

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
December 2, 2014  
McAULIFFE MEETING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; John Rooney, Vice-Chairman; Dan Kolenda, Bonnie Phaneuf, Paul Cimino, and Mark Purple, Town Administrator. Town Counsel Aldo Cipriano, Special Counsel Jay Talerma, [REDACTED] were also in attendance.

Mr. Boland called the Executive Session to order at 8:30 PM. The purpose of the Executive Session was [REDACTED]; to get an update on the Algonquin lawsuit; and to get an update on the proposed preservation restriction for the Burnett House.

[REDACTED]

[REDACTED]

Algonquin Lawsuit

Mr. Talerma reviewed the court's direction to the two sides regarding the form of payment, with comment from Mr. Cipriano. Mr. Rooney suggested that the Town offer \$1.5M to be paid back over 8 years at the interest rate that Northborough is currently receiving for their stabilization fund, with both sides waiving their right to an appeal. Mr. Rooney suggested a press release be considered regarding the court's opinion despite the fact that a final judgment had not been issued. Mr. Cimino suggested that nothing be released until it was known what the final judgment is.

Mr. Cimino made a motion to offer Northborough \$1.5M to be paid back over 8 years at the interest rate that Northborough is currently receiving for their stabilization fund, with both sides waiving their right to an appeal. The motion was seconded by Mr. Rooney, and passed on a roll call vote, 4-1-0 (Boland). Mr. Talerma left the meeting at this time.

84 Main Street

Mr. Rooney informed the Board that the draft Preservation Restriction (PR) and contract had been prepared by Mr. Cipriano, and forwarded to Bill Pezzoni on Monday. He suggested that the Board wait to discuss until they see what changes Mr. Pezzoni makes to the documents. Mr. Cipriano said that the Board needs to do a title examination on the property, and the Board directed Mr. Cipriano to have Attorney Scanlon complete the title examination as soon as possible. Mr. Cimino would like Mr. Cipriano to review the letter from the CPC Chair concerning the additional appraisal for the PR. Mr.

Cipriano said he would, and will also call Mass. Historical Commission. Mrs. Phaneuf said she would like the issue of the drainage easement addressed now; Mr. Cipriano said that he will broach that issue with Mr. Pezzoni. Mr. Cipriano said that the issue of eminent domain is not trumped by the PR. Mr. Boland suggested that language be added to the PR that does not allow the PR to preclude the easement for the Main Street project. Mr. Rooney wanted to know the cost of any alternative drainage solutions, as Mr. Purple had said that the DPW Superintendent said that there were other ways to address the drainage that did not involve the property at 84 Main Street. Mr. Purple said he would get that information from the DPW Superintendent. Mrs. Phaneuf asked for a copy of the agreement with Fay to tie into their stormwater system, and Mr. Purple said he would get a copy from the DPW Superintendent.

Mr. Boland made a motion to leave Executive Session at 9:45 PM, seconded by Mr. Kolenda.  
Unanimous roll call vote to approve, 5-0-0.

---

Respectfully submitted,

Mark J. Purple, Town Administrator

Documents used in the meeting:

- None.