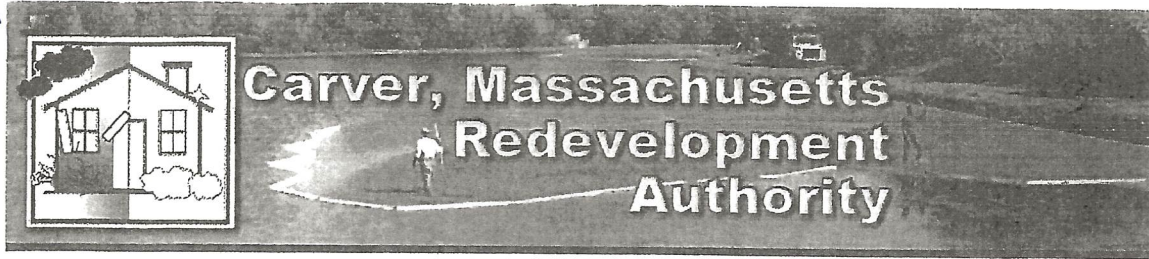


2/20/24
Voted
to release

approved
1/14/2020



Executive Session Meeting Minutes for August 13, 2019, Carver Town Hall, Room 3

Attendees: William Sinclair, Chairman; Johanna Leighton; Savery Moore; Sharon Clarke; Brian Abatiello

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

Absent:

Mr. Sinclair read the guidelines for entering Executive Session

Executive Session – (Move to go into Executive Session pursuant to G.L. c. 30A, §21(a)(6) if discussing the matter in open session with respect to land acquisition via eminent domain as approved in the Urban Renewal Plan; (Parcel 22-3-1-R, 7.9 acres, owned by Mr. David Borofski of Plymouth) may have a detrimental effect on the bargaining position of the Redevelopment Authority if held in open session, and to reconvene in open session for purpose of adjournment.

Motion to enter executive session at 5:32 PM: Mr. Sinclair

Second: Ms. Clarke

Roll Call done – All affirmative - Approved (5-0)

Mr. Milanoski read the letter from Route 44 Development, LLC, George McGlaughlin. This letter was addressed to William Sinclair, Chairman.

This letter has prompted this session. When Route 44 Development began this process, there was an agreement that stated the developer would take charge of the process of acquiring property, which protects the town. This document / agreement is for our protection.

There are three residents on the property and an additional 4-5 properties to be purchased on the site. During the URP process, there was input from other towns. The Board of Selectmen and RDA were very clear that the burden was on the developer to negotiate the sale of these properties. Only after something becomes unrealistic and would stop the process, would the RDA get involved. There is one parcel which is owned by Mr. Borofski. He stores heavy equipment and pipe on the property. Mr. McGlaughlin has indicated that he has offered twice

RDA Exec Session 8/13/2019

what the property is assessed at. Mr. Borofski is looking for the value of a built out property. At the end of the day, the RDA has the authority to move forward with an eminent domain action, as it is for the good of the public as the project benefits the town residents. Tonight is to talk about this. Did the developer live up to his end of the process? If yes, we move forward. Two independent appraisers need to be hired to give existing, today's value. You would back bill the developer for this. In an URP, when putting it together, you have a choice of an appraisal or an assessed evaluation. We opted for assessed value. They may require a second one. Then we take it to DACD for them to review and then determine a value to offer to the resident. The resident may or may not accept that. The burden of proof would then be on the owner if they want more than the offer. If accepted, you would also have to pay for other costs. Equipment would have to be relocated, business cards may need to be reprinted, etc. Litigation is paid for by the developer. Once a vote happens, he no longer owns the property. There is no hold up on the development. The remaining issues are handled in court. There are ways to avoid litigation. Generally, these things don't get that far. Once you take action and begin the process, it will sometimes bring them to the table. Ms. Leighton – 7.9 acres is land only; he's not living there. Mr. Abatiello – Can he go back to original offer if the appraisal comes in lower? Mr. Milanoski – Yes, he could. Mr. Moore – If there is litigation, is it against the Town of Carver? Mr. Milanoski – It's against the RDA. The developer puts money into an account and names us as a first on all the properties he owns. Ms. Leighton – The Webby property is done now too. Ms. Clarke – Are we privy to emails and negotiations between Mr. Borofski and the developer? Mr. Milanoski – I have not seen any emails and do not want to see that. Does the RDA have confidence that he's gone out and done what he said? We only know what he has acquired. Ms. Clarke – I would need to see proof of good faith offers. I don't know this gentleman and want to understand the situation. Is he willing to sell? Mr. Moore – The letter states the assessed value and it states they offered \$100's of thousands over assessed value. Mr. Milanoski – We are looking at this for the public good. If it's worth \$250K and he offers him \$350K, at what point has the developer gone above and beyond? Whether he can find another space, is not part of the problem. We have to look at it fact based and not who the owner of the property is. Ms. Clarke – I would like to know the reason that he won't sell. Mr. Moore – I think we need to compare the assessed value (when done), with the appraised value. Ms. Clarke – I would like to see if he's willing and just not being reasonable. If any of the owners of the houses didn't want to sell, we would all have had an issue with pursuing eminent domain. This is different. Mr. Abatiello – Could we see the prices the developer paid for the other properties they've purchased? Ms. Clarke – We can do that. Mr. Milanoski – We can get the appraised value upstairs. Mr. Abatiello – I would like to see the numbers too. I agree with Sharon, if he's just being ridiculous, then move on. Mr. Sinclair – To start a process of taking someone's property is a huge step for this town. I do agree with Mike re: representing the community as a whole. These are the things I want to know -

- Time Frame
- Meeting with George McGlaughlin, Here
- Documents that prove efforts being done to negotiate this property. We should be privy to every piece of document.
- Will the project work without this property?

- What's the development tax base
- Timeframe of development
- When will we see jobs and tax revenue (vision)
- Where do they stand with utilities? There was a hang up with that. If that is still an issue, he's has time to continue to negotiate.
- Has he made EVERY effort, as our preferred developer?

Mr. Moore – I would think; he's been in negotiation for 2 years. Ms. Leighton – When I attended the last meeting, the gentlemen that just tried to come in is the same man that was in that meeting. Ms. Clarke – I believe that they said that parcel was where they were putting in a road.

Mr. Milanoski – My suggestion is to ask for what he has in writing. Last week we put in a \$3.2 mil grant with Mass Works. This is tied into distribution/warehouse. Time frame can not be answered. The utilities are driven by money, not capacity. The electric was a multi million-dollar number. Once they have a user, that is committed, the utilities will follow. I think these are all good questions. I can call George right now; you can also request something in writing. Mr. Moore – How long does the eminent domain procedure take? Mr. Milanoski – Appraisal – 30-60 days, DHCD up to 90 days. Then a letter is issued that it is okay to proceed. All totaled, 3-6 months. Mr. Moore – Would this hold anything up? Mr. Milanoski – No, there can still be appeals. Mr. Moore – Regardless of what he says tonight, we should still move ahead with the appraisal? Mr. Milanoski – Yes. Ms. Clarke – We have a fund to draw from? Ms. Leighton – Yes, we have an URP Savings Account.

6:13 PM - Mr. Milanoski reached out to George McGlaughlin – via phone

Mr. Milanoski addressing Mr. McGlaughlin - The board is asking for documentation as to your attempts to negotiate. They have been presented with your letter. Describe your dealings with Mr. Borofski and then follow up with documentation. They would also like you to come in for an update.

Mr. McGlaughlin – I have acquired all other properties through negotiation. Everyone seems happy. Borofski and I have been talking for several years. He owns approximately 8 acres of back land that is probably worth the assessed value. It is an irregularly shaped interior parcel. I have offered \$400, \$500, \$600K. He wants \$2.4 million. I have told him that this is not realistic and that he should talk to an eminent domain lawyer. Mr. Sinclair – Do you have any written documents of amounts? Mr. McGlaughlin – No, but I would be happy to send him an email. Mr. Sinclair – That is essential, I think. Mr. Milanoski – I think that is good to have written documentation. Mr. McGlaughlin – I'll do that tomorrow. Mr. Milanoski – Send that to Jim Walsh when it is done. Call ended at 6:20 PM

Mr. Sinclair – What would the Board like to do? Mr. Milanoski – I would suggest that you authorize Jim to run with this. George is paying for it so we don't need to go out to bid. If there

RDA Executive Session 8/13/19
pg 3

is a need for a second appraisal I will let you know. Mr. Moore – I would just go for the two appraisals right away.

Motion to have Jim Walsh to contract with two appraisers for the Borofski property: Mr. Moore

Second: Ms. Clarke

Approved: Unanimous (5-0)

Ms. Clarke – Will KPLaw help with this? Mr. Milanoski – Yes, and paid for by Mr. McGlaughlin

Mr. Sinclair reminded everyone that all discussion during this meeting is to remain confidential and not to be discussed outside of this room.

Motion to return to regular session at 6:25 PM: Ms. Clarke

Second: Ms. Leighton

Roll Call done - all affirmative, Approved (5-0)

RDA Executive Session 8/13/19
pg 4

Route 44 Development, LLC

c/o Charter Environmental, Inc.
500 Harrison Avenue, Suite 4R
Boston, MA 02118
Telephone: 857-246-6800

August 9, 2019

Via email to William.sinclair@carverma.gov

William Sinclair, Chairman
Carver Redevelopment Authority
Carver Town Hall
108 Main Street
Carver, MA 02330

Re: North Carver Urban Renewal District

Dear Chairman Sinclair and Members of the Board:

I have enjoyed working with your Board over the past five years, and I am happy to report that my partner, Bob Delhome, and I have purchased the Allen, Cole, Tasinari, Tuscher, Walsh and Webby properties totaling approximately 83 acres. We also have agreed on a price and are in the process of negotiating a purchase and sale agreement for the 17 acre Melville property. Including the Melville property, Route 44's currently owns/controls 227 acres. In addition, I am happy to inform you that we are in the process of negotiating a purchase and sale agreement with a national company which intends to use a large portion of the property to develop a regional warehouse distribution center. Bob and I are proud that this long vacant parcel will finally be developed, resulting in tax revenues, jobs and a general economic boom to the area.

Unfortunately, despite negotiating with Mr. David Borofski for years, we have been unable to reach an agreement with him regarding the purchase of his 7.9 acre property. The Borofski property is identified on the Carver Assessor's maps as Parcel 22-3-1-R and is currently assessed for \$298,800.00. Despite offering Mr. Borofski hundreds of thousands of dollars above the assessed value to settle this matter, he has extremely unrealistic views about the value of his property. Therefore, I reluctantly ask you to begin the process to take the Borofski property by eminent domain, so that this project can move forward.

RDA Executive Session 8/13/19
page 5


William Sinclair, Chairman
August 9, 2019
Page 2

Please contact me upon receipt of this letter if you would like to discuss this in detail.

Sincerely,

Route 44 Development, LLC

By:


George A. McLaughlin, III, Manager

GAM/eb

cc: James Walsh, Planning Director, via email to jim.walsh@carverma.gov
Robert L. Delhome, Manager, via email to rdelhome@charter.us

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RDA Executive Session 8/13/19

pg 6