

TOWN OF GILL

MASSACHUSETTS



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SELECTBOARD MEETING MINUTES

February 13, 2012

Minutes of an Executive Session

The executive session convened at 5:50 p.m. in Ray's office.

Present: John Ward, Randy Crochier, and Ann Banash (remote), Selectboard members; Ray Purington, Administrative Assistant

Ann stated that no other person is present at her location, and that no other person is able to hear the discussion.

Ray summarized the Application for Temporary Restraining Order filed in Housing Court on 2/3/12 by Kevin Chickering against Lawrence Krejmas and the Town of Gill. The hearing date is Friday, March 2nd at 9:00 a.m. See attached copy.

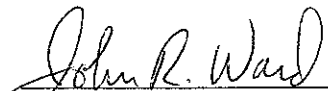
Donna MacNicol, Town Counsel, has been made aware of the action, and recommends that the Town use her to defend the action and attempt to get the matter dismissed. She believes there is no valid underlying complaint to be heard and no cause of action for the defendant. The Town should not have its hands tied by a restraining order, especially as it has been recently working with and encouraging Mr. Krejmas to clean up his property at 444 Main Road. She further believes that Housing Court is not the appropriate venue – there are other processes for Mr. Chickering to follow, depending whether he is appealing decisions by the Selectboard, Board of Health and Health Agent, or Building Inspector and Zoning Board of Appeals.

The Board discussed Town Counsel's reasoning, and agreed by consensus with the strategy of defending the action and getting the matter dismissed.

The Board briefly speculated on the future course of action, should Mr. Krejmas not uphold his verbal agreement with the Selectboard to have the property cleaned up by July 1st. A likely next step would be for Glen Ayers, the Town's Health Agent, to file in Housing Court and to seek a cleanup order. This could result in "voluntary" compliance by Mr. Krejmas, or could evolve into a "lien and clean" order from the Court, in which the Town pays to clean up the property and places a lien on it to recover the costs. It was speculated that perhaps the Town's Rehab Loan Paybacks account could be used as a source of funds, if need be. Ray will research if that would be an allowed use.

Ann made a motion, seconded by John, to adjourn the executive session. A roll call vote was taken: Ann – aye; Randy – aye; John – aye. Motion carried by unanimous vote. The executive session was adjourned at 6:10 p.m.

Minutes respectfully submitted by Ray Purington, Administrative Assistant.



John Ward, Acting Selectboard Clerk