

**Executive Session
Wellfleet Select Board Meeting
Friday, October 25, 2019 at 2:00 pm
Wellfleet Town Hall, 300 Main Street, Wellfleet MA 02667**

Select Board Members Present: Janet Reinhart, Chair; Justina Carlson; Kathleen Bacon

Recused: Michael DeVasto and Helen Miranda Wilson

Also Present: Mike Trovato, Assistant Town Administrator; Courtney Butler, Executive Assistant; Nancy Civetta, Shellfish Constable; and Katie Klein, KP Law (via phone)

Reinhart called the meeting to order at 2:05pm.

Announcements, Open Session, and Pubic Comment

- Audience member Irene Daitch said she was looking for information about the purchase and a sense of what the determination will be. Reinhart noted this is the first time the Board will be seeing the appraisal for the HDYLTA Trust. She said if the Board deems it a fair decision and advantageous to the Town it will be signed today. Reinhart said the public will know the final result as soon as the Board decides.
- Audience member Barbara Caray asked if the Board has seen the survey yet; Reinhart said yes, and the Board is discussing the appraisal of the property. Cary was concerned about substantive discussion taking place without public input.

Reinhart moved to close Open Session and enter into Executive Session – pursuant to M.G.L.c. 30A, s21(6)

- (6) To consider the purchase, exchange, lease or value of real estate, the Chair has determined that an open session will have a detrimental effect on the negating position of the Town
- Assessor's Map 17, parcel 34 Property owned by HDYLTA Trust

Bacon seconded.

Roll Call Vote:

Bacon yea

Carlson yea

Reinhart yea

Civetta said she was looking through the 90-page document of the appraisal, which was received prior to the meeting. Bacon asked Trovato appraised amount was for the acreage, listed as 168 acres. Civetta confirmed that it was 168.01 acres, found on page 8 of the appraisal document.

Bacon asked Klein how she felt about the assessment. Klein said she hasn't had a chance to evaluate the appraisal itself, which is based on the survey the Town had done, reflecting the lower acreage. Klein said the Order of Taking reflects the outermost survey which was done by HDYLTA, because the Town wants to take everything owned by the Trust. She said this does not refer to the coastal survey, it refers to the outermost survey. Klein said the survey indicates the deeded right to pass from Omaha Road to the tidal flat. She said the Town has been aware all along that that right has been by permission of the residents of the subdivision. Klein noted these are private roads. Klein noted that the value came in substantially above what the Town is

obligated to pay. Civetta noted there is another access through Town-owned property at Burton Baker Beach as well as Hiawatha Road, should the rights to Omaha Road ever go away. She said she does not see access being an issue. Carlson said it was her understanding that private road denotes a responsibility for private maintenance, asking if this would change if public access was being provided regularly. There was further discussion of the use and access of private roads.

Klein said there was not guaranteed access from Omaha Road, it is permissive, because the owners in the subdivision have implicitly given permission. Bacon asked Klein to repeat her comment about Omaha Road; Klein said the only reason she raised the question of Omaha Road is not because there is an issue, as there are alternate ways to reach the property, but because there is an evaluation of the appraisal is based on the assumption that the Town has the absolute, legal right to use the road. She said that should this access change, it will not impact the result of the appraisal. Bacon thanked Klein and said she would be very surprised if the residents of Omaha Road would revoke access. Bacon said she was comfortable moving forward because of the understanding that the Town could have access from other areas should the access from Omaha Road be taken away.

Carlson asked what an Order of Taking was. Klein said it is the Town exercising its power of eminent domain, but this is a friendly taking. She said because of title reasons it is being done this way. Klein also noted that the seller requested a Taking and she had them sign a document stating they will not be challenging the Taking.

- Bacon moved to sign the Order of Taking and proceed with the acquisition.
- Carlson seconded
- Roll Call Vote:
 - Bacon yea
 - Carlson yea
 - Reinhart yea

Carlson said this is a historic moment for the Town and it has been a road here, and there may be a bit of a road in explaining this to the citizens who had questions. She said she thought the Selectboard was making a terrific move on behalf of the Town with the historic purchase. Klein concurred. The Board thanked Klein, the Town, and the Trustees for all their cooperation and patience.

Adjournment

Bacon moved to adjourn. Carlson seconded.

Roll Call Vote:

Reinhart yea

Bacon yea

Carlson yea

Meeting was adjourned at 2:30 pm.

Respectfully submitted,
Courtney Butler

Public Documents:

1. *Appraisal from Shepherd Associates*
2. *Survey by Coastal Engineering Company*

3. Order of Taking as written by KP Law