over two years to craft a workable sale agreement, and Mr. Mezitt hopes the LUSC will have Mr. MacDowell in to discuss his plans soon. Mr. Mezitt suggested that the town might better avoid spending money to do what Mr. MacDowell will do at his own expense.

Mr. Sonnett advocated excluding Mr. Blackett out of Executive Session discussions as TPL is a "competitor" in the process.

Ms. Lund spoke to the many volunteers poised to help the committee work to educate the community and advocate for a partnership with TPL.

Mr. Perry indicated that we have received a Purchase & Sales, and the Town has 14 days to respond. A hearing date has been set for March 12th to hear objections if necessary. Mr. Perry quickly summarized the three major options in front of Hopkinton as follows: 1.) buy the property; 2.) buy nothing and let Mr. Mac Dowell's deal proceed; and 3.) partner with TPL to buy and conserve/develop the property.

Mr. Blackett, Senior Project Manager at TPL was invited to speak to his organization and its ability to participate. TPL would exist in the process entirely and only at the pleasure of the Town. TPL would potentially accept the Town's Chapter 61A rights and structure a deal and/or partnership arrangement that ensures that at least 50% of the property is preserved as permanent open space. TPL can assist with legal work, fundraising, due diligence and campaign at the Town Meeting.

TPL's interest is land conservation. "We exist to partner with towns and help communities achieve land protection," said Mr. Blackett. He added that this purchase/deal is entirely within TPL's financial capabilities.

Mr. Blackett indicated that responding to notices is tricky. He said that everything is about how you position yourself. Mr. Blackett said that "this is a chess game"; and he added that the Town would need to be careful as to how it responds to the notice. He said that "the higher the value of the property, the more attention you want to pay to the notice."

Mr. Blackett asserted that the Town needs to identify what it wants to buy, and whatever the Town buys it should get a bargain. The 120 days of the response period is spent roughly 30 days to address the proposal, 30 days to structure the deal and partnerships, and 60 days on the TM campaign.

Next meeting date set for March 6, 2007 at 7:30 AM with TPL and Mr. MacDowell.

Mr. Sonnett restated his earlier motion to enter executive session to include John Dennis, Elaine Lazarus, Anthony Troiano, Mark Abate, and Joseph Markey, but to not allow Mr. Blackett in the executive session meeting. **Second Mr. Branz. Discussion:** Mr. Coolidge asserted that Mr. Blackett needed to be included. The roll call votes follow: **Mr. Sonnett: yes; Mr. Cowart: yes; Mr. Branz: yes; Mr. Coolidge: no; Mrs. Jackson: no; Mrs. Peters: no; Mrs. Kramer: no; Mrs. Robak: no; Mrs. O'Leary: no; Mr. Perry: no. The motion does not carry.**

Mr. Coolidge restated the motion to enter into executive session as before and include Mr. Blackett. **Second Mr. Branz). The roll call votes follows: Mr. Sonnett: no; Mr. Cowart: yes; Mr. Branz: yes; Mr. Coolidge: yes; Mrs. Jackson; yes; Mrs. Peters: yes; Mrs. Kramer: yes; Mrs. Robak; yes; Mrs. O'Leary: yes; Mr. Perry: yes. So voted.**

10:00 a.m. Vote: Mrs. Kramer asked for a motion to instruct Mr. Dennis not to appeal the judge's previous ruling that the older version of Ch 61A would apply with notice received before March 22, 2007, the date the new legislation takes affect. Mr. Clark moved that we not appeal the judge's decision on the application of the statute. **Second Mrs. Kramer. The roll call votes follow: Mr. Clark: yes; Mrs. Kramer; yes; and Mrs. Pratt: no. The vote carries.**

Respectfully submitted,

Muriel E. Kramer, Chairman
Board of Selectmen
Approved: 3/27/07