

Approved July 9, 2019.

**Work Meeting
Wellfleet Selectboard Meeting
Friday, June 21, 2019 at 1:00 PM
Town Hall Conference Room**

Select Board Members Present: Chair Janet Reinhart; Helen Miranda Wilson; Kathleen Bacon; Justina Carlson

Also Present: Dan Hoort, Town Administrator

Announcements, Open Session and Public Comment

There were no comments.

Review and Sign Purchase and Sale Agreement for HDYLTA Trust purchase.

Wilson disclosed that she is the donor of the \$1 million to be used along with the Town's appropriation for the purchase of the HDYLTA property. She said the Town must reveal the identity of the donor to comply with public records requests. Wilson said she would have preferred to remain anonymous because of the painful fact is that she inherited more money she will ever be able to use when Timothy Woodman, the man whom she lived with for a very long time took his life. Wilson shared that she has been making donations to various organizations since his passing. Wilson said Wellfleet was Woodman's home base for 47 years where he served on the FinCom and as a Call Firefighter/EMT and he cared about the Town, as does she. She said she felt Woodman would have approved of the donation because it is a measure to keep everyone's taxes down and to support and stabilize the local economy in such a meaning, environmentally sound way. Wilson said that as the Selectboard began to work on informing the public of the pros and cons of the HDYLTA purchase, some people said they wanted to contribute toward the purchase, so why shouldn't she too? Wilson said she has no financial involvement in any way with the shellfishing industry, has never had a recreational or commercial shellfishing license, or have any interest in an aquaculture grant, nor does anyone in her family. Wilson said that her donation will not gain her any leverage, privilege, or benefit that she does not already enjoy. She said that as a public official, she must comply with MGL Chapter 268(a) §19(b)(3) and had planned to abstain from the purchase-and-sale agreement, and now she is formally recusing, and she then left the meeting.

Hoort said that she had been in discussion with Wilson for some time. He said once the purchase-and-sale agreement is signed, Wilson's money will go into a trust. Hoort said there is money left over from the Police Station budget that was borrowed, but unexpended, and can be repurposed for a similar use. Hoort said that Bond Counsel has indicated that the leftover funding, approximately \$500,000, can be used toward the HDYLTA purchase. This means the Town would only end up borrowing \$500,000 for a \$2million purchase. Hoort said that this would have to be approved at Town Meeting in April.

Approved July 9, 2019.

Bacon said she felt out of the loop with the HDYLTA purchase process. She said she felt the process did not go well, whether Wilson contacted Mindebro (a HDYLTA Trustee) or vice versa. Bacon said that the Board is a governing board of 5 people who should receive information at the same time. Bacon said she was astounded when Wilson called her on Thursday to inform her that she was the donor. Bacon said she felt Wilson should have recused herself from any discussions about the HDYLTA Trust purchase once she decided to be a donor.

Reinhart said that, as the Chair, she may know things ahead of time and that it is at the Selectboard meeting where official discussions take place. She said that Wilson has spoken with 2 lawyers about her donation who feel there is no conflict of interest. Hoort said he spoke with KP Law last week that Wilson should recuse herself because she has a financial interest in the transaction. He said he hadn't looked at it under those terms prior, so he informed Wilson that she should recuse herself.

Bacon said that she was speaking about previous discussions, including Town Meeting where Wilson was "championing" the passage of the Article and asked where the transparency was. Hoort said he did not disagree with her.

Carlson said that she was stunned by the generosity of this gift, a gift that means something to the livelihood of people in Wellfleet. Carlson said she hoped the Board cannot lose sight of the sacredness of honoring a death with a substantial amount of money. She said this will help so many people who work so hard for a living.

Bacon said she was not questioning the generosity or the intention of giving the gift, she was questioning the process of it. Reinhart said they were all questioning the process and she spoke with Wilson about that. Reinhart said Wilson really wanted to remain anonymous because of the emotional attachments it has brought up. She said she heard what Bacon was saying.

Carlson said this was a good day and the vote at Town Meeting was a good vote and Wellfleet is a good Town.

Audience member Ed Miller asked why Carlson was not recusing herself now, as she had previously about this matter. She said she has always had an appearance of conflict of interest, but she and her domestic partner are not married so she does not have a legal conflict of interest. She said she felt morally obligated to recuse. Carlson said now she is filling the seat to reach quorum and felt this the best decision.

Audience member Shelia Lyons asked about the list of contingencies, including an independent appraisal. She said these were to be disclosed. Lyons said she understood Wilson's gift, generosity, and love for the Town. She said there should be lessons learned for the Town from the process of this, in the interest of public trust. Lyons said an appraisal should have been done before a donation was made. Lyons asked about the status of individual grants not sold in the Trust purchase, asking if those acres are still privately owned. Hoort said the Town is purchasing the land owned by the Trust, so any land previously sold by the Trust is not included – there will

Approved July 9, 2019.

be parcels that are privately owned. Reinhart said the number of acres was small. She said that although the process did not go in a way that everyone was comfortable with, Wilson did not do anything illegal.

Lyons said she was questioning the process and what the contingencies were, not Wilson. Reinhart said the surveyor was out on the land all week. Hoort said this was a contingency in the purchase-and-sale agreement. Lyons asked why the agreement was being signed without the appraisal. Hoort said only when the contingencies are met will the purchase-and-sale take place.

Audience member Jude Ahern asked why there was an urgency of completing the contingencies in 30 days. Carlson said the Town spoke when they voted for this purchase. Ahern asked who was doing the appraisal. Hoort said there was no requirement to tell them this

An audience member asked which percentage of property taxpayers versus voters were at Town Meeting, saying its minute. He said there was no transparency, but he was for the purchase. He asked what the big rush was. Hoort said this was not relevant to the agenda. Reinhart said the Town Meeting voters thought the purchase-and-sale agreement was good, which is why they voted for it. she said the purchase preserves a beach, saltmarsh, and way of life. The audience member said he didn't disagree and that the process for the purchase was bad.

Lyons said the Board has a fiduciary responsibility, saying this could have been done in a different way that could have protected Wilson. Lyons said she was in favor of preserving land and would have been if an appraisal showed it was worth more than \$2 million. Reinhart said the owners had an appraisal recently which was way more than what the Town was willing to pay. Lyons said the Town should have done an independent appraisal.

Carlson said the voters didn't object to the contingencies proposed at Town Meeting. Miller said he asked Hoort and Englander if they had seen the supposed appraisal and both said no. Hoort said Miller would have to show him that email because he does not recall being asked that. Ahern said the appraisal will affect everyone who is not part of the appraisal.

Hoort said there was no requirement for an appraisal to be done. He said there is a contingency that the Town will do a survey, not an appraisal, because one was done previously. Hoort said Town Counsel said they did not have to do an appraisal.

Bacon clarified with Hoort that the Town turned down the Trustees' contingencies. Bacon asked if the Trustees were okay with the Town turning down their 3 contingencies. Hoort said yes.

Audience member Judy Wood clarified that the Town was going to spend thousands of dollars on a property that no appraisal had been done on. Hoort said an appraisal was already done previously. Wood asked if it was by the owner. Hoort said yes. An audience member said you cannot get a mortgage if you don't have an independent appraisal done. Hoort said the Town was not getting a mortgage.

Approved July 9, 2019.

Reinhart said she acknowledged that the Town has not done an independent appraisal, so the Town will not conduct their own.

Audience members ~~Kaycee~~ KC Meyers asked if it was okay for Wilson to be voting on the matters she was involved in. Reinhart said this was already discussed and there was no conflict of interest.

Carlson moved that the Board approve the purchase-and-sale agreement for the HDYLTAL land. Bacon seconded, and the motion carried 3-0.

Reinhart said she heard what everyone was saying about transparency, but she feels the Board was very careful saying.

Adjournment

Bacon moved to adjourn.

Carlson seconded.

Meeting was adjourned at **1:35pm.**