

TOWN OF LUNENBURG
Office of the Planning Board

Gregory Bittner, Chair
Matthew Allison, Vice Chair
Kenneth Chenis, Clerk
David Prokowiew, Mbr.
Michael-Ray Jeffreys, Mbr.



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Adam R. Burney
Land Use Director

Marjorie J. Boggio
Administrative Assistant

Minutes
Executive Session
January 29, 2018

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 6:30 PM
Present: Gregory Bittner, Matthew Allison, David Prokowiew, Adam R. Burney
Absent: Michael-Ray Jeffreys, Kenneth Chenis

Board Chair G. Bittner requested a Motion to enter Executive Session pursuant to M.G.L. c.30A, §21, to discuss strategy with respect to litigation with Settler's Solar, LLC, for the development of a large-scale, ground-mounted photovoltaic installation at 994 Northfield Road, where an open meeting may have a detrimental effect on the litigating position of the Town. D. Prokowiew made the Motion, Seconded by M. Allison, All Aye. The Board will reconvene in Regular Session after exiting Executive Session.

The Board received confidential correspondence from Town Counsel and the Town Manager informing the Board it needed to pick no more than two representatives for mediation. Town Counsel hopes the Board can participate in a settlement agreement prior to a mediation session. As mediation may not occur imminently, settlement conferences can take place prior to mediation. If a settlement agreement can be reached, there will be no need for mediation. Both A. Burney and the Board members are of the opinion that Settler's Solar LLC is interested in settlement. D. Prokowiew asked if being selected as a representative is for the entire process, i.e., both settlement and mediation. Yes. G. Bittner noted that the two representatives will have the authority to make the negotiations; input cannot be requested from the remaining Board members during the process. He went on to note that a tentative decision would be reached, and then the Board would follow the public process. A. Burney questioned only the two delegates having authority to reach a tentative decision as he believes that prior to the mediation session being closed, all Board members have to agree to the proposed decision in executive session. A. Burney suggested having only one delegate for ease of scheduling, but both D. Prokowiew and G. Bittner preferred two and they wanted to be involved.

D. Prokowiew asked what has been mandated to the Board – the Judge has required the parties to complete mediation screening within three weeks.

M. Allison made a Motion to nominate Greg Bittner, Seconded by D. Prokowiew, all aye.

M. Allison made a Motion to nominate D. Prokowiew, Seconded by G. Bittner, all aye.

D. Prokowiew made a Motion to exit Executive Session, Seconded by M. Allison, all aye.

Adjourned Executive Session 6:49 PM.