SWANSEA REDEVELOPMENT AUTHORITY MEETING MINUTES

PUBLIC HEARING

OCTOBER 25, 2021

MEMBERS PRESENT: Susan Nedar- Chair

Christopher Hajder- Treasurer

Paul Treloar

Gina Weyland- Secretary

MEMBERS ABSENT: Michael Moore- Vice Chairman

A public hearing for the Swansea Redevelopment Authority was held on Monday, October 25, 2021 @ 6:00PM at the Joseph Case High School, 70 School Street, Swansea, MA. Guests present was Mr. Ken Fiola of Bristol County Economic Development Consultants also known as BCEDC and Attorney Shirin Everett of KP Law.

The meeting was called to order at 6:00 PM by Chair Susan Nedar.

ITEM 1- PUBLIC HEARING- Order of Taking

Chair Sue Nedar read the opening statement explaining the purpose of the public hearing meeting is discuss the Swansea Redevelopment Authorities intention to take by eminent domain certain property rights held by Walmart on the Swansea Mall property. The taking will be accomplished by recording a document called an order of taking. The Swansea Redevelopment Authority purposes to take certain easement, covenants and restrictions that Walmart holds, which inhibits the redevelopment of the Swansea Mall. Ms. Nedar stated the purpose of tonight’s meeting is to review the order of taking document and receive community input concerning the terms and goals thereof. She made clear that under Massachusetts General Law 121B does not require that the Swansea Redevelopment Authority conduct such a public hearing. However, one year ago this authority adopted a Declaration of purpose part of which was to inform interested parties of the authority’s plans and to include the publics input and obtain constructed feedback. In the interest of keeping with that declaration of purpose and to remain transparent the authority is here tonight to do just that. She asked to keep in mind that the purpose of the public hearing is not to conduct a question and answer session but to hear the publics input regarding the order of taking. Once the authority has heard from all interested party the chair will obtain a motion to adjourn and the authority will enter into executive session and will not be returning to open session from the executive session. Ms. Nedar thanks everyone for attending and handed the meeting over to Mr. Ken Fiola Jr.

Mr. Fiola introduced himself and thanked the public for attending. Mr. Fiola reviewed and read out loud the order of takings section by section via a projector presentation for all to view. Mr. Fiola finished the reading of the order of taking and handed the meeting back to Madam Chair, Susan Nedar.

Ms. Nedar opened the floor to the public for comments or input pertaining to the order of takings.

Mr. Henry Elliot- 1205 Gardners Neck Rd. asked if the Town of Swansea will be paying Walmart for this taking. Ms. Nedar thanked Mr. Elliot for his input.

Attorney Richard Quinby representative for Walmart introduced himself and introduced Attorney Chris Buchanan- Corporate representative for Walmart and Attorney Phil Macchi- Real Estate lawyer for Walmart. He stated on behalf of Walmart they value relationship with Swansea. He stated Walmart has been in Swansea a long time and relish the relationship. Attorney Quinby stated they are not against trying to redevelop the mall area, however to the extent that one takes private property to benefit another private property would like for everyone to understand Walmart is supportive and would like to reach an accommodations where the taking is not necessary. Mr. Quinby stated when Walmart built its store because it was relying on these restrictions and would not have spent tens of millions of dollars to build the store and the millions of dollars it takes to keep the store going. If Walmart thought there would be competitors to reduce the store and the value of the property interest, this is not unique to Swansea, every large retail store does this everywhere they go. Walmart is a large pharmacy, super market and retailer in the United States. If Walmart thought Target, CVS and Amazon all close by they would never had built the store. Mr. Quinby would like everyone to realize the severity in terms of the deprecation to Walmart’s property interest. With that said Mr. Quinby stated he has every confidence that this could be worked out and they will do everything they can to be worked out. He stated Attorney Macchi and Attorney McLaughlin have had conversations to try and work it out. Mr. Quinby suggested to table the order of takings for a month so the Walmart attorneys and the Developer attorneys can resolve the issues amongst themselves. He closed with stating he would like the authority to be aware of the significant of the taking if they choose to move forward.

Attorney Phil Macchi of Macchi and Macchi of 1256 Washington Street Norwood MA. Attorney Macchi stated he and Attorney McLaughlin have been working to resolve the issue for months and would like to keep the details between the two parties until they have come to agreement by next month. He would like to echo his colleague’s sentiment to wait on the vote of the order of takings for 30 days.

Attorney George McLaughlin, one of the owner of the Swansea Mall. Mr. McLaughlin wanted to answer Mr. Elliot’s previous question. The question was: is the Town of Swansea paying Walmart for this takings? Mr. McLaughlin stated no, the Town of Swansea is not going to pay one cent in connection with this and they have signed an agreement with the Redevelopment Authority that has indemnified against any damages or any money owned to Walmart. Mr. McLaughlin stated he disagrees with what Mr. Quinby stated regarding if the order of takings moved forward then there would be significant damages to Walmart. He explained he is here tonight as a real estate investor but he is also a trial lawyer and does not believe anyone in this state has tried more eminent domain cases than himself. He explained the order of taking the authority is pursuing is a targeted taking order. The easements covenants and restrictions Walmart has are left over from “yester year”. For example there is no takings for the mall to have a grocery store or a pharmacy. He stated they are only talking about building a few apartment buildings and creating an eco-system there that allows them to regenerate and bring the mall back to life. He stated he believes these changes will have a positive effect in Walmart and not negative. He believes the people that will live in those apartment buildings will shop at Walmart and shop at the Swansea mall. Mr. McLaughlin stated he will join with Mr. Quinby and Mr. Macchi and ask the authority to table the order of taking for a month because he believes they can work things out with Walmart. HE stated if they cannot work it out in a month then he believes they will never be able to get it done so let the taking order go forward.

Mrs. Sarah Crossman, 505 Gardners Neck Rd., Advisory and Finance committee member. Mrs. Crossman stated she is happy that there are representatives from Walmart and the developers tonight. Mrs. Crossman echoes their sentiments in regards to coming to an agreement without proceeding with the order of takings and litigation. She stated she hopes that Mr. McLaughlin would outline for the Redevelopment Authority and the Selectmen exactly which restrictions and convents would be lifted, changed, modified, and amended and if that is satisfactory to the Redevelopment Authority. She stated she can’t help but think that having restrictions gone will benefit everybody, not only the owners of the mall but also Walmart. She stated everywhere you see vibrant shopping centers…business gets business. Mrs. Crossman suggested to the Redevelopment Authority to make documents available online or included in the agenda.

Chair Sue Nedar asked if there was another public input. Seeing none.

A MOTION made by Paul Treloar to adjourn the public hearing at 6:26 PM. SECONDED by Gina Weyland.

ALL IN FAVOR. MOTION PASSES

A MOTION made by Paul Treloar to enter into executive session under Mass General Law section 30A Chapter 21 A 6 to consider the purchase exchange decrease or value of real property specifically the ECRs currently owned by the Swansea Mall and Swansea Mall parcels located at 262 Swansea Mall Drive and 54 Cousineau Drive Swansea if the chair declares the open meeting has a detrimental effect on the negotiating position of the Swansea Redevelopment Authority. SECONDED by Chris Hajder. Roll call vote: Chris Hajder- Aye, Paul Treloar- Aye, Gina Weyland- Aye, Susan Nedar-Aye. All in favor.

Respectfully Submitted,

Jamie Beane, Minutes Clerk