

EXECUTIVE SESSION (ES) CONFIDENTIAL

The ES was part of the **Wenham Board of Selectmen (BOS) May 19, 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 discuss litigation with 76 Topsfield Road, Cross Keys, Inc.

Selectmen Present: Catherine Harrison; John Clemenzi

Also Present: Counsel Attorney Mark Bobrowski; Peter Lombardi, Town Administrator

Paul Weaver, Town Counsel; Catherine Tinsley, Minutes Secretary

Attorney Bobrowski and Attorney Weaver talked about new concerns regarding the Zoning Board of Appeals (ZBA) draft decision for the appeal filed by attorney Ben Tymann on behalf of Lawrence Miller, and Allison & Dennis Maguire of the Enforcement Officer's September 11, 2014 decision granting reasonable accommodation under the federal Fair Housing and Americans with Disabilities Acts, to 110, Inc. allowing the operation of the Cross Keys Retreat at 76 Topsfield Road. The concerns included the number of clients, the length of sobriety, and neighbor safety concerns.

The Board was advised of their options pending the outcome of the ZBA hearing and cautioned about possible litigation against the Town. The settlement with Cross Keys may also be impacted, including likely action by the Town's insurance company MIIA. (Massachusetts Interlocal Insurance Association)

Although it is unknown what action Cross Keys will take, Counsel for Cross Keys has indicated (Cross Keys) may amend their complaint and seek relief to the ZBA decision, pending the details in the decision.

The Board was advised, in the best interest of the Town, to honor the original Federal Court Settlement between the Town of Wenham and Cross Keys.

Ms. Harrison asked for a copy of the ZBA draft decision.

Attorney Bobrowski will keep Chairman Harrison updated.

Mr. Clemenzi moved, and it was seconded, to adjourn directly from executive session at 8:54 PM. The motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley

5.30.15