

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Lynn F. Sallee, Chair
Emerick R. Bakaysa, Vice-Chair
James A. Halloran, Clk.
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Executive Session Minutes March 26, 2007

Vice Chair requested Motion to go into Executive Session at 7:15 PM for purpose of litigation not to return to general session. See Motion in general session minutes.

Vice Chair requested Motion to open Executive Session. Motion, Mr. Saiia, Second, Ms. Bilotta. Roll call vote, Vice Chair Bakaysa, Aye, Member Halloran, Aye, Member Saiia, Aye, Member Bilotta, Aye.

Discussion: Litigation- Emerald Place: Director noted that a copy of Global Properties Developers Corporation's suit for request for Plaintiffs to post a bond pending the latest appeal by Ms. June Riddle, Attorney for the Plaintiffs, was sent to the office. The amount was for \$1,026,676.92 noting the cost that will be incurred by Global due to delays in construction. Request in alternative for \$391,676.92 was presented for the cost of real estate taxes, property maintenance and interest on a development load.

Director presented copy of reply filed by Ms. Riddle noting no damage to Global due to a Demolition Delay order. The developer was able to demolish the existing structures on site. The premise of the response was that Global was not, or is not, injured.

Correspondence from Brackett & Lucas, Town Counsel was that the court has allowed Global to file the memorandum. Ms. Lucas will notify the Planning Office of any response. The situation is the same, no response on behalf of the Planning Board. Will go forth at the present time and situation.

Director noted receipt by each member of the Board, by Kathleen A. Vorce Attorney at Law, Boxborough, of a filing in Worcester Superior Court against the Planning Board and Mr. Bryan Wilson, Northeast Wireless Services by Eleonora Lecei Evan Halstead concerning the permitting of a telecommunications tower at 270 Electric Avenue.

Director noted that the Applicant did not formally file an Intent to Appeal in the Town Clerk's office before the 20-day appeal period commencing on February 28, 2007; however, the complaint was filed in court on March 16, 2007. Present status is the issue was presented to the Board of Selectmen's office. Chief of Staff Laura Williams noted that the issue is being sent to Town Counsel.

Vice Chair requested a Motion to adjourn the Executive Session. Motion to adjourn made by Member Saiia, Second, Member Halloran, Motion passed. Adjournment was at 7:45 PM. Roll

call vote, Vice Chair Bakaysa, Aye, Member Halloran, Aye, Member Bilotta, Aye, Member Saiia, Aye.

Min/ex3-26-07