



Town of Reading Meeting Minutes

Board - Committee - Commission - Council:

School Committee

Date: 2016-12-05

Time: 7:00 PM

Building: School - Memorial High

Location: Superintendent Conference Room

Address: 82 Oakland Road

Purpose: Executive Session

Session: Executive Session

Attendees: **Members - Present:**

Linda Snow-Dockser, Jeanne Borawski, Elaine Webb, Nick Boivin, Chuck Robinson,

Members - Not Present:

Gary Nihan

Others Present:

Superintendent John Doherty, Director of Finance Gail Dowd, Assistant Superintendent Craig Martin, Director of Student Services Carolyn Wilson, Board of Selectmen Chair John Halsey, Town Counsel Ray Miyares, Fincom Chair Mark Dockser, Attorney David Doneski

Minutes Respectfully Submitted By: Linda Engelson on behalf of the Chair

Topics of Discussion:

Executive Session

7:06 p.m.

A. Call to Order

School Committee Chair Borawski called the Executive Session to order in the Superintendent's Conference Room at 7:06 p.m.

High School Construction Litigation

Attorney Doneski reviewed the TLT settlement offer. He pointed out that Paragraph 9 outlines the terms of payment. The Town will receive instructions on how to transfer the funds. He went on to review the changes requested by TLT Counsel. In Paragraph 2 he requested that the words "in good funds" be added to the second line, Paragraph 3 the word "Suretys" be added to the 5th line.

Mr. Doneski pointed out that there is another bonding company (XL) that would have to release consent. He said this could be done by adding a sentence at the end of the agreement or adding another page. He is confident that XL will sign off on this.

The December 30th payment date was discussed. Western Surety is agreeable to receiving the lion's share of the settlement if payment is late. The will also ensure that TLT does not derail the progress.

Mr. Halsey shared that some funds are available now and a portion may not be available by December 30th.

Mr. Doneski recommends full payment. Mrs. Webb pointed out that there is no date to deliver the instructions for payment. Mr. Doneski pointed out that it is a condition of release of XL from contract. Mr. Doneski added that XL is not a party to this agreement.

Mr. Dockser asked if we were protected if we did not make full payment. Mr. Doneski indicated there is no consequence and recommended paying when the funding is available.

Mr. Miyares shared that once Town Meeting has approved the funding, the borrowing can move ahead with the funds coming from within the Town.

Dr. Dockser asked if we will have a signed agreement by Thursday? Mr. Doneski said the changes requested by TLT Counsel will be included but not the XL consent.

Mrs. Webb asked how that would play at Town Meeting.

Mr. Halsey left the meeting at 7:34 p.m.

Mrs. Borawski is struggling with the release of funds if the XL Surety piece is not accepted.

Mr. Halsey returned at 7:36 p.m.

Mr. Boivin asked if we had the parties lined up. The answer was yes.

Discussion turned to the Change Order which is how the payment will be made. The change order language is for MSBA reimbursement purposes. Dr. Dockser asked again if we would have a signed agreement by Thursday. Mrs. Webb stressed the importance of have this done. Mr. Doneski said that he would hold until all the pieces were in place. The signature page is separate page in the settlement document.

Mr. Miyares is comfortable accepting the settlement without the XL language.

Mr. Boivin asked is any risk that the court will not approve. Mr. Doneski said the agreement is effective when signed.

Mrs. Borawski would like the motion crafted to explain the XL consent piece.

Mr. Miyares said the motion needs to reference the proposed changes approving the understanding that Mr. Doneski is authorized to make changes.

Dr. Doherty suggested the motion be drafted to authorize the chair to sign when all changes are incorporated.

Dr. Doherty shared that he has received 25 questions and a request for documents from a Town Meeting member. The questions and answers will be presented at Town Meeting.

Mr. Miyares said the Master's rulings are not confidential.

Mr. Dockser left the room at 8:11 p.m.

He continued by saying that he would prefer the release of documents occurs after we have a settlement. He is working to present the settlement as a partial victory for the Town as he develops the MSBA paperwork. He also said that the MSBA has the draft rulings.

Mr. Dockser returned at 8:16 p.m.

Mr. Robinson moved, seconded by Mrs. Webb, to authorize the chair to sign the settlement agreement with TLT in the form presented to this meeting, Document No. 567168, version 12, with the following provisions:

- **Consent of the project surety to release of payment to be either included in the agreement as an additional provision or in a separate document signed on behalf of TLT**
- **The Exhibit A consent of surety from Western Surety to be in form and substance as the document presented to this meeting, Document No. 568235, Version 2.**
- **The Exhibit B Change Order to the contract, Change Order #63, to include specific referenced to the credit amounts determined to be owed to the Town by the Special master.**

Such provisions to be confirmed to the Chair by Counsel and Town Counsel.

The roll call vote carried 4-0-1. Mrs. Borawski, Mr. Robinson, Mrs. Webb and Dr. Dockser. Mr. Boivin abstained.

Mrs. Borawski thanked everyone and called a brief recess at 8:29 p.m.

The executive session was called back to order at 8:30 p.m.

Collective Bargaining

This is a subject of executive session.

Approval of Minutes

Mr. Robinson moved, seconded by Mrs. Webb to approve the executive session minutes dated June 27, 2016. The roll call vote carried 4-0-1. Mrs. Borawski, Mr. Robinson, Mrs. Webb and Dr. Dockser. Mr. Boivin abstained.

Mr. Robinson moved, seconded by Mrs. Webb to approve the executive session minutes dated July 25, 2016 as amended. The roll call vote carried 4-0-1. Mrs. Borawski, Mr. Robinson, Mrs. Webb and Dr. Dockser. Mr. Boivin abstained.

Mr. Robinson moved, seconded by Mrs. Webb to approve the executive session minutes dated July 27, 2016. The roll call vote carried 4-0-1. Mrs. Borawski, Mr. Robinson, Mrs. Webb and Dr. Dockser. Mr. Boivin abstained.

Adjourn

Mr. Robinson moved, seconded by Mrs. Webb, to adjourn. The roll call vote was 6-0. Mr. Robinson, Mrs. Webb, Mrs. Borawski, Dr. Nihan, Mr. Boivin and Dr. Snow Dockser.

Meeting adjourned at 9:18 p.m.

Approved 1.05.17

Released 1.06.17