

Executive Session

Board of Health Meeting Minutes

January 13, 2014

Present: Rich Maccagnano, Karen McManamon, Eric Dickinson and Ann McCobb. Rich called the meeting to order at 7:30 following a roll call vote.

Bill Mayer, attorney from Mayer, Antonellis, Jachowicz & Haranas, LLP, joined the meeting.

41 Pleasant Street: Bill Mayer outlined the case of Healey versus the Board of Health. The Board voted to order Healy to repair the septic system at 41 Pleasant Street. Then the Board voted to rescind the order when Healy started the repair. Healy filed a complaint saying the Board had ordered him to repair the system. Mayer said the Board's initial order showed no ill will since the system had been failed for 10 years.

Healy may have filed the complaint as a defensive act to protect his reputation. He could change the complaint to say the septic system failed because of the town's drainage problem.

In February or March the complaint will go before a judge. At that time Mayer can say the Board order has been rescinded so there is no reason for the case. He expects the case will be dismissed. But this case may stay on the books for months.

312 & 330 Marshall Street: Eric Waldman, 312 Marshall, is suing the Town regarding an application for an accessory building at 330 Marshall. The Town will be represented by Attorney Adam Sims. The town will assume the cost of defense. Sims wants a copy of record. Mayer will help Ann assemble all the records. It will include clarification of Ann McCobb's Health Director position. The Board would like to meet Attorney Sims. Mayer will let Sims know.

The Fowlers, 330 Marshall, have hired attorney Peter Barberi, who will ask the court to intervene to ensure that his client's interests have been met. The Board should make a copy of record for Barberi also.

Sims and Barberi can be present at Executive Sessions. But Executive Session minutes should not be shared in court. It will be months before the court meets on this. Executive Session minutes will be released after litigation is settled.

Rich Maccagnano motioned to exit out of Executive Session and return to Regular Session at 7:50 p.m. Eric Dickinson seconded the motion. Rich Maccagnano, Aye; Karen McManamon, Aye; Eric Dickinson, Aye

Respectfully submitted:
Ann Adams, Health Department Clerk

Approval Date: 3-19-15