

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
Joanna L. Bilotta, Vice-Chair
Thomas W. Bodkin, Jr., Clk.
Robert J. Saiia, Mbr.
Nathan J. Lockwood, Mbr.
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Minutes
Executive Session
July 11, 2011

R.S.S.
M.B.
J.B.

Chair called for Motion to enter Executive Session at 8:55 PM for discussion of litigation of O'Brien Homes v. Planning Board and the Town of Lunenburg, Motion, Ms. Bilotta, Second, Mr. Bodkin Jr., roll call vote, Mr. Bakaysa, aye; Ms. Bilotta, aye; Mr. Bodkin Jr. aye; Mr. Saiia, aye; Mr. Lockwood, aye.

Chair requested Director read June 29, 2011 correspondence from Town Counsel Kopelman and Paige concerning litigation of O'Brien Homes v. Planning Board and Town of Lunenburg. (Letter on file in confidential status in Planning office.)

Letter noted that on June 24, 2011 the Land Court notified the parties that it has "assembled the record of the case for the plaintiff's appeal in the above Litigation". The letter further noted that Plaintiff's counsel has already indicated that she will likely ask the schedule be extended to give the parties more time to continue with the settlement process and to avoid the cost of preparing briefs. Town Counsel Attorney Brian Winner recommended that the Board give Kopelman & Paige the authority to assent to a request to avoid the cost of having to proceed with litigation at this time.

Discussion ensued among Board members. Two main topics were discussed. One was the cost of preparation of the brief. In the past, the Attorney spoke of "dusting off previous briefs". Further, the Board spoke of their impatience with O'Brien, especially with the delayed tactics. Months have passed without any new presentations from them.

Director was instructed to inquire as to the cost of the presentation of a response brief in the Appeals Court. Director was also instructed to reply to Kopelman & Paige that the Board did not wish to extend any further time to Mr. O'Brien and his Attorney regarding preparation of their brief for an Appeal in this case.

Chair called for adjournment of Executive Session, Motion, Ms. Bilotta, Second, Mr. Bodkin Jr., roll call vote, Mr. Bakaysa, aye; Ms. Bilotta, aye; Mr. Bodkin Jr., aye; Mr. Saiia, aye; Mr. Lockwood, aye. Adjourned 9:15 PM.