

Appeals Board Meeting
August 25, 2016, 2016

Present: Bob Temple, Cathy Blake, Lowell Freiman, Charlotte Henderson, James Kearney, Dorothy Sainio, Peter Drum. Public: Suzanne White, Albert Hutchinson, Berkley Linscott, Nancy Linscott, Jon Whitten, Jr., Patrick Mellor, Rosemary Fowles, Bruce Fowles, Henry Sainio, Robert Marks, Wesley Daniel, Debbie Bocko

Lowell Freiman called the meeting to order at 7:00pm with roll call. Charlotte Henderson will fill in for Norman Casas as a voting member.

Dorothy Sainio motioned to accept the August 4, 2016 summary with correction on page 1, Charlotte Henderson seconded, all in favor.

At 7:02pm Lowell Freiman moved the Board into Executive Session, James Kearney seconded, all in favor. Peter Drum, Attorney for the Appeals Board, stated the purpose for Executive Session is to get confidential information.

At 7:31pm Charlotte Henderson moved to come out of Executive Session, Dorothy Sainio seconded, all in favor.

James Kearny moved to continue the meeting until September 8, 2016, our regular scheduled meeting. We need to receive advice from the Appeals Board attorney in regards to new arguments that were presented tonight, Dorothy Sainio seconded, all in favor.

To the Chairman, Lowell Freiman, Patrick Mellor, attorney representing Berkley and Nancy Linscott, stated he understands that the Appeals Board council has reviewed some information that he provided him which has made the decision to move this meeting to another day. Patrick Mellor requested five minutes of time to present so that all the issues that will be raised would be raised now so that it out in the open now. If the Board decides not to hear it now he stated he has some argument that won't take long but would like to submit it sometime on behalf of the applicant.

Peter Drum stated that the Board voted to close evidence in the last meeting. Where there is a mix of factual based arguments and new evidence based on what is in your writing he has to figure out, if based on your, Patrick Mellor, argument he can even allow for it to come in. Peter Drum's advice, for the Board, is we should wait and get comprehensive opinion on that issue which would allow you to bring your writing next time. Pending research on any writings he will forward it to the Board. Patrick Mellor stated he will put together a summary of the issues that he was going to submit orally. He's not submitted new evidence, it's a legal argument based upon what has already been accepted as evidence there is a lot of information that he thinks was improperly considered. With regard to the Consent Decree, Patrick Mellor stated that it is nothing to be considered by this Board.

Peter Drum stated the meeting will be continued. Robert Marks asked if the brief has been submitted to the appellants. If not, it's inappropriate for Mr. Mellor to be saying anything on the record. Peter Drum said the meeting is closed with a vote to reconvene on the 8th.

The meeting adjourned at 7:35PM.

Respectfully submitted,

Mary Anderson

