

EXECUTIVE SESSION MINUTES

Date: August 9, 2010

Date Minutes Approved: August 23, 2010, to remain sealed until the need for confidentiality has past

Date Minutes Released: 04-30-12 (upon approval of 02-27-12 Exec. Session Minutes)

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; Elizabeth H. Sullivan, Vice-Chair; and Christopher Donato, Clerk.

Absent: None

Staff: Richard MacDonald, Town Manager, John Madden, Finance Director, and C. Anne Murray, Adm. Asst.

**Also Present: Atty. Robert S. Troy, Town Counsel
Atty. Craig Jordan, an Associate of Atty. Troy.**

During the Open Session, prior to discussion of the JOINT MEETING WITH ZONING BOARD OF APPEALS: ISLAND CREEK COMPREHENSIVE PERMIT, Atty. Troy recommended to the Selectmen a discussion be held in Executive Session first given pending litigation and then they reconvene in Open Session.

At approximately 7:40 PM Ms. Sullivan moved to call an Executive Session pursuant to M.G.L. Chapter 30A, Section 21 (a)(3), for the purpose of discussing strategy with respect to pending litigation between the Town of Duxbury and Island Creek Village North, LLC, regarding an appeal to the Housing Appeals Committee of a Comprehensive Permit issued by the Zoning Board of Appeals, the public discussion of which may have a detrimental effect on the litigation position of the Town. The Board of Selectmen will reconvene in Open Session following the completion of the Executive Session. Second by Mr. Donato.

In accordance with Open Meeting Law, the Chair declared that the public discussion of the Town's litigation strategy with respect to pending litigation between the Town and Island Creek North, LLC will have a detrimental effect on the litigation of the Town.

ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye"; Ms. Sullivan "aye".

ENTER EXECUTIVE SESSION

Mr. Troy updated the Board on some of the matters that had been discussed and the involvement of the ZBA members in drafting the final version. He advised the Board that the matter had now received ample opportunity for public input and comments from the ZBA. Attorney Troy recommended that it would not be in the best interest of the Town to conduct further public hearings.

The Board discussed their opinions and strategy for the Open Session given the pending litigation.

Mr. Troy mentioned that if the Board approves it the Comprehensive Permit and the Agreement and Stipulation will be signed tonight by him and by the Board and the Town Manager. It will temporarily be held in escrow. The ZBA no longer has jurisdiction but will be asked to sign as an administrative matter.

END EXECUTIVE SESSION

At approximately 8:06 PM, Ms. Sullivan moved that the Board adjourn from the Executive Session and re-convene in Open Session. Second by Mr. Donato. **ROLL CALL VOTE: Mr. Donato "aye"; Mr. Dahlen "aye"; Ms. Sullivan "aye".**