

EXECUTIVE SESSION (ES) CONFIDENTIAL

The ES was part of the Wenham Board of Selectmen (BOS) **March 10, 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, Ken Whittaker

Also Present: Paul Weaver, Town Counsel; Mark Bobrowski, Special Counsel

Attorney Bobrowski updated the Selectmen on the mediation between Cross Keys Retreat and their attorney Paul Holtzman, and the abutters, specifically Dr. Miller through his counsel, Ben Tymann.

Attorney Bobrowski reported that nine non-monetary issues were discussed:

1. Number of guests - reduce from 14 to 10
2. Security Plan – in place; Cross Keys providing
3. Response Plan - in place; Cross Keys providing
4. No outdoor activity after 6 PM – pool/ tennis courts
5. Additional buffer screening
6. Extend the fence 50 feet
7. No signs on the frontage of the property
8. Cross Keys not accept guests charged or convicted of thievery
9. Cross Keys not accept guests with certain medical conditions such as psychiatric problems

It was noted that Mr. Miller claimed his property's value has diminished and he may seek monetary damages.

Attorney Bobrowski reported that although there may be a payment of settlement, these discussions have not taken place and he had no way of knowing how much would be sought in a settlement.

He questioned if conceptually, the town would be willing to participate in a monetary settlement. He reviewed several scenarios of possible outcomes of the litigation and offered some suggestions of how payments could be distributed by the parties. He went on to advise the Board as to the various developments that could result from action by the Zoning Board of Appeals to overturn the Building Inspector in his determination of Reasonable Accommodation for continued operations at the facility.

At the end of the discussion the BOS agreed that a settlement with Dr. Miller was not a course of action they wanted to propose at this time, and to take no other action at this time pending the decision of the Zoning Board of Appeals.

Mr. Whittaker moved to return to open session at 9:19 PM for the purpose of adjourning. The motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley

3.14.15