

*SELECT BOARD & ZONING BOARD OF APPEALS  
EXECUTIVE SESSION MEETING MINUTES  
Thursday, September 30, 2021  
Stow Town Building  
380 Great Road  
Stow, MA 01775*

SB ATTENDANCE: Chair Ellen Sturgis, Megan Birch-McMichael, James Salvie, and Zack Burns.

ZBA ATTENDANCE: Chair Mark Jones, Ernie Dodd, Bill Byron, and Andrew DeMore

ABSENT: SB Member Cortni Frecha and ZBA Member David Hartnagle

Also in attendance was Town Administrator Denise Dembkoski, Town Planner Jesse Steadman, Town Counsel George Pucci, as well as Zoning Board of Appeals Associate Member Lenny Golder.

At 7pm, SB Chair Sturgis opened the meeting and asked Mark Jones who the voting ZBA members were. Jones identified himself, Dodd, Byron, and DeMore as the voting members in attendance. He stated that Golder is a non-voting Associate Member, who took it upon himself to attend the meeting. Chair Sturgis asked Mr. Golder to leave the meeting, as these are confidential mediation discussions and where he is not a voting member she did not feel he should be present. Mr. Golder stated he had a right to be there, as an Associate Member and Mark Jones could designate him as a voting member for the meeting. Jones did not. Counsel reiterated that attendance at an executive session is at the Chair's discretion. Mr. Golder begrudgingly left the meeting and stated he was going to look into this.

Select Board Member Salvie made a motion to convene in Executive Session, pursuant to MGL Chapter 30A, Sec. 21 (a) (3) for the purpose of discussing strategy with respect to ongoing litigation with the Collings Foundation, and to adjourn thereafter. Seconded by Member Birch-McMichael. Motion passed unanimously on a roll call vote.

ZBA Board Chair Jones made a motion to convene in Executive Session, pursuant to MGL Chapter 30A, Sec. 21 (a) (3) for the purpose of discussing strategy with respect to ongoing litigation with the Collings Foundation, and to adjourn thereafter. Seconded by Member Dodd. Motion passed unanimously on a roll call vote.

The Chair asked Attorney Pucci for an update on the process. Atty Pucci discussed the process and the reasons the settlement agreement was put forth. At 7:32pm, Retired Judge Alexander Sands, who served as the Mediator joined the meeting via Zoom. Sands explained his perspective on the 3 days of mediation and the pros and cons of accepting the settlement agreement. Judge Sands left the meeting at 7:55pm.

The two boards discussed the terms of the agreement and asked the Town Administrator and Town Planner for input. After some discussion, the SB Chair asked if folks were leaning towards approving the settlement. Both Boards said yes, but had some minor concerns and

clarification items, that they would appreciate Atty Pucci making a good faith effort to have included in the agreement. He stated that he would reach out to Collings' counsel to discuss those items.

At 8:32pm SB Member Salvie made a motion to approve the Settlement Agreement with the Collings Foundation that was presented tonight, as drafted, and further to allow counsel to modify the language to the extent possible as discussed this evening. Seconded by Member Birch-McMichael. Unanimously passed on a roll call vote.

ZBA Member Dodd moved the same motion to his Board, Seconded by ZBA Member DeMore, and that was also unanimously approved on a roll call vote.

At 8:34pm, SB Member Salvie made a motion to end the Executive Session and to adjourn, seconded by Member Birch-McMichael and it was unanimously approved on a roll call vote.

ZBA Member DeMore made a motion to end the ZBA Executive Session and to adjourn, seconded by Member Dodd and it was unanimously approved on a roll call vote.

***Respectfully submitted,***  
*Denise M. Dembkoski*  
*Town Administrator*