

Executive Session  
Board of Selectmen Meeting  
Library Meeting Room  
February 10, 2015

Present: Chairman Gregory Coogan, Selectmen Gail Barmakian, Kathleen Burton, Walter Vail. Also present: Administrator Alice Ryan Butler. Absent: Selectman Michael Santoro, Town Administrator Robert Whritenour, Jr.

**Meeting called to order at 4:30 p.m.**

**Executive Session**

*Chairman Coogan motioned to enter into Executive Session under MGL c 30A, s.21 (a) (3) to discuss, with counsel, strategy with respect to pending litigation in Suffolk Superior Court in Ludwig v. Town of Oak Bluffs (Martino Aquaculture License) because an open meeting would have a detrimental effect on the Town's litigating position. Will reconvene in open session, seconded by Selectman Vail.*

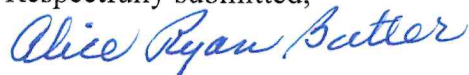
*Chairman Coogan Aye  
Selectman Barmakian Aye  
Selectman Burton Aye  
Selectman Vail Aye*

Attorney Michel Goldsmith: In this kind of Appeal, there is no provision in the statute to go to Court. This is under a "catch all" provision of the law, where anyone whose rights have been affected can appeal. There is not a trial the records are sent to a Judge who makes the final decision. Attorney Goldsmith filed a motion to dismiss the case on the question of the legal standing of the abutters who would have to show actual injury. His recommendation was to list the "findings" on why it was appropriate to issue the permit. The Hearing will not be re-opened. However, the Ludwigs will be permitted to speak.

*Selectman Vail motioned to close Executive Session, seconded by Selectman Burton*

*Chairman Coogan Aye  
Selectman Barmakian Aye  
Selectman Burton Aye  
Selectman Vail Aye*

Respectfully submitted,



Alice Ryan Butler  
Administrator