

## Great Barrington Zoning Board of Appeals

Minutes of Executive Session Sept. 9, 2015

Attending the meeting at Town Hall (following two public hearings) at 9 p.m. were Chairman Ron Majdalany, Vice Chairman Carolyn Ivory, Clerk Kathy Kotleski, Madonna Meagher, Michael Wise, Don Hagberg and John Katz.

The board entered the executive session on a motion by Mr. Wise, seconded by Ms. Kotleski and with all members in favor, to discuss a new appeal brought by Claudia Shapiro regarding the board's denial of her July appeal of a decision of the building inspector. The matter to be discussed arose that day, too late to be listed on the posted meeting agenda. The board needed to make a decision in timely manner to respond to the legal document and had no other scheduled meetings. The board did not return to open session.

The secretary first reported that the Hutchinson/Schwab lawsuit matter was nearly resolved with sale of the property this week. He said Attorney Richard Dohoney had represented the building inspector and Zoning Board of Appeals in that matter. He said Town Manager Jennifer Tabakin would like to make a more aggressive response to the continued Claudia Shapiro/Daniel Bell litigation. The latest filing came in a week ago, but she has not yet heard from Brian Winner of Kopelman & Paige on plans to make a response, and particularly if the Shapiro appeal was filed in timely manner. The ZBA's decision was filed with the town clerk Aug. 7, 2015, with a 20-day appeal period. The appeal was filed with Superior Court on Sept. 2, 2015.

Mr. Katz advocated for engaging Mr. Dohoney to take a stronger stand regarding the litigation and possible cease-and-desist order violations. He said it is estimated that Shapiro/Bell matters have cost the town \$50,000 and the town should seek compensation for costs as the lawsuits were frivolous. Ms. Ivory moved to ask the town manager to go to the Board of Selectmen to ask to use Attorney Richard Dohoney to represent the board. Mr. Wise seconded and all, including alternates, voted in favor.

The meeting adjourned at 9:15 p.m.

Respectfully submitted

Bernard A. Drew, Secretary

