

EXECUTIVE SESSION

NOTE: These minutes were released by the Board of Selectmen on 2/10/2014.

Present: Chairman A. Raymond Randall, Jr., Selectman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Location: The T.O.H.P. Burnham Library on Martin Street.

At 9:55 p.m., citing the need to discuss the Gloucester sewer billing litigation, the Chairman entertained a motion to move to Executive Session. He said that discussing the matter in Open Session would be detrimental to the Town's litigating strategy. He stated that the Board would only be returning to Open Session to adjourn the meeting and invited Mr. Zubricki to attend. The motion was moved and seconded and per a unanimous Roll Call Vote the Board moved to Executive Session.

Regarding the Gloucester sewer rate dispute case, Mr. Zubricki reported that there had been a recent appeals court decision involving the Emerson College Test and that Town Counsel Gregg Corbo has suggested that he would like to prepare a two-to-three-page motion to the judge requesting that the judge reconsider his recent decision in the Gloucester case based on this new appeals court decision. The Emerson College Test tests whether or not a fee charged by a municipality is really a fee, or in fact, is an illegal tax. The Selectmen were in agreement that Town Counsel should prepare and submit the motion to the judge.

There being no further business before the Board requiring an Executive Session, a motion was made and seconded to return to Open Session. After a unanimous Roll Call Vote, the Board returned to Open Session at 10:03 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell