

April 26, 2023

Select Board  
Town of Chilmark  
Box 119  
Chilmark, MA 02535

To the Members of the Select Board:

I am writing pursuant to G.L. c. 268A, §19 of the laws of the Commonwealth governing conflicts of interest involving appointed municipal employees. The Select Board appointed me last year to the Peaked Hill Housing RFP Committee that was established to provide advice to the Select Board relating to the implementation of the warrant article adopted at the 2022 Annual Town Meeting giving conceptual approval to a plan for the development of affordable and community housing on a portion of the Town owned land that was part of the Peaked Hill Pastures subdivision. In creating this Committee, the Select Board specifically noted that it wished to have representation from Town voters who resided in the general area of the project. I was appointed to the Committee in part because my home is within approximately 1/3 of a mile from the site of the proposed project.

Under §19 an owner of abutting or nearby property is presumed to have a financial interest in a matter affecting real property. However, the presumption is limited to an abutter and an abutter of an abutter within 300 feet of the property line. In the warrant article and accompanying discussion, the site of the proposed housing was identified as not more than six to eight acres in the southeastern portion of the Town owned property. This location would not abut any property that I own and is more than 300 feet from any property that I own. I would also note that my residence is another 400 feet farther away than the sheep pasture that is the property I own closest to the project site. Thus I do not believe that I would be presumed to have a financial interest by reason of owning abutting or nearby property.

A second question is whether I might be deemed to have a conflict of interest because the project might cause a financial gain or loss, in this instance presumably by having an effect on the value of my property. I believe that it would be highly speculative to conclude that the proposed project would have any impact specific to my property that is different from the broader impact that it may have on all property holders and taxpayers in Chilmark given how far away it will be located. Depending upon the ultimate scope, financing mechanisms, and operating budget for the housing that will be constructed, the proposed project may have an effect on the budget of the Town and thus on property tax rates. However, the impact on my properties would be no different than any other property holder in the town.

Finally, I would note that the Select Board has specifically reserved to itself decision-making authority relating to all aspects of the proposed project. Thus my participation in the deliberations of the Peaked Hill RFP Committee does not entail making any decisions on behalf of the Town.

For the reasons noted above, I do not believe that it is necessary for me to ask that the Select Board make an affirmative determination that any financial interest I may have is not so substantial as to affect the integrity of the services that I provide as a member of the Peaked Hill RFP Committee. Nevertheless, to remove any doubts that may exist, it may be prudent for the Select Board to make such a determination and make it a part of the public record. If you agree that it would be beneficial to issue a determination that my financial interest is not substantial, I would welcome it.

Yours very truly,

A handwritten signature in black ink, appearing to read 'F. N. Khedouri', followed by a period.

Frederick N. Khedouri