

MINUTES OF THE TOWN COUNCIL
EXECUTIVE SESSION
Town Hall Council Chambers
June 7, 2010 - Monday

Present: Arthur Mathews, President
 Patrick O'Connor, Vice President
 Robert Conlon
 Kenneth DiFazio
 Ed Harrington
 Thomas J. Lacey
 Arthur Mathews
 Michael Molisse
 Brian McDonald
 Victor Pap, III
 Michael Smart
 Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk
 Kathleen Deree, Assistant Town Clerk
 George Lane, Town Solicitor
 James Wilson, Chief Financial Officer
 Richard Swanson, Interim Auditor
 James Clarke, Director of Planning and Development

Recording Secretary: Mary Briggs

At 10:40 PM, President Mathews called the Executive Session of the June 7, 2010 Town Council Meeting to order. Councilor Pap noted he is a direct abutter to the property to be discussed, and will not be staying for the session to avoid any appearance of a conflict of interest. Councilor Whitaker also left the meeting at this time.

Update on Kibby Property Purchase (discussion necessitates executive session- James Clarke/Director of Planning and Community Development / James Comeau/Division of Conservation and Recreation

Mr. Clarke and Comeau reviewed an appropriation of \$399,000 which was approved for the purchase of three lots from R. Kibby and the title/probate issue.

Councilor Harrington recused himself from the discussion and left the meeting at 10:40PM. The state Ethics Commission prohibits him from involvement in probate issues.

Mr. Clarke noted Mr. Kibby has been operating without benefit of formal legal counsel, but that The title issue on the property is close to a resolution and may be completed before the end of the fiscal year. On June 25, 2010 the plan is to move forward with the purchase of the land. The car

dealership is leased from a former owner who has the right of first refusal. The Community Preservation Committee is in negotiation with Charles Tufankjian for the right of access to the alleyway. The property has been reviewed and a 25' strip of the property will be sold to Tufankjian--purchase price of \$507,250, and cleanup costs of \$50,000. They will move forward with the removal of the two aboveground tanks sometime after the closing, June 25, 2010. There was a brief discussion of the points of contention including the 25' strip on Bridge Street and the Neck Street end.

President Mathews asked what action is requested of the Town Council. Mr. Clarke responded that the Community Preservation Committee is looking for acquiescence to go ahead. Solicitor Lane noted that since no further funding is being requested, there does not appear to be need for a vote. There is no additional funding request over what has already been approved. Any funds remaining after the project is complete will go back to the CPC. There was a brief discussion of the cleanup involved- two domestic fuel tanks to be removed, and it does not appear to be extensive work to clean up the site.

At 10:55, there being no further business, a MOTION was made by Councilor O'Connor to return to Open Session and was seconded by Councilor Smart.

A ROLL CALL VOTE was taken; Councilor Conlon- YES, Councilor DiFazio- YES, Councilor Harrington- YES, Councilor Lacey- YES, Councilor McDonald- YES, Councilor Molisse- YES, Councilor Smart- YES, Vice President O'Connor-YES, President Mathews- YES.
UNANIMOUSLY VOTED.

Respectfully submitted by Mary Briggs as Recording Secretary

Approved by Council President Mathews