

Selectmen's Meeting  
Tuesday, February 18, 2014  
Selectmen's Meeting Room  
Executive Session

The Board voted by roll call vote to convene in Executive Session at 9:35 p.m. for the purpose of discussing strategy relative to litigation as an open meeting would have a detrimental effect on the negotiating position of the public body which the Chairman so determined for Walnut Tree Hill and Herring Brook Meadow.

Mr. Murray aye  
Mr. Danehey aye  
Mr. O'Toole aye  
Mr. Vegnani aye  
Mr. Harris aye

Also present was Patricia Vinchesi and Town Counsel James Toomey.

#### Walnut Tree Hill – Release of Bond

Attorney Toomey informed Board members of the requirements and legal ramifications of the Tri-Parte Agreement which the Board of Selectmen and Planning Board executed with the Travelers Insurance Company relative to the scope of work and performance bond for repairing deficiencies to Walnut Tree Hill. Attorney Toomey explained that the work covered under the performance bond had been completed and a total of \$860,000 paid by Travelers Insurance. Mr. Johnathan Hahn of Travelers contacted Town Counsel after the Board's last meeting and indicated that the Town must release the bond as soon as possible or other action would be contemplated.

Selectman Murray stated that the Board's intent was simply to find out if more work, such as repaving the road, could be paid from the bond. Now that Town Counsel was informing members that that was not possible the Board could move forward and look at other options for accepting or not accepting the roadway. The Board will need to discuss the pros and cons of accepting the roadway as is, or requiring it to be repaved and assessing a betterment at its next meeting in order to meet statutory timeframes for town meeting.

#### Herring Brook Meadow Lawsuit – Decision on Appeals

The Board reviewed the information provided by Special Counsel Jay Taleran relative to the denial of the Town's two appeals for the proposed 40B project, Herring Brook Meadow. Members were in agreement that the decisions would not be appealed for further appellate review to the Supreme Judicial Court. However, the Board directed that the wetlands requirements noted in a separate decision be pursued by the Town and to ask Attorney Taleran to work further with the Conservation Commission in how the Town may best implement the decision. This is provided Herring Brook Meadow's attorney does not ask for further appellate review in this regard.

The Board voted to adjourn the meeting at 10:35 p.m.

Patricia Vinchesi  
Recorder

Documents reviewed at February 18, 2014 Executive Session

Email from Special Counsel Jay Talerman re: Herring Brook Lawsuit  
Three decisions from Appellate Court on Herring Brook Lawsuit