

## **ZONING BOARD OF APPEALS MEETING AGENDA**

**MONDAY, SEPTEMBER 17, 2018**

**6:00 PM – EXECUTIVE SESSION JOINT MEETING  
WITH SELECTBOARD**

**TOWN HALL, 334 MAIN STREET**

### **ORDER OF AGENDA**

#### **6:00 PM - OPEN MEETING**

##### **1. CALL TO ORDER:**

**6:00 pm** Open Session

6:00 pm Conference Room

**CONVENE INTO EXECUTIVE SESSION and Not to Return to Open Session - Town  
Manager's Conference Room**

**A.** Executive Session under MGL c.30A, §21(a)(3) and (6), to discuss litigation strategy relating to pending litigation known as (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134 and (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 2018MISC000240 and (3) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL) and to review the release of Settlement Discussions/Offer to Purchase and Acceptance relating to land known as 11 Roger Road, if the Chair declares that an open meeting may have a detrimental effect on the Town's litigating and/or negotiating position. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.  
Roll Call Vote

##### **Chair's Declaration:**

I declare, under MGL c.30A, §21(a)(3) and (6) that the purpose of the executive session will be to discuss litigation strategy regarding pending litigation concerning 11 Roger Road known as: (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134 and (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 18MISC000240 and (3) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL) and to review the release of Settlement Discussions/Offer to Purchase and Acceptance relating to land known as 11 Roger Road because discussions of the foregoing in open session could have a detrimental effect on the litigating and/or negotiating position of the Town and to **Not to Return To Open Session** at the conclusion of the executive session.

##### **Motion Convening the Executive Session:**

I **move** that the ZBA go into executive session under MGL c.30A, §22(g)(1) for the purposes and reasons declared by the Chair and with the Board **not to Return To Open Session** at the conclusion of the Executive Session.

**Roll Call Vote:**

**ADJOURNMENT:**

