

**MENDON SELECTMEN EXECUTIVE SESSION MINUTES OF MEETING----- April 21, 2015  
APPROVED FOR RELEASE (ONLY 41 Kinsley Lane and Blue Wave Capital Discussion)**

**-----August 24, 2015**

Chairman Goddard and Selectman Reil; Attorney Robert Mangiaratti; Finance Committee Chairman, Christopher Burke; and Town Administrator Kimberly Newman are present in the Upper Town Hall, Mendon.

Chairman Goddard opened the session at 8:20 p.m.

Attorneys Mangiaratti and Moss met with the Building Inspector regarding a grandfathered lot (41 Kinsley Lane) on Lake Nipmuc. There is a permit for a garage and a variance because it doesn't meet setback requirements. Attorney Mangiaratti said it is a dwelling now not just a garage. It has toilet pipes. The owner has received correspondence from the Board of Health saying he has a tight tank for the main house. By connecting to the garage, it violates Title V. There is documentation from the Building Department saying it is a house. There are building code violations. Attorney Mangiaratti will write the owners a letter saying the Town thinks he is violating the law. After inspection, they will recommend how to come into compliance. If he ignores it, the Town will get an administrative search warrant saying that safety regulations are being violated. Pictures will be taken and the owner can be taken to court. Attorney Mangiaratti thinks there are substantial violations. By taking them to court, they can get an injunction where he has to leave the garage part of the house. The integrity of the regulatory scheme is being violated. Attorney Mangiaratti will start with the first two steps.

Ms. Newman said they intend to meet with Blue Wave Capital on Monday. Attorney Mangiaratti explained they are trying to achieve a balance between what the Town and Blue Wave want. For example, parties will work toward a Payment in Lieu of Taxes (PILOT) agreement. Blue Wave wants it to be called a tax agreement. Rights-of-access issues will be resolved by Monday. There is confusion about taxes, rent and PILOT. For a PILOT, DOR has requirements. If there is a PILOT, it needs to be approved at Town Meeting. There is a two-step tax process. At the outset, they will pay personal property tax and the lease. Rent of \$7500 per planned kwh is effective January 1. Discussion continued regarding rent and taxes. There is a discrepancy between the Principal Assessor's understanding and the proposal. Attorney Mangiaratti proposed having a meeting next week with Ms. Newman, the Principal Assessor and Attorney Moss. He suggested the meeting with Blue Wave be postponed.

**Selectman Reil made and Chairman Goddard seconded a motion to adjourn the meeting at 9:50 p.m. Goddard-aye, Reil-aye.**

Respectfully submitted,



Diane Willoughby  
Administrative Assistant

Documents Discussed located in 'Administrative Secretary's' Office:  
N/A-This portion