

**Executive Session
Wellfleet Selectboard
Thursday, April 18, 2019 at 1:00 pm
Wellfleet Town Hall, 300 Main Street, Wellfleet MA 02667**

Select Board Members Present: Chair Janet Reinhart – Chair, Helen Miranda Wilson – Vice Chair, Kathleen Bacon.

Regrets: Jerry Houk

Recused: Justina Carlson

Also Present: Dan Hoort, Town Administrator; Courtney Butler, Executive Assistant; Nancy Civetta – Shellfish Constable

There was no audience.

Reinhart called the meeting to order at 1:00 pm.

I. Announcements, Open Session and Public Comment.

- Bacon announced that a Stop the Bleed training will be held on May 8 at 9 am at the Fire Department.
- Civetta announced a beach clean up with the Shellfish Advisory Board on May 11 and said more information will be posted online.

II. Executive session

Reinhart moved, to enter into Executive Session, pursuant to M.G.L.c. 30A, s21(a) (6) To consider the purchase, exchange, lease or value of real estate, the chair declares than an open meeting may have a detrimental effect on the negotiating position of the public body. a. Assessor's Map 17, parcel 34 Property owned by HDYLTA Trust.

Bacon seconded.

Roll call vote:

Reinhart, yea

Wilson, yea

Bacon, yea

Hoort said he had two discussion with Ed Englander. He asked Englander to have the Trustee provide a proposal to the Town. Englander said the Town already had the asking price - \$2.8M – and that the owners would like to keep their parcels.

Wilson said she spoke with the Trustee, Todd Mindebro, who proposed initially, that each of the 4 Trustee beneficiaries keep 12 acres. Noting the money they would receive would then be less, Civetta outlined the land in the Trust, saying that the four owners currently farm on 21.07 acres, the lots that are already sold are 7.5 acres, and the new request from Englander outlines approximately 51.63 acres that the Trust owners want to keep. Civetta said she would like to hear the Trustee's reasons for not

selling the entire lot. Civetta said she felt uncomfortable not being able to also purchase additional lots that are not now formed, that the Trust wishes to retain. They are now open to permit holders who fish in the wild.

Bacon thanked Civetta and Wilson for their work on this matter. Bacon said her heart is in this, but her head is not because of the changes that have come up. Bacon said there were valid questions asked by residents, and also in an editorial piece in today's issue of the Banner.

Reinhart agreed with Bacon that this is not ready to go to Town Meeting, and also noted the changes. Reinhart said she wants to begin the next phase of negotiations. Reinhart asked about having an appraisal of the land and said the Trustees need to outline their requests and wants. She also noted asking the shellfishermen what they would like to see happen in that area. Reinhart said that, after speaking with shellfishermen, that if the Town does buy it, they would like to see higher grant fees in order to see a bigger contribution to the community as a whole.

Wilson said she also would like to purchase all of the acres in the Trust. Wilson said that she agreed with everyone's comments. The Town has now begun the bargaining stage and has the ability to set contingencies. She suggested a contingency of including all acreage for the asking price. Hoort asked if this was a requirement or a bargaining chip. Wilson said she hoped the Board could agree that they want all the acres the Trust currently wants to withhold if they were going to pay anything for this land. Bacon said she understands Wilson's principles, but there is no strategy to push this to the general public. Bacon said the consensus of the community is that this article will not pass at Town Meeting.

Civetta asked about having a motion that says only the \$1 million donation will be used to purchase the entire parcel. Hoort noted that Town Meeting's role is to authorize purchases, not to allocate funds. Bacon, Wilson, and Reinhart did not think the Trustees would accept the \$1 million offer.

Wilson said it is critical for the Town to own everything that hasn't already been sold and that it is important for the Town to have a purchase-and-sale agreement with contingencies that can be met. She said that she felt the Town should provide the Trust with contingencies on what we would like for the \$2.8M.

Bacon asked what happens if the article and ballot question fail. Wilson said a proposal could be given to the HDYLTA lawyer, asking them to enter into an MOU to purchase the property and freeze any further sales. The MOU would have the following contingencies:

1. Up-to-date survey done according to AVD88 standards

2. No restriction on Town's authority to license a modest expansion of cultivated acres
3. That the Trust sell to the Town the entire property, except the 7.5 acres already previously sold
4. Approval of purchase at Annual Town Meeting and Election

Bacon asked Hoort, if approval to pursue this through a purchase-in-sale agreement failed at Town Meeting, if this could still be acquired through open gift funds. Hoort said yes. Bacon noted that residents are hopeful that SPAT will make a donation toward the purchase. Wilson said she met with an attorney, Stephen Greenberg who is one of the upland property owners, and that he is supportive of the purchase but wants to make sure the Town is doing its due diligence.

Hoort listed again the contingencies, to clarify with the Board their wants. Bacon said she would like to see the Town match the \$1 million donation. Hoort said he would start the negotiations at \$2 million with the above listed contingencies. Hoort said he will speak with their attorney this afternoon.

There was discussion about the contingencies. Wilson noted a survey, Reinhart said this would be good to get a second appraisal of the land. Bacon noted that conducting an independent appraisal and survey is in the Town's best interest.

Hoort read the offer he will be bringing to the HDYLTA attorney, which says that the Town agrees to offer \$2 million, total, for all acres owned by the HDYLTA trust, contingent upon the Town getting a survey, at the Town's expense, and that the Town is in receipt of a \$1 million gift toward the purchase.

Wilson said she hopes their lawyer understands that the extra acreage being asked for by the Trust in a naturally "productive" area and therefore cannot be used for aquaculture.

Bacon moved that the Town will match the anonymous donation of \$1 million for a \$2 million total price for all acres owned by the HDYLTA contingent upon the Town securing an up-to-date survey, at the Town's expense, according to AVD88 standards and the Town is in receipt of a \$1 million donation.

Wilson seconded.

Roll Call Vote:

Reinhart, yea

Wilson, yea

Bacon, yea

There was further discussion about what could happen if the article fails at Town Meeting.

III. Adjournment

Wilson moved to adjourn. Bacon seconded.

Roll Call Vote:

Reinhart, yea

Wilson, yea

Bacon, yea

Meeting was adjourned at 2:10 pm.