

Date: June 7, 2010

*Date Minutes Approved: June 14, 2010; to remain sealed until the need has passed
Date Minutes Released: 04-30-12 (upon approval of 02-27-12 Exec. Session Minutes)*

BOARD OF SELECTMEN EXECUTIVE SESSION MINUTES (B)

Present from the Board of Selectmen: Shawn Dahlen, Chair; Elizabeth Sullivan, Vice-Chair; and Christopher Donato, Clerk.

Present from the Zoning Board of Appeals: Mr. Dennis Murphy, Chair; Mr. Eugene Orosz (alternate), and Ms. Judi Barrett.

Staff: Richard MacDonald, Town Manager; Robert S. Troy, Town Counsel; Scott Lambiase, Director of Inspectional and Barbara Ripley, Executive Assistant

The meeting was called to order at 5:30 PM.

VOTE TO ENTER EXECUTIVE SESSION

At 6:02 PM, Mr. Donato moved that the Board enter Executive Session in order to discuss strategy with respect to pending litigation since an open meeting may have a detrimental effect on the Town's litigating position, and to reconvene in Open Session afterward, in accordance with Massachusetts General Laws Chapter 39, Section 23B. Second by Mr. Dahlen. Roll Call Vote: Mr. Donato---aye; Ms. Sullivan---aye; and Mr. Dahlen---aye.

At 6:03 PM, Mr. Murphy moved that the members present from the Zoning Board of Appeals enter Executive Session in order to discuss strategy with respect to pending litigation (Island Creek Comprehensive Permit), and to adjourn immediately afterward. Second by Mr. Orosz.

Discussion of Mr. Murphy's motion: Mr. Murphy explained that the three members currently sitting on the Island Creek application are: Mr. Murphy, Mr. Orosz, and Mr. Gill. Mr. Gill could not be present. Mr. Murphy and Mr. Orosz constitute a quorum for the Island Creek case. Ms. Barrett is not a voting member on that case.

Mr. Orosz asked several questions about Open Meeting Law, which were answered by Mr. Murphy and members of the Board of Selectmen. At 6:12 PM, a roll call vote was taken: Mr. Murphy---aye; Mr. Orosz---aye. Ms. Barrett did not vote since she is not voting on the Island Creek case.

Mr. Troy explained that he is seeking guidance on how to proceed with the appeal to the Housing Appeals Court for the Island Creek Comprehensive Permit.

He asked the following:

- 1) Does the Town want to try to resolve the issues?
- 2) If the Town wants to try to resolve the issues, which method would the Town prefer:
 - Zoning Board of Appeals takes charge and works with the applicant
 - The Town enters mediation with the applicant (8 hours free mediation is offered through Mass Housing.)

- **The Zoning Board of Appeals, Town Counsel, and the Board of Selectmen work together with the applicant**

All three Selectmen said that they are in favor of coming to a resolution with the applicant, so that a project can be built that will be beneficial to the Town.

After discussion, it was decided that the Zoning Board of Appeals would take the lead on working with the applicant, in conjunction with Town Counsel. However, an appointment for mediation would be scheduled as a back-up. Mr. Troy was also asked to request a version of the permit, from the applicant, that would be acceptable to the applicant.

END EXECUTIVE SESSION

At 7:17 PM, Mr. Donato moved that the Board end Executive Session, and re-convene in Open Session. Second by Ms. Sullivan. Roll Call Vote: Mr. Donato---aye; Ms. Sullivan---aye; and Mr. Dahlen---aye.

At 7:18 PM, Mr. Murphy moved that the Zoning Board of Appeals, Island Creek Comprehensive Permit participants, end the Executive Session, and adjourn. Second by Mr. Orosz. Roll Call Vote: Mr. Orosz---aye; and Mr. Murphy---aye.