



STERLING BOARD OF SELECTMEN'S EXECUTIVE MINUTES

December 14, 2017

Joint meeting with Earth Removal Board regarding Foley Lawsuit

approved

1/10/18

2:02 pm

In attendance:

Maureen Cranson - Chairman of BOS

Rich Lane – Vice Chairman of BOS

Mike Rivers – ERB

Delores Rich – ERB

Ross Perry -TA

Courtney Mayo Attorney with Hassett & Donnelly appointed by MIIA

Jody Mills, Claims Adjuster for MIIA

Selectman Kilcoyne was not present.

The Earth Removal Board was called to order for executive session.

At 2:04 Selectman Lane moved to open an executive session with the Earth Removal Board. The purpose, as stated by the Earth Removal Chair, was to meet under M.G. L. Chapter 30A. Sec 21 (a) Reason # 3 – to discuss 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 (he did), with respect to the following matter; LCM Realty Trust et al v. Town of Sterling Earth Removal Board et al., Worcester Superior Court Civil Action No 17 CV1839D relative to 38 Clinton Road. Chairman Cranson 2nd. Chairman Cranson- Aye. Selectman Lane – Aye. Motion Carried.

[REDACTED]

Two settlement options were discussed:

Option 1:

- Foley would agree to apply for;
 - ER permit
 - Amended ANR from Planning Board
 - Amended or new Septic Permits
 - Building Permits
 - New curb cut permits
 - Any required variances with the ZBA
- The ERB agrees to remove the cease and desist order
- Foley drop all charges against the town
- The Town ask the DA to drop the criminal charges for the tape recorder incident

Option 2:

- Foley would apply for an ER permit to finish removing material to an agreed profile that has no nexus to lots, building or septic permits.
- Foley would file for any required variances with the ZBA

There was some discussion on whether or not the members of the ERB, who had been named personally in the claims by Foley, could participate and vote as ERB members in potential future settlement discussions. There was also discussion as to whether or not alternative ERB members needed to be appointed.

Selectman Lane moved to exit the executive session and return to open session. Chairman Cranson 2nd. Chairman Cranson- Aye. Selectman Lane – Aye. Motion Carried.

At 4:15 pm Selectman Lane moved to Adjourn. Chairman Cranson 2nd. Chairman Cranson- Aye. Selectman Lane – Aye. Motion Carried.