

**EARTH REMOVAL BOARD
MINUTES OF EMERGENCY MEETING
April 17, 2003**

The Board consisted of

**Melinda Berman, Chairperson
Richard Burpee, Clerk
Patrick J. Delaney, Alternate
Thomas W.H. Phelps, Alternate**

Chairperson, Ms. Berman, called the meeting to order at 7:45 p.m. She reported that this was an emergency meeting regarding the continuation of an ongoing Investigation into complaints of unauthorized earth removal at three properties on Lincoln Lane.

Ms. Berman reviewed the fact that, as a result of the Board's last meeting, letters warning of "non-compliance" had been sent to the developer of the properties in question (Eligius Homes). She also reported on the receipt of a message from Eligius President, Peter Karassik, forwarded to the Board by Mary Corley, regarding action that Eligius had already begun taking, in conjunction with Town Engineer, Bill Place, to rectify the Lincoln Lane situation. Ms. Berman pointed out that this emergency meeting was to determine if the Board should take any immediate action to block Eligius from passing title to a new owner, since a "closing" was imminent. Town Counsel has advised the Board that if the property changes hands, there will be little that the Board can do to correct any problems.

All Board members present acknowledged having received this information.

Mr. Delaney stated that this was a positive step, on a timely basis, and that it appeared to address the two major areas which he felt should be addressed, i.e., remedial action on the various properties' drainage/Lincoln Lane catch basins and mulching/hydro-seeding to control problems with erosion. He felt confident that Bill Place would be able to work with Eligius to come to a satisfactory closure on these issues.

Mr. Burpee reiterated his uncomfortable feeling with regard to the idea of any "cease & desist" order because it would affect the new owners financially. He supported the steps being taken to work this out without further legal action.

Mr. Phelps concurred with the opinion of Mr. Delaney and reported that he had met with the Building Inspector, Jim Kelly, this afternoon. Mr. Kelly had pointed out that activity was already reported at the site and that he was confident that Bill Place and Eligius would be able to work together on this. Mr. Phelps said that he felt comfortable with this arrangement.

There was a brief discussion of these points. Ms. Berman then pointed out that this investigation was still in continuation until April 22nd and that any additional or any new concerns could be brought up at that time.

Without further discussion, the Board members agreed that they would take no action at this meeting.

Ms. Berman adjourned the meeting at 8:00 p.m.

Melinda M. Berman, Chairperson

Richard L. Burpee, Clerk

Thomas W.H. Phelps, Alternate

Patrick J. Delaney III, Alternate