

MINUTES
SHARON BOARD OF SELECTMEN
December 12, 2016

The joint meeting of the Sharon Board of Selectmen and the Finance Committee was called to order in the Library at Sharon High School, 181 Pond Street at 6:12pm with Chairman Walter B. Roach, Clerk John J. McGrath, Selectman William A. Heitin and Town Administrator Frederic E. Turkington, Jr. Finance Committee members in attendance were: Chairman William Brack, Vice Chair Ira Miller, Patricia Achorn, Jason Gates, Gordon Gladstone, Laura Nelson, Ted Philips, Arnold Cohen, Alex Korin, and Hanna Switekowski (arrived at 6:20pm).

Also in attendance were Attorneys Richard Gelerman and Lisa Whelan from Gelerman & Cabral, Tom Houston, Attorney Robert Shelmerdine, Attorney Daniel Seigenberg, representing the developer/owner, and Ben Pinkowitz, Chairman of the Planning Board.

Immediately after the meeting was called to order, Finance Committee member Laura Nelson recused herself from the discussion, as she is an abutter to Spring Valley Country Club. Ms. Nelson sat in the audience for the duration of the meeting.

Special Town Meeting Warrant Discussion – Article 1 Position

Mr. Brack asked for a brief synopsis from Mr. Turkington about the status of the Memorandum of Understanding (MOU). Mr. Turkington explained that the proponent intends to submit the revised by-law to Town Meeting, and that the Board of Selectmen has not yet signed or supported the MOU. Mr. Gladstone asked if the MOU is not signed, does the underlying article go to Town Meeting Floor. Mr. Turkington replied that no, it cannot. Mr. Cohen asked why the Board of Selectmen has not signed the MOU. Chairman Roach said that there are outstanding issues and wants to hear from other town boards.

Mr. Gladstone listed the Finance Committee's unresolved issues:

- The artificial December 31, 2016 deadline stated by the proponent
- Questioned if there any other investors/participants in the LLC
- The unavailability of reliable information regarding what the effect of our choices would be
- The issues involving the construction of a conventional subdivision

Ms. Switekowski arrived at 6:20pm.

Selectman Heitin noted that the Planning Board has prepared a written report outlining their issues/concerns and articulates their vote, which was 3-1-1. Mr. Turkington read the Planning Board's report.

Mr. Miller asked if the Planning Board is going to revote and if the Board of Selectmen is going to rescind the first MOU that they signed. Chairman Roach replied that since the first MOU was signed, there have been lots of changes, including who was involved and the lack of payment to the town for the Town Meeting and the lack of payment to Town Counsel and Mr. Houston. Selectman McGrath stated that he supported the first MOU and stands by that decision. He is unsure if the December 31 deadline is artificial, and went on to say that the new MOU reflects the abutters' concerns and for this reason, feels the Board should support and sign the revised MOU. Selectman Heitin noted that the Board delayed its vote three times on the original MOU because of changes. A lot of information and material changes occurred after signing the original MOU and added that he spoke with ten Spring Valley Country Club members today that did not know what is going on. Selectman Heitin feels the December 31 deadline is artificial and believes that the town should wait until the Annual Town Meeting in May to address this article. He questioned the process and the lack of engineering

plans, noted that non-payment of consultants and the town is of concern. Selectman Heitin pointed out that an attorney representing Mr. Weintraub is here tonight, and noted that he understands that Mr. Weintraub was in Sharon and did not have the courtesy to meet with Mr. Turkington or anyone. A third option, the potential acquisition of the land by the town, has not been talked about at all.

Mr. Brack thanked Mr. Turkington and town staff for their work on this issue, but stated that town boards should not be having this discussion the night of Town Meeting and expressed his frustration with the process, which he shared with the proponent; zoning changes should not be rushed. He does not see how action can be taken on this article this evening. Mr. Gladstone noted that the Finance Committee asked Attorney Shelmerdine several time to speak with the owner, and that request was never addressed. Mr. Cohen echoed Mr. Brack's sentiments that he does not see how the Finance Committee can vote on this article. Attorney Gelerman informed the boards that the proponent still intends to move forward this evening with the revised article, even if the MOU is not signed. Mr. Cohen suggests pulling this article and putting it on the Annual Town Meeting warrant. Selectman Heitin asked if the Board of Selectmen can pull the article and Attorney Gelerman responded that only Town Meeting can withdraw or indefinitely postpone an article.

Attorney Daniel Seigenberg, noted that he was recently hired [a couple of days ago] by Mr. Weintraub. His client is comfortable with developing the land with single-family residential homes. He said that the payment of fees is not a concern. Mr. Brack asked if Attorney Seigenberg's client is willing for the town to understand the impacts and for the process to finish, even if that is the Annual Town Meeting on May 1, 2017. Attorney Seigenberg stated that he has no authority to make a decision and doubts his client would be willing to wait until May 2017. Selectman Heitin asked Attorney Seigenberg to facilitate a call and/or meeting with Mr. Weintraub by the end of the week, and Attorney Seigenberg said that he will try. Mr. Turkington noted that Mr. Seigenberg represented Spring Valley Country Club at the beginning of this process, and that the proponent was told that "fast tracking" this issue was not possible. Everyone at the table wants to come up with a solution, and they need time.

Attorney Shelmerdine noted that they bargained in good faith and that the original MOU was signed on October 6, 2016. He feels he is being penalized for trying to make the by-law better by taking the comments of the abutters into consideration. Mr. Gladstone does not believe in the philanthropy of the developer and Attorney Seigenberg replied that the developer feels the conventional subdivision is more profitable. Selectman McGrath believes the changes in the revised MOU are beneficial to the town and supports it.

Three options for the Special Town Meeting were discussed:

1. Approve the by-law
2. Indefinitely postpone
3. Adjourn meeting to date certain

MOTION: To support the amended Memorandum of Understanding and amended rezoning
(McGrath - no second) **FAILS**

Attorney Gelerman stated that it appears the Board of Selectmen will not sign the revised MOU tonight, so the only option they would have would be to support the original by-law language; however, since the Planning Board did not vote/report on the original article, the original by-law is not properly before Town Meeting, so it cannot be voted on.

The Finance Committee voted, on a motion by Mr. Miller and seconded by Ms. Achorn, to recommend adjournment of the Special Town Meeting to May 1, 2017 at 7:00pm for the first article and to consider the remaining four articles this evening. Vote: 7-2 (Gates & Cohen opposed)

Adjournment

MOTION: To adjourn at 7:11pm
(Heitin - Roach) 3-0 **PASSES**