

SUDBURY ZONING BOARD OF APPEALS  
EXECUTIVE SESSION MINUTES  
APRIL 30, 2018

The Board consisted of:

John D. Riordan, Chair; William Ray, Clerk; Jonathan G. Gossels; Nancy G. Rubenstein and Jeffrey Klofft.

- 1) Vote to enter into Executive Session and not to return to Open Session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the Zoning Board of Appeals and the Chair so declares, with respect to Linda Mills, et al v. Zoning Board of Appeals, (41 Prides Crossing Road) pursuant to General Laws chapter 30A, §21(a)(3).

At 8:34 p.m. entering Executive Session as of declared by the Chairman via roll call vote:

John D. Riordan Aye  
Nancy G. Rubenstein Aye  
Jonathan G. Gossels Aye  
William Ray Aye  
Jeffrey P. Klofft Aye

Motion made, seconded and voted to approve and not to release Executive Session Minutes for April 9, 2018.

Motion made seconded and voted, via Roll call vote:

John D. Riordan Aye  
Nancy G. Rubenstein Aye  
Jonathan G. Gossels Aye  
William Ray Aye  
Jeffrey P. Klofft Abstain

Chair Riordan made a point of order stating, Minutes of these executive sessions (April 9 and April 30) will not become available to the public until such time that the issues discussed are no longer sensitive and subject to the Open Meeting Law exception for pending litigation matters.

The Board is in receipt of correspondence from Town Counsel, George Pucci from April 25, 2018 with a mark-up draft of plaintiff's proposed joint motion for entry of judgment, for the Boards consideration at this meeting.

Chair Riordan had a conversation with Town Counsel, Attorney George Pucci from KPLaw, and suggested the language drafted into the mark-up proposed motion and the Board would agree to endorse only if it had language clarifying the fact that the Board did not do anything wrong, and the only reason the Board is agreeing to nullify their decision 18-3 is because the applicant decided not to purchase 41 Prides Crossing, therefore the special permit will not be used.

The Board would have preferred the below slightly amended language to be added to the mark-up draft.

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MINUTES  
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The Board voted to ask Town Counsel to slightly amend the language on the last shared draft, to include a clause referencing the permit holder no longer holds a vested ownership interest in any form in the subject property, contingent or otherwise.

Motion made seconded and voted to approve the motion as amended by the Board, and to authorize Chair Riordan to communicate with Town Counsel on behalf of the Board via Roll call vote:

John D. Riordan Aye  
Nancy G. Rubenstein Aye  
Jonathan G. Gossels Aye  
William Ray Aye  
Jeffrey P. Klofft Aye

Motion made and seconded to adjourn Executive Session and not to return to Regular Session via roll call vote:

John D. Riordan Aye  
Nancy G. Rubenstein Aye  
Jonathan G. Gossels Aye  
William Ray Aye  
Jeffrey P. Klofft Aye

There being no further business, the meeting was adjourned at 8:08 p.m.