

To start, I want the residents of Beacon to know that our beautiful Hiddenbrooke Park has been open for the public's use and enjoyment since January 2008. It is only a small piece of the property, which is in dispute. Please take advantage of this wonderful resource.

With that said, it is eminently reasonable for there to be interest in the current legal issues concerning Hiddenbrooke, and related financial concerns. Please bear in mind that because of the ongoing legal challenges, I am limited somewhat in the answers I can provide at this time. I am offering this letter from the perspective of my charge to protect the interests of all 14,000 Beacon residents. I have no personal stake in this matter other than being one of seven council members under the leadership of former Mayor Clara Lou Gould, who unanimously agreed in December 2007 to purchase approximately 90 acres of land known as Hiddenbrooke for the purpose of preserving it as a public park. The alternative was a private subdivision, and the loss of much of this land forever for the public's use and enjoyment.

First, the assertion that the City has kept the challenges associated with the Hiddenbrooke a secret, and that there has been a lack of transparency, is simply wrong. These legal challenges, and the entire process involved in acquiring Hiddenbrooke have been discussed in numerous public council meetings throughout the years. Most recently, I posted in the Beacon Free Press a detailed letter explaining its status. There has been nothing to hide in this matter. It is a complicated, yet worthy issue, which I and the past City Administrations have felt is worth fighting.

Some still ask why was Hiddenbrooke purchased in the first instance? The simple answer is that Mayor Clara Lou Gould and the City Council listened to the public: (1) nearly 80% of the responses to a questionnaire mailed to the entire community by the Comprehensive Planning Committee gave open space the highest rating of any category including development, (2) at the three Community Visioning Workshops held by the Committee, the public clearly expressed their interest to preserve the last remaining open space areas around the mountain for public use, (3) the Comprehensive Plan gave open space the second largest priority with Hiddenbrooke as one of the key locations identified, and (4) in November 2006, the majority of the residents in Beacon approved by referendum a \$1 million dollar Open Space Bond, specifically to purchase the Hiddenbrooke property, as well as other open space purposes such as the University Settlement Camp. The majority of the City residents have expressed a clear mandate to its government officials to preserve and acquire open space. This and past Administrations have followed that mandate.

What did the City know about the individual, who alleges that he had a right to acquire from the prior owner, and now occupy, Chapel and some of its surrounding land? First, this individual does not have a deed or title to the Chapel, nor does he own it. This individual claims that a certain document from Hiddenbrooke's prior owner gave him certain unspecified rights to the Chapel, which the City disputes and is rightfully defending under the law. This individual claims that Hiddenbrooke's prior owner owes him for a supposedly unpaid real estate commission. Thus, before the City acquired Hiddenbrooke, the City obtained an agreement from this prior owner to indemnify the

City against any claims from this individual, as well as required the prior owner to put some of the purchase price in escrow to pay the individual or defend these claims. Contrary to certain claims of the BFP, the City has used this escrow to pay its legal fees to date in these proceedings. Insurance has paid other of the City's legal expenses.

Unfortunately, there has been a series of lawsuits, and various demands made by the aforementioned individual and a related real estate firm against the City concerning the Chapel property over the past two years. We have tried to reach a fair and reasonable settlement; however, the City in good conscience cannot pay what we believe are unwarranted and excessive demands made by these entities against the City. We will continue to seek an equitable resolution of this matter, and remain hopeful of such an outcome.

With respect to statements made in recent letters of the BFP regarding certain legal rulings in these proceedings, the characterizations of these rulings have been mostly inaccurate. There has been no Court ruling to date finding that the individual has title or owns the Chapel property. The Courts have not made any determination as to ownership, and the cases are still pending. We feel that the City has the stronger position on the merits.

Another question that has arisen, was the financing to purchase Hiddenbrooke legal? The Mayor Gould Administration and the City Council of 2007 handled the purchase of the property in a legal manner, in full disclosure to the state and county authorities. Mayor Gould and the Council legally advanced money, which should be reimbursed by the three grants that the City was awarded. In my BFP update letter about Hiddenbrooke I wrote that the amount of the grants was \$1,100,000 (\$350,000 from State Parks, \$550,000 from the County and \$200,000 from State Senator Stephen Saland as a member item).

In conclusion, I believe that all members of the present City Council and myself consider this situation to be regrettable. We all hope that a reasonable settlement can be accomplished. If an agreement cannot be reached, the City will protect the interests of the public for the parkland it intended to purchase, and we will do what is necessary to accomplish this goal. We will continue to keep you updated and informed.

Thank you,
Steve Gold,
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