

# June 30, 2011

## Special Meeting

6:00 p.m. Land Use Office

**MEMBERS PRESENT:** Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. LaMuniere, Mr. Wadelton

**ALTERNATES PRESENT:** Mr. Martino, Mr. Papsin

**ALTERNATE ABSENT:** Ms. Cheney

**ALSO PRESENT:** Mr. Ajello, Mrs. J. Hill

### Proposed Settlement of Litigation:

Case Entitled, "Teresa Rosen Peacocke v. Inland Wetlands Commission of the Town of Washington;" filed in Superior Court, Judicial District of Litchfield, Docket No. LLI-CV-10-6001405-S

Mr. Bedini called the Special Meeting to order at 6:00 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton and noted the purpose of the meeting was to discuss the proposed settlement.

### MOTION:

To go into Executive Session to discuss the proposed settlement of Peacocke v. Inland Wetlands Commission, Docket No. LLI-CV-10- 6001405-S.

By Mr. Wadelton, seconded by Mrs. Hill, and passed 5-0.

Executive Session commenced at 6:02 p.m.

### MOTION:

To end the Executive Session.

By Mr. Wadelton, seconded by Mrs. Hill, passed 5-0.

Executive Session ended at 6:45 p.m.

### MOTION:

To reconsider the proposed settlement of Peacocke v. Inland Wetlands Commission, Docket No. LLI-CV-10-6001405-S.

By Mr. Wadelton, seconded by Mr. Bohan, and passed 5-0.

Mr. Bedini said the reason for reconsideration of the previous vote was that the Commission had since had the opportunity to discuss its concerns and the facts of the case with its attorney and now had information it was not aware of at the time of the first vote. Mr. LaMuniere stated the Commission was also now aware of the legal process. Mr. Wadelton said the vote was based on the Commission's discussion with its attorney, Mr. Zizka.

### MOTION:

To approve a proposed stipulation for judgment in the case entitled, "Teresa Rosen Peacocke v. Inland Wetlands Commission of the Town of Washington," filed in Superior Court, Judicial District of Litchfield, Docket No. LLI-CV-10-6001405-S, under which the court would vacate, and declare null and void, Permit #IW-09-39, which this Commission granted to Wykeham Rise, LLC. on December 22, 2009 for regulated activities in connection with an affordable housing development.

By Mr. Wadelton, seconded by Mr. LaMuniere, and passed 5-0.

Mr. Bedini stated the motion to go forward with the stipulation had been approved because the applicant had been given ample opportunity to defend his permit, but had not done so. It was also noted that it appeared the applicant had no particular interest in participating in the procedure and there would be substantial cost to the Town to proceed.

MOTION: To adjourn the Meeting. By Mrs. Hill.

Mr. Bedini adjourned the Special Meeting at 6:50 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator