

The Board of Selectmen held a meeting on Monday, May 4, 2015 beginning at 7:00pm in Room 2128 of the Walpole High School. The following members were present.

Mark Gallivan, Chairman
Clifton Snuffer
James Stanton

Mr. Gallivan noted that both Mrs. Mackenzie and Mr. Timson will participate remotely via telephones due to their geographical area.

ARTICLE #10

MOTION moved by Mr. Gallivan to reconsider Article #10, seconded by Mr. Snuffer VOTED 5-0-0

MOTION moved by Mr. Gallivan to recommend No Action , seconded by Mrs. Mackenzie, VOTED 5-0-0

Attorney Ilana Quirk was present.

CHAIRMAN'S DECLARATION

I hereby declare that:

Under G.L. c. 30A, Section 21 (a) (3) the purpose of the executive session is to discuss litigation strategy regarding litigation known as Barberry Homes LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee. No.2014-01; and Town of Walpole, et al. v Barberry Homes, LLC, Land Court 2014 MISC 481399-AHS and Robertson v. Barberry Homes, LLC, Norfolk Superior Court NOCV2014-000129 involving a proposed 40B Comprehensive Permit for land on Moose Hill Road

That a discussion of the foregoing in open session could compromise the purpose of the Executive Session

That the Board will return to open session at the conclusion of the Executive Session for the purposes of adjourning

MOTION moved by Mr. Stanton that the Board go into executive session under G.L. c.30A Section 21 (a)(3) for the purposes and reasons declared by the Board's Chairman, with the returning to open session at the conclusion of the executive session for the purpose of adjourning, seconded by Mr. Snuffer, VOTED by roll call: Mrs. Mackenzie-Aye, Mr. Timson-Aye, Mr. Stanton-Aye , Mr. Snuffer-Aye and Mr. Gallivan –Aye

Attorney Quirk updated the Board. The Zoning Board of Appeals has approved the Comprehensive permit and the Board needs to agree to terminate the litigation. Mrs. Mackenzie questioned if the pump station was going to be turned over to the town. Attorney Quirk stated they may or the town can take it by eminent domain. Mrs. Mackenzie would have no problem with them keeping it but be sure there is some control. There will be an Operation and Maintenance plan. She further explained they agreed to the settlement. The ZBA did hold a public hearing. Barberry has no issues. Mr. Snuffer complimented Counsel on her good work relating to this project. Mr. Timson spoke of the Abutters litigation and their counsel has advised her they are going to dismiss the case.

MOTION TO AGREE TO TERMINATE LITIGATION

MOTION moved by Mr. Stanton that the Board of Selectmen authorize Town Counsel to take the final steps to terminate the Town, et al. v. Barberry Homes, LLC, Land Court 2014 MISC 481399 in accordance with the recent approval by the Zoning Board of Appeals of a comprehensive permit and in accordance with the January 2015 Settlement and Release Agreement, seconded by Mrs. Mackenzie VOTED by roll call: Mrs. Mackenzie-Aye, Mr. Timson-Aye, Mr. Stanton-Aye , Mr. Snuffer-Aye and Mr. Gallivan –Aye

MOTION moved by Mr. Stanton to exit Executive Session, seconded by Mrs. Mackenzie by roll call: Mrs. Mackenzie-Aye, Mr. Timson-Aye, Mr. Stanton-Aye , Mr. Snuffer-Aye and Mr. Gallivan –Aye

MOTION moved by Mr. Stanton to adjourn at 7:25pm, seconded by Mr. Snuffer, VOTED 5-0-0