

**COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
JANUARY 25, 2007**

The Community Preservation Committee of the Town of Weymouth held a public meeting on Thursday, January 25, 2007, at 7:00PM at the McCulloch Building, Whipple Center Conference Room, 182 Green Street, Weymouth, MA.

Present:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Adrienne Gowen, Clerk
Brian O'Halloran
Christopher Hannan
Stephen Ford
James Cunningham

Not Present:

Tom Curtis
Lawrence Lambros

Also Present:

James Clarke, Director of Planning & Community
Development
George Lane, Town Solicitor

Recording Secretary:

Christine Callbeck

At 7:00PM, Chairman Flynn called the meeting to order and noted that Tom Curtis and Lawrence Lambros were not present.

Minutes – November 9, 2006

Mr. Mathews made a MOTION to accept the minutes of November 9, 2006 as amended. Mr. Hannan SECONDED the motion. UNANIMOUSLY VOTED.

Minutes – January 11, 2007

Mr. Mathews made a MOTION to accept the minutes of January 11, 2007 as amended. Mr. Hannan SECONDED the motion. UNANIMOUSLY VOTED.

Discussion with Town Solicitor, George Lane

- **Open Meeting Law**
- **Executive Session procedures**
- **Purchase of Land – review process**

Mr. Clarke mentioned the committee's prior discussions on land purchases and advised the board that Mr. Lane was invited to tonight's meeting to give the committee an

overview of the requirements of the Open Meeting laws, Executive Session procedures, and Purchase of Land review process.

Mr. Lane addressed questions regarding real estate that is acquired by funds furnished through the Community Preservation Act. Who owns those parcels? If you are acquiring real estate with Community Preservation Act funds, that parcel becomes the property of the Town of Weymouth. The Committee has the ability to delegate the managerial aspects of the real estate acquisition with Community Preservation funds.

Mr. Lane stated that the policy behind the open meeting law is that public affairs must be open to the public unless they fall within certain specified particular exemptions. The open meeting law is enforced by the Attorney General and, more frequently, by the District Attorney for the Town.

Mr. Lane stated that in looking over the mission of the CPC he feels that Exception #6 on the Executive Sessions Quick Index Guide is going to be the Committee's item of interest. Exception #6, To consider the purchase, exchange, lease or value of real property, if such discussions, in the open sessions, may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

Mr. Lane further stated that when you do go into Executive Session to discuss Exception #6, you go into Executive Session from an Open Session. A member makes a MOTION to go into Executive Session to consider the purchase, exchange, lease or value of real property. The next step is to use a Roll Call Vote to go into Executive Session. The committee at this time must address if the committee plans to reconvene in Open Sessions, or if the meeting will adjourn in Executive Session. A short recess will then take place, which allows public people to leave the meeting area. Only the committee and key operatives are allowed in that session. When the discussion is finished in Executive Session, another Roll Call Vote to go back in to Open Session will take place. The Executive Session minutes are kept separate from the committees Open Session minutes. Executive Session minutes remain confidential until the reason for the Executive Session no longer exists. Executive Session minutes should be approved just as Open Session minutes for content. Such approval does not however authorize their release. You need to separately determine that the purpose of the Executive Session no longer exists. At that point, the minutes are public.

Chairman Flynn asked Mr. Lane does the CPA allow the CPC to purchase on behalf of other towns or municipalities. For instance, if a few towns border a reservoir and a piece of land becomes available to be purchased that would further protect that jointly owned reservoir, but yet the land is actually within another town. Are we allowed to purchase that as land owned by Weymouth but located in another town. Mr. Lane stated that the legislation is to that effect, you can purchase land in another town. Mr. Lane further stated that anything of a more technical nature would need to be addressed through his office so it could be studied a bit more.

Mr. Lane stated that Public Records and Open Meeting Law intertwine, and it can become very confusing. The Open Meeting Law means that the meeting is open unless a specific session is required. The Public Records Law was basically created by the Freedom of Information Act. In Massachusetts, it is called a Public Records Request. Mr. Lane further stated that this basically means a citizen can come into your office and make a verbal request for documents. You have 10 days to respond to this request. Your response could be to ask for their request in writing. You can request that the citizen pay to have the copies made.

Mr. Mathews asked Mr. Lane, hypothetically, what if someone approaches Mr. Clarke and says they would like to sell their property to the CPC. Mr. Mathews further asked that when that information comes to this committee, could they then go into Executive Session without mentioning the specific property in question. Mr. Mathews further stated that the individual that is selling the property doesn't want the information to get into the public, and the CPC might be trying to negotiate with the individual. Mr. Lane stated that from an Open Meeting, the CPC can state that they are going into Executive Session to consider the purchase, exchange, lease or value of real property.

Chairman Flynn asked Mr. Lane what if it is the intent of the CPC to continue the discussion, should they reconvene into Open Session and state they would like to address the issue at the next meeting in Executive Session. Mr. Lane stated, yes, that would be appropriate.

Mr. Clarke asked if motions made in Executive Session have to be done in Roll Call form. Mr. Lane stated. No.

Ms. Gowen asked Mr. Lane if it is appropriate to ask the audience to leave. Mr. Lane stated it is up to the board as to who can stay during Executive Session.

Other Business

Mr. Mathews spoke with the President of the East Weymouth Neighborhood Association regarding having someone from the Community Preservation Committee come before its group and speak, possibly at the next meeting in April and give out a 1 to 2 page handout regarding the CPA.

Executive Session

Adjournment

At 9:30PM, there being no further business, a MOTION was made by Mr. Ford to adjourn and was SECONDED by Mr. Mathews. UNANIMOUSLY VOTED.

Approved: _____
Walter Flynn, Chairman

Dated: _____

