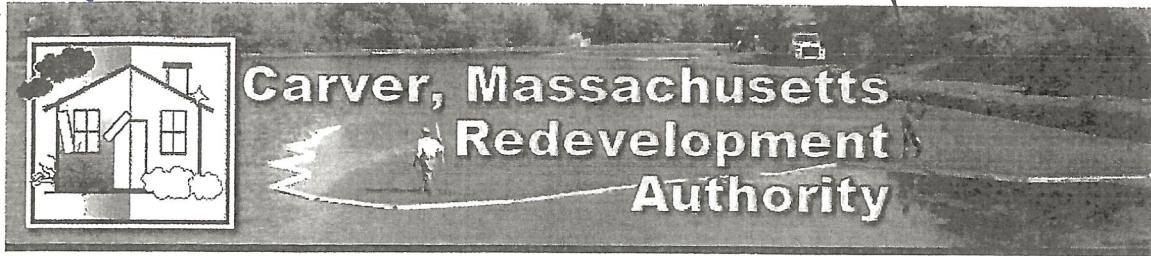


2/20/24  
Voted  
to release

approved  
11/14/2020



Executive Session Meeting Minutes for November 12, 2019, Carver Town Hall, Room 3

Attendees: Savery Moore, Vice Chair; Brian Abatiello; Sharon Clarke

Also in attendance: Jim Walsh, Planning Director; Michael Milanoski, Town Administrator

Absent: William Sinclair, Chairman; Johanna Leighton

---

Entered into Executive Session at 5:32 PM – Roll call vote on Regular Session Minutes.

Appraisals:

Mr. Walsh – Our second appraisal with Clancy came in with a value at \$462K. Our previous appraisal with James Toner Company came in at \$316K.

Mr. Moore – Did you look through it? Mr. Walsh – No, I did discuss with Michael and he wanted it brought to you this evening. Mr. Abatiello – There is quite a difference (\$150K.) Mr. Walsh – Mr. Milanoski thought that maybe some lots sold after the initial appraisal, which may have skewed the second appraisal.

We need to submit to the DHCD. It takes a little bit of time for them to get that done. Mr. Moore – Did we ever get a final dollar amount from the offer made by Rte. 44? Mr. Abatiello – No we haven't, we've just been quoted "hundreds of thousands of dollars." Mr. Moore – What is the protocol for letting the potential developer know what they came in at? Mr. Walsh – The first step was to make you aware, now we can let them know; simultaneously with DHCD. Ms. Clarke – I think we should let DHCD know first and then let Rte. 44 know. Mr. Walsh – Okay, I just need to verify the process for submitting that. 5:42 PM Mr. Milanoski arrived. Mr. Moore updated Mr. Milanoski on the conversation had thus far. Mr. Milanoski – That makes sense. What complicates it is the development agreement with Rte. 44 as they have to pay for it. Send

it to DHCD first and then after they approve, send it to Rte. 44. I haven't looked at the appraisals but the fact that they have very different outcomes, the numbers need review. Sharon could you take a look at them? The spring street properties that sold recently might have been used as comps, where they weren't available for the last appraisal. Ms. Clarke – The Spring St. sales could dramatically change the price per acre. I can look at it, but looks about right. Mr. Walsh – the comps start on page 23 of the Clancy report. They seem to be properties on Montello Street. Mr. Milanoski – Those are homes that George may have paid more for, just to close them out. Ms. Clarke – The Toner appraisal has the one from Park Ave. Mr. Milanoski – DHCD may want to do a review appraisal; which happens some times. Ms. Clarke – The Webby property seems to be missing. 7.69 acres is the one that sold for the most per acre (\$58,500/acre). The "for sales" are completely different. Toner only has Park Street and then a few in Middleboro; Clancy has all local properties. You should only go outside of town if there are no local sales. Mr. Milanoski – After looking at them I am going to revise my previous statement. Clancy sites are all the abutting properties. These were all paid at a premium through Rte. 44 to process the transactions quicker; I don't think these should be used. Mr. Walsh did you talk to Clancy to check if he knew how these were purchased? Ms. Clarke – No Appraisers would have a way of knowing that. If you want to make that argument, the developer would also need to pay a premium for the Borfsky's property. Mr. Milanoski – Not for eminent domain. If this was tax payer's dollars and not Rte. 44, we would only be allowed to pay what the fair market value is plus relocation expenses. When you go back to look at these, they should be looking at comparable type properties. I would recommend that you ask Clancy if he was aware of that issue. If he was, send it up, if not then we need to make sure he aware. Ms. Clarke – I don't know that we can determine how much each of those properties were over paid. Mr. Milanoski – We don't know what the number should be or what should have been paid. I just want to make sure that Clancy knew the situation. Ms. Clarke – The only one that might be a question of inflation would be the Webby Property. The only question you can ask Clancy is based on market sales from 6 months out, what would have been the sale price; but that is market fluctuation as well. Mr. Milanoski – When we send them up, we just send the documents with a request for authorization. I think that DHCD is going to come back to us, so I think that we should make sure that he was aware of that. Ms. Clarke – So we just ask him to review the comps? Mr. Milanoski – No, something like "Are you aware that it is not an "Arms Length transaction". Ms. Clarke – It could also be moving expenses that aren't in the deed. Mr. Moore – If he says that he isn't aware, can we ask him to exclude those properties? Mr. Milanoski – I think that we want to avoid dictating. I think we just need to make him aware and let him decide; he may not think there is an issue.

Mr. Moore – So we wait on a vote? Ms. Clarke – I don't think we can vote to send this up yet.

*Motion to authorize Jim Walsh to contact Clancy and Associates to question awareness of properties that appear as a non "arms length transaction": Mr. Abatiello*

*Second: Ms. Clarke*

Discussion:

Mr. Abatiello – McGlaughlin and Rte. 44 – Do they still have the opportunity to go back to this gentlemen, before taking? Mr. Milanoski – Let's say our numbers are \$250K and \$350K plus \$10K to avoid extra legal expenses; If I am George, I am going to offer him \$450. It benefits McGlaughlin to pay out even after this step. Mr. Abatiello – I was under the impression that after a fair offer was rejected; then we can get into eminent domain. We have not seen an actual number offered from McGlaughlin. Ms. Clarke – Or even if Mr. Borofsky came in to counter offer. I think that Borofsky isn't a "never sell"; he wants to sell they just have to agree at a number. Mr. Moore – Does Borofsky have a right to look at appraisal? Mr. Milanoski – No, but he has the right to know the number. We have to go with the DHCD but George could offer more and bypass the legal process. If Clancy doesn't want to change his number, then send it up as is. Mr. Milanoski – We will get a letter from the state with authorization and amounts. We would then let George know what the numbers are and let the chips fall.

*Approved: Unanimous (3-0-0)*

**Return to regular session:**

*Motion to enter into regular session at 6:12 PM: Mr. Abatiello*

*Second: Ms. Clarke*

*Approved: Unanimous roll call all affirmative.*