



Town of Reading Meeting Minutes

Board - Committee - Commission - Council:

School Committee

Date: 2014-09-08

Time: 7:16 PM

Building: School - Memorial High

Location: Superintendent Conference Room

Address: 62 Oakland Road

Purpose: Executive Session

Attendees: **Members - Present:**

Elaine Webb
Chuck Robinson
Linda Snow Dockser
Jeanne Borawski
Chris Caruso
Gary Nihan

Members - Not Present:

Others Present:

John Doherty
Craig Martin
David Doneski, Attorney
Martha Sybert
Bob LeLacheur, Town Manager

Minutes Respectfully Submitted By: John Doherty, Superintendent

Topics of Discussion:

Executive Session 7:16 p.m.

A. Call to Order

Chair Caruso called the Executive Session to order in the Superintendent's Office.

Litigation Update

Attorney Doneski updated the School Committee on the status of the TLT litigation. As previously reported the hearings have been suspended as a result of TLT's opposition to Western Surety's motion to amend the complaint to name the Town of Reading as a "reach and apply" defendant for purposes of freezing any funds held by the Town on account of the high school contract with TLT. TLT and Western Surety will need to report to the court on September 12th.

Mr. Caruso affirmed that payments for the litigation are no longer coming from the building project account and asked how much was left in the account.

Mr. Doneski asked if he should continue to negotiate on behalf of the Town.

Ms. Sybert left the meeting at 7:25 p.m.

Mr. Doneski reviewed the previous offer of \$585,000 and asked if that should be used to try to get a feeling for what Western Surety's stance is.

Mr. Robinson was concerned that there may be other surety companies filing claims and did not want to risk being caught without sufficient money to address this possibility.

Ms. Sybert returned at 7:30 p.m.

Mr. Nihan asked for some background on the initial settlement offer.

Mr. LeLacheur shared there will be public discussion at the Special Town Meeting because the Town will be asking for \$100,000 for legal fees.

Mr. Caruso shared information regarding the retaining wall in front of the high school. The wall is shifting and will be in need of repair and feels the judge should have knowledge of the shoddy workmanship and safety concerns for our students.

Dr. Doherty said the repair could cost \$500,000.

Mr. Caruso reviewed the action items to be voted on for legal counsel to proceed. Item 1 would be to enter the stipulation of status quo.

Mr. Robinson moved, seconded by Mrs. Webb, to accept the stipulated order to amend the complaint as presented by legal counsel. The roll call vote was 6-0. Mr. Robinson, Mrs. Webb, Mrs. Borawski, Mr. Caruso, Mr. Nihan and Mrs. Snow Dockser.

Item 2 would be the amount of money the Committee would be comfortable with to negotiate a settlement. Mr. Caruso offered a minimum of \$585,000 and a maximum of \$850,000.

Mr. Robinson asked for an update on Brackett & Lucas. Mr. Doneski said they were still operating.

Mrs. Webb moved, seconded by Mrs. Borawski, to authorize legal counsel to begin negotiations with a minimum of \$585,000 and a maximum of \$850,000 contingent upon confirmation of the account balance. The roll call vote was 6-0. Mr. Robinson, Mrs. Webb, Mrs. Borawski, Mr. Caruso, Mr. Nihan and Mrs. Snow Dockser.

Mr. LeLacheur, Mr. Doneski and Ms. Sybert left the meeting at 7:56 p.m.

Approval of Minutes

Mrs. Borawski moved, seconded by Mrs. Webb, to approve the executive session minutes, as revised, dated August 25, 2014. The roll call vote was 6-0. Mr. Robinson, Mrs. Webb, Mrs. Borawski, Mr. Caruso, Mr. Nihan and Mrs. Snow Dockser.

Mr. Robinson would like to investigate the possibility of pursuing a lawsuit versus Brackett & Lucas and asked for a meeting with the Town Counsel and Town Manager.

Adjourn

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

Meeting adjourned at 8:00 p.m.

Approved 10.6.14
Released 01.05.17