

**ESSEX PLANNING COMMISSION
SPECIAL MEETING**

October 1, 2012

7:30 p.m.

Essex Town Hall – Meeting Room B

1. Call to Order and Seating of members:

Chair Tom Danyliw called the special meeting to order at 7:30 p.m. Seated were Chair Tom Danyliw, Vice Chair Linda Herman and regular members Carla Feroni. Seated for regular member Ralph Monaco was Claire Tiernan, and seated for regular member Alan Kerr was Neil Nichols. Regular member Ralph Monaco and alternate Bob Laundry arrived at approximately 7:40 p.m.

Commission Counsel David Royston and Town Planner John Guskowski were also in attendance.

2. Executive Session

Motion by Neil Nichols to enter Executive Session to discuss pending litigation with the Commission's Counsel, seconded by Claire Tiernan. Motion unanimously approved at 7:31 p.m.

The Commission returned from Executive Session at 9:18 p.m.

Chairman Tom Danyliw asked for a report from Attorney David Royston on the status of appeals and other legal filings related to the approval of the Foxboro Point subdivision. Attorney Royston stated that the Commission is in receipt of copies of legal appeals from Frank Sciamé (applicant) and Cunningham et al. (neighbors), as well as a mandamus action from Frank Sciamé and a Freedom of Information (FOI) request from Frank Sciamé. The return date for the appeals is November 13, 2012, and Attorney Royston will confirm that the appeals are filed with the Court. He further requested authorization from the Commission to act with respect to the appeals.

Attorney Royston stated that in his opinion, the Commission had a very strong legal position on the appeals and the issues raised therein, specifically concerning the allegation of the expiration of timeframes and extensions and the other substantive allegations.

Motion by Neil Nichols to authorize Attorney Royston to: file an appearance in each of the recent legal actions on behalf of the Commission; file appropriate pleadings when they are required; and make inquiries with the appellant parties as to whether they have interest in entering into mediation per Section 8-8a of the

Draft Minutes

Connecticut General Statutes. Motion seconded by Carla Feroni. Motion unanimously approved.

3. Other Business

There was no other business.

4. Adjournment

Motion by Carla Feroni to adjourn meeting, seconded by Linda Herman. Motion unanimously approved. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

John Guskowski
Town Planner (Consulting)