

APPROVED 2.17.17 – RELEASED 1.24.17

EXECUTIVE SESSION (ES) CONFIDENTIAL

The ES was part of the **Wenham Board of Selectmen (BOS) January 20, 2015** posted meeting. Pursuant to Open Meeting Law, M.G.L. c. 30A, §§ 22 (f) the minutes of any ES, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under sub clause (a) of clause Twenty-sixth of Section 7 of Chapter 4, as long as publication may defeat the lawful purposes of the ES, but no longer; provided, however, that the ES was held in compliance with Section 21.

These minutes will not be released until approved for release by the Selectmen and notice of such approval has been entered into the regular minutes.

The purpose of the ES was to (3) to discuss litigation with regards to Cross Keys Retreat, 76 Topsfield Road

Selectmen Present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; Ken Whittaker, Clerk
Also Present: Paul Weaver, Town Counsel

The Board acknowledged a letter from Attorney Tymann dated January 12, 2015, that included a full appraisal of Dr. Miller's property at 66, Topsfield Road.

Mr. Tymann requested the town participate in the mediation and pay Dr. Miller for damages.

Mr. Weaver briefed the Board on the recent events regarding the litigation and associated appeal before the Zoning Board of Appeals (ZBA) and legal ramification of potential action and legal outcomes and alternatives before the Board.

He reviewed that Judge Young stayed action in the Federal Court pending resolution of a ZBA appeal.

The ZBA has delayed a decision to permit Cross Keys and Dr. Miller to mediate. It was unknown if the parties are actively mediating.

In the absence of a Town Administrator, Mr. Weaver offered to coordinate with MIIA, the town's insurance company, on action going forward. He reiterated MIIA approved the settlement with Cross Keys and talked about the potential liability to the town, should it choose, not honor the settlement including the possible loss of insurance coverage.

Attorney Bobrowski is available to answer additional questions.

VOTE: Mr. Whittaker moved, and it was seconded, that the BOS not engage in voluntary mediation with either Cross Keys or with the representative of Dr. Miller concerning the settlement of the ongoing controversy at 76 Topsfield Road. The motion carried unanimously by roll call vote.

VOTE: Mr. Whittaker moved, and it was seconded, the BOS return to open session. The motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley
1.21.15