

**HOLLISTON BOARD OF SELECTMEN
MEETING MINUTES
EXECUTIVE SESSION
May 31, 2011**

The Board entered Executive Session at 7:51 p.m. in Room 105 at Town Hall to discuss strategy with respect to litigation captioned Barr v. Holliston, Holliston v. Greenview and Levine v. Holliston, and to discuss property acquisition. Present were Chairman Jay Marsden, Vice-Chairman Jay Leary, Clerk Kevin Conley and Town Administrator Paul Le Beau.

The Board reviewed the history and current status of litigation as follows:

Barr v. Holliston – Barr filed an action in Superior Court claiming that the Town acted improperly in rejecting their bid as general contractor for the Police Station project. They were the lowest bidder but we rejected their bid based on poor performance in other public projects. They initially got a temporary injunction but a permanent injunction was denied. We went ahead with the award to the second low bidder and the project is now done. Last fall, the state rescinded Barr's certification to perform public work in Massachusetts. We are using special counsel, Kopelman & Paige, due to the fact that they successfully represented the Town of Northboro in a nearly identical case whereby Northboro rejected Barr's low bid for a public building project. The case is now before the Supreme Judicial Court. Mr. Le Beau described the process used by the Town that included reviewing the DCAM file regarding Barr and then contacting several towns and doing an internet search to gather information before making a recommendation to the Police Station Building Committee and the Board of Selectmen to select the second low bidder.

Holliston v. Greenview Realty – the Town, through the ZBA, appealed to the Land Court after the state's Housing Appeals Committee (HAC) overturned the ZBA's denial of a 40B application for 200 housing units on the former Bird property on Marshall Street. The Town has cited the hazardous waste history of the site, traffic, density and impacts to water supply. The Town is represented by Atty. Bobrowski, a specialist in land use law. The Land Court upheld the HAC and the case is now at the Massachusetts Appeals Court. Mr. Marsden noted that he had found information on the Secretary of State's Web site indicating that the applicant Greenview Realty's LLC had been dissolved in April 2011. A motion is now pending on behalf of the Town to dismiss the case. Mr. Le Beau noted the discovery of tires, demolition debris and hazardous waste on the site in 1983.

Levine v. Holliston – Ms. Levine appealed an order by the Board requiring her to keep no more than 8 dogs on her property on Winter Street. Trial is scheduled for July 14. Mediation was attempted without any significant progress (she offered to limit the number of dogs to 20, perhaps 16; we offered a limit of 10 dogs). We are arranging an inspection of the property through the Massachusetts Department of Agriculture.

The Board also reviewed the history and status of possible land acquisitions as follows:

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Koshivas property – they offered 60 acres of land on Norfolk Street that is under an agricultural exemption to the Town in 2006. We had an appraisal done in January 2007 suggesting a value of \$3.2 million. The Koshivas family felt that was insufficient at that time. Their attorney contacted us again in late April of 2010 and indicated they would like to discuss the matter further. We met with possible interested parties (Housing Trust, CPC, Housing Committee, Open Space Committee, Conservation Commission) in June 2010 and while there was interest in the site as a possible multi-use facility (housing, playing fields, open space) the challenge is financing the acquisition.

Northeastern property – they have two parcels in Holliston off of Highland Street near the Ashland town line. The Open Space Committee offered \$350,000 for a 24 acre undeveloped parcel a year ago but Northeastern chose to break off discussions. The second parcel has been subdivided and a road and detention ponds have been constructed; the Open Space Committee is not interested in the second parcel. Northeastern recently indicated they might be willing to consider the \$350,000 and the Open Space Committee will discuss this in early June.

Wheeler Farm – the Open Space Committee has secured an appraisal of the 128 acre property at the end of Chestnut Street indicating a value of \$3.2 million, complicated by a life estate for a gentleman who is 66 years old.

AT 9:06 P.M. MR. LEARY MOVED, MR. CONLEY SECONDED AND IT WAS VOTED BY ROLL CALL TO ADJOURN THE EXECUTIVE SESSION.

	AYE	NAY
Mr. Marsden	X	
Mr. Leary	X	
Mr. Conley	X	

Respectfully submitted,

Approved: _____

Released: _____

Paul D. Le Beau
Town Administrator