



STERLING BOARD OF SELECTMEN'S EXECUTIVE MINUTES

July 25, 2018

LCM Realty Trust, et. al. vs Town of Sterling

8/22/18

At 8:39 pm, Selectman Cranson moved to enter into executive session for exemption #3, for the purpose of discussing strategy with respect to litigation, if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares. (Chairman Lane declared) Selectman Kilcoyne 2<sup>nd</sup>. Roll Call VOTE: Selectman Kilcoyne - Aye. Selectman Cranson - Aye. Chairman Lane - Aye. Motion carried.

The Board proceeded into Executive Session.

Executive Session Roll Call: Chairman Lane- Present. Selectman Cranson - Present. Selectman Kilcoyne - Present.

The Town Administrator has [REDACTED] regarding the pending Earth Removal Permit for 38 Clinton Road. Town Counsel stated that the Board of Selectmen does not have the authority to dictate the conditions of the pending Earth Removal permit application. Nor can they issue the permit themselves.

It is the consensus of the Board that, while hopeful, they are concerned that the Earth Removal Board conditions may not satisfy the Settlement Agreement, which requires the ERB to issue an Earth Removal Permit with reasonable terms. Therefore, [REDACTED]

[REDACTED] The Select Board has final say in all litigation matters. In that instance, it would fall to the Selectmen to act in the best interest of the Town. They would then have the option to agree to end the litigation by filing an Agreement of Judgement which includes more reasonable terms.

Ultimately, the Board must wait to see how the Public Hearing goes on August 9<sup>th</sup>.

At 9:18 pm Selectman Cranson moved to adjourn from executive session and to reconvene in Public session. Selectman Kilcoyne 2<sup>nd</sup>. Selectwoman Cranson - Aye. Chairman Lane - Aye. Selectman Kilcoyne - Aye. Motion carried.