

EXECUTIVE SESSION (ES) CONFIDENTIAL

The ES was part of the **Wenham Board of Selectmen (BOS) May 5, 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; Jack Wilhelm; John Clemenzi

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

\*Paul Weaver, Town Counsel; Catherine Tinsley, Minutes Secretary

*\*Mr. Weaver participated remotely by telephone, due to geographical distance, in accordance with MGL 940 CMR 29.1.*

Attorney Bobrowski and Mr. Weaver discussed with the Selectmen possible action regarding 76 Topsfield Road, pending the Zoning Board of Appeals (ZBA) decision on the application before them to appeal, pursuant MGL c 40A, ss. 8 & 15, 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, in the event the Town is placed in the position of the Zoning Board making a decision that conflicts with the Federal Court Settlement between the Town of Wenham and Cross Keys.

Attorney Bobrowski stated there is the potential, if Cross Keys appeals the ZBA's decision and amends their complaint, the Town could be subject to a possible lawsuit; the Town's insurance company will not cover expenses due to a breach in the Settlement Agreement by the ZBA.

The ZBA has a posted meeting on May 13, 2015 to finalize their decision.

Attorney Bobrowski will draft a response if the ZBA's decision is in conflict with the Settlement Agreement.

*Mr. Clemenzi moved, and it was seconded, to adjourn directly from executive session at 9:02 PM. The motion carried unanimously by roll call vote.*

Respectfully submitted by

Catherine Tinsley  
5.7.15