

MEMORANDUM

TO: Dennis Sheehan, Town Administrator
FR: Robert W. Galvin, Town Counsel
DA: 10/24/23
RE: Purchase of the Arnold House on William Street, Stoneham, MA

Dennis:

As indicated in my email dated Friday, October 6, 2023, if Town of Stoneham wishes to proceed to purchase the Arnold House for \$2,900,000.00 as it offered to do subject to TM approval and other contingencies (21E, Title, etc.) now that it knows that the appraisal only yielded a value of \$1.6M is obligated due to the provisions of Mass. Gen. L. c. 40 §14 to seek special act legislation authorizing the purchase of the land at a price more than 25% higher than this appraised value.

The provisions of Gen. L. c. 40 sec. 14 provide:

Section 14. The aldermen of any city, except Boston, or the selectmen of a town may purchase, or take by eminent domain under chapter seventy-nine, any land, easement or right therein within the city or town not already appropriated to public use, for any municipal purpose for which the purchase or taking of land, easement or right therein is not otherwise authorized or directed by statute; but no land, easement or right therein shall be taken or purchased under this section unless the taking or purchase thereof has previously been authorized by the city council or by vote of the town, nor until an appropriation of money, to be raised by loan or otherwise, has been made for the purpose by a two thirds vote of the city council or by a two thirds vote of the town, and no lot of land shall be purchased for any municipal purpose by any city subject to this section for a price more than twenty-five per cent in excess of its average assessed valuation during the previous three years.

The words "municipal purpose", as used in this section, shall include any such land, easement or right therein within the city or town, so purchased or taken by eminent domain for the purpose of conveying or granting the same to the commonwealth for the use of a regional community college.

My understanding is that all felt that the land and building is unique and that the land may alternately be purchased by others and developed into uses that the town considers more objectionable and the town even had the money to purchase and a present use for the land.

I reviewed this matter with the Bureau of Municipal Law Finance and they concurred that in light of the appraisal that special act legislation would be warranted to approve a purchase price more than 25% above its appraised value.

In order to request a special act affecting a single city or town, the first step is to gain local approval. Section 8(1) of the Home Rule Amendment requires a "petition filed or approved by the voters of town at town meeting." In addition to authorizing the purchase, the purchase authorization would be contingent on special legislative approval. As there is no guaranteed

time frame for approval of special act legislation once sent to the state, the town would be well-served by contacting its local legislative delegation well in advance of local action on the proposed special legislation to let them know that the Home Rule Petition may be forthcoming, to explain why such legislation is needed, and to discuss potential approval timelines.