

**BOARD OF SELECTMEN
EXECUTIVE SESSION
January 25, 2006**

An Executive Session of the Board of Selectmen was called to order by Chairman Russell Collins at 11:20 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation [NHS Mediation] not to return to Open Session. **Present:** Messrs. Davis, Ampagoomian, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager.

Chairman Collins called the meeting to order and Mr. Barbadora briefed the Selectmen on the progress of issues discussed since the last mediation session. Mr. Barbadora indicated that we had spoken with the Town's Attorney, Edward Vena who indicated that the defendants were still very much interested in trying to reconstruct the ball fields rather than arriving at a monetary settlement of the issues. Mr. Barbadora went over the various issues that the defendants were likely to encounter in reconstructing the fields. Selectman Montecalvo also mentioned issues raised at the mediation and the fact that the School Committee was concerned about upcoming accreditation.

The Board of Selectmen then expressed frustration about the pace of the defendant's planning. The Board wanted Mr. Barbadora to contact Attorney Vena so that he could, in turn, contact opposing counsel to inform them that the issues needed to be resolved quickly or the town stood ready to bring the matter to closure via trial. A brief discussion also took place as to the cost of the litigation. Mr. Barbadora then indicated he would confer with Attorney Vena.

Executive Session Adjourned: 11:40 PM

Respectfully submitted,

John A. Davis, Clerk

d/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
February 6, 2006**

An Executive Session of the Board of Selectmen was called to order by Chairman Russell Collins at 11:00 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation [NHS Mediation]; not to return to Open Session. **Present:** Messrs. Davis, Ampagoomian, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager.

The Town Manager briefed the Board of Selectmen on conversations he had with Building, Planning & Construction Committee Chairman Barbadora. The Town Manager stated that last week Chairman Barbadora called with a request from Attorney Vena who had been in contact with the defendant's counsel. Chairman Barbadora related a request by Attorney Vena that the pre-trial conference be continued as the defendants needed more time to finalize issues related to their potential reconstruction/repair of the ball fields. The Town Manager related that he requested that Chairman Barbadora contact Attorney Vena and allow the defendants the additional time to prepare the potential settlement proposal and inform the court so that the pre-trial could be continued. *The Board agreed to refer this matter to the Building, Planning, & Construction Committee. The Building, Planning & Construction Committee is to provide the Board of Selectmen with a report within 30 days.

Executive Session Adjourned: 11:20 PM

Respectfully submitted,

John A. Davis, Clerk

d/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
May 22, 2006
REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 8:42 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation [High School, Wastewater Treatment Plant, & Architectural Access Board]; to return to Open Session. **Present:** Messrs. Davis, Marzec, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager and David Doneski, Town Counsel, Sharon Susienka & Donna Gosselin

High School:

Present: Building, Planning and Construction Committee members; David Morrow, Peter Barbadora, Neal Mitchell and Superintendent Paul Soojian, Director of Operations George Murray and High School Principal Christine Johnson.

With respect to the High School Litigation, Mr. Barbadora and Mr. Morrow spoke to Attorney Vena and are waiting for a response regarding a cash settlement. The Building, Planning and Construction Committee does not want to settle for cash unless it covers the entire cost of fixing the fields plus contingency (escrow acct). Attorney Doneski mentioned the Town had three options: 1) continue to litigate by taking on a more aggressive approach 2) negotiate a settlement or 3) combination of 1 and 2. Mr. Barbadora mentioned the Building, Planning, & Construction Committee's frustration in dealing with the landscape design contractor. The dollar amount (settlement) must address all needs. Attorney Doneski noted that the Pre-Trial Conference was scheduled for next week, however the last two were continued. He further mentioned that if you proceed with going to court the trial date might be 6 months from now and could possibly be pushed out further. Peter Barbadora suggested that Tappe' spend more money to get a better set of documents, however, the Insurance Company would prefer just to cut a check. Selectman Audette suggested going to court because mediation wasn't working. Selectman Montecalvo pointed out if we do not settle this case that we are potentially jeopardizing the accreditation of the School. Selectman Davis asked if there was a dollar amount they were looking to give us. Mr. Morrow stated that the last number he recalled was between \$150,000 - \$200,000. Superintendent Paul Soojian concurred and stated that we need to go to court because the longer this continues, the more it will impact the accreditation. He also said there were other issues as well--no parking at the fields, buses can't turn around and the length of time it takes to get to the field is long especially when lugging equipment. Superintendent Soojian suggested going after them for damages, such as the legal costs given the length of time this has gone on. Attorney Doneski responded by saying "in most cases you don't recoup Attorney fees". The consensus of the Board is to move forward by being more aggressive and go after them in court. Selectman Montecalvo asked what it would cost to fix the fields. Mr. Barbadora said that in order to determine that they would have to go out to bid.

Wastewater Treatment Plant:

Present: DPW Director Richard Sasseville and Sewer Superintendent James Madigan

The contractor failed to finish the job. The Surety Company filed a proposal on the Town's behalf; the Town keeps \$90,000 credit for the incomplete items. At this time, an agreement has been prepared and approved as to form: Agreed to give the Town \$90,000 credit. Attorney David Doneski indicated that the Board of Selectmen needed to vote to authorize Chairman Ampagoomian to sign the settlement agreement.

A motion/Mr. Davis, seconded/Mr. Marzec to adjourn the Executive Session meeting and reconvene in open session. Vote yes/Unanimous.

Executive Session Adjourned: 9:16 PM

Respectfully submitted,

James Marzec, Clerk

d/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
June 19, 2006**

REDACTED

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 9:30 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 (Litigation - High School) and under M.G.L. Chapter 39, S. 23B #3 (Police Union Negotiations); not to reconvene to Open Session. **Present:** Messrs. Davis, Marzec, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager; Brian Maser, Town Counsel; Sharon Susienka & Donna Gosselin of the Town Manager's Office.

High School:

Present: George Murray, Director of Operations and Peter Barbadora, Chairman - Building, Planning and Construction Committee [BPCC].

Peter Barbadora informed the Board of Selectmen that he received a call from the Building, Planning & Construction Committee's counsel, Attorney Ed Vena. He advised that Attorney Vena presented an ultimatum to him: **1)** cash for release settlement, or **2)** litigation. Mr. Barbadora stated that Attorney Vena would like the Town to present a figure to settle the case, otherwise the case would go to litigation. The Town sued for \$1.2M. Selectman Montecalvo recommended giving them a figure of \$450,000 - \$550,000 to fix the fields. Selectman Davis asked if the ~~*Attorney fees~~ field reconstruction costs were reimbursable. Town Manager said he didn't know if the fees would be reimbursed or not. Mr. George Murray mentioned that Mr. Soojian had tried contacting Catherine Kraven of the SBA about reimbursement of ~~*legal fees~~ reconstruction costs, however, he has not heard back. Mr. Barbadora noted that some preliminary sketches of the fields were done; however, it would take an additional \$20K to \$50K to have some "good" drawings done. Continuing, he said that the Town would need to develop full and complete drawings before going out to bid. Selectman Davis mentioned 2 other dynamics: **1)** Atty. Vena's fee to proceed being \$150K (plus the \$380K already spent) and **2)** The possibility of losing the case. Town Manager Coughlin suggested contacting Attorney Vena and asking him to attend a meeting with the Board of Selectmen. It was also pointed out that jurists tend to support the little guy and in this case, it would be the Town. Concerning a settlement amount, Selectman Marzec suggested giving them a high number to start. Peter Barbadora further mentioned a claim for ledge and misdesigning of fields. It was further noted that the architect has a suit against the Town for design fees. Selectman Audette agreed with Town Manager Coughlin to get Attorney Vena here for a meeting on July 24th. Mr. Barbadora again reiterated that the legal fees for proceeding with litigation are \$150,000.00. Selectman Audette and Selectman Marzec mentioned they had heard that the entire Soccer League was leaving Northbridge [because of field space issues] and were going to Bangma's Farm to rent field space for \$1 per year.

A motion/Mr. Audette, seconded/Mr. Marzec to adjourn the Executive Session meeting. Roll call vote: Mr. Davis/Yes; Mr. Audette/Yes; Mr. Montecalvo/Yes; Mr. Marzec/Yes; and Mr. Ampagoomian/Yes.

Executive Session Adjourned: 10:15 PM

Respectfully submitted,

James Marzec, Clerk

d/

~~*At their July 24, 2006 meeting, the Board of Selectmen voted to amend the June 19, 2006 Executive Session minutes as follows: Under the section titled High School, First Paragraph, Line 6, strike the words "Attorney Fees" and insert the words "field reconstruction costs". Also, under the same section, Line 8, strike the words "legal fees" and insert the words "reconstruction costs".~~

**BOARD OF SELECTMEN
EXECUTIVE SESSION
July 24, 2006**

REDACTED

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 10:20 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation [Employee’s Claim]; and under M.G.L. Chapter 39, S. 23B, #6 – Land Acquisition [Fire Station Site]; and to return to Open Session. **Present:** Messrs. Davis, Marzec, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager, Brian Maser, Town Counsel; and Donna Gosselin, Administrative Assistant - Town Manager’s Office.

June 19, 2006 [Executive Session]

Selectman Davis asked that the Board of Selectmen approve the June 19, 2006 Executive Session minutes. Selectman Davis requested that the June 19, 2006 Executive Session minutes be amended as follows: Under High School, First Paragraph, Line 6, strike the words “Attorney fees” and insert “field reconstruction costs”. Also, under the same section, Line 8, strike the words “legal fees” and insert “reconstruction costs”. A motion/Mr. Davis, seconded/Mr. Marzec to approve the June 19, 2006 Executive Session minutes as amended. Roll Call Vote: Mr. Audette/yes, Mr. Marzec/yes, Mr. Montecalvo/yes, Mr. Davis/yes, and Mr. Ampagoomian/yes.

A motion/Mr. Davis, seconded/Mr. Montecalvo to adjourn the Executive Session meeting and reconvene in open session. Roll Call Vote: Mr. Audette/yes, Mr. Marzec/yes, Mr. Davis/yes, Mr. Montecalvo/yes, and Mr. Ampagoomian/yes.

Executive Session Adjourned: 10:44 PM

Respectfully submitted,

James Marzec, Clerk

d/

**BOARD OF SELECTMEN
EXECUTIVE SESSION #1
August 21, 2006**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 6:05 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation [High School] and to reconvene in Open Session. **Present:** Messrs. Davis, Marzec, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager, Attorney Edward Vena, Attorney Vena's Assistant, David Morrow, Chairman of the Building, Planning & Construction Committee, and Donna Gosselin, Administrative Assistant - Town Manager's Office.

M.G.L. Chapter 39, S. 23B, #3 – Litigation: High School

Present: Superintendent Paul Soojian, Director of Operations George Murray, Principal Christine Johnson, and Peter Barbadora, former Chairman of the Building, Planning and Construction Committee.

Mr. David Morrow, Chairman of the Building, Planning and Construction Committee, informed the Board of Selectmen of the Trial Conference scheduled for mid-November. He mentioned that Attorney Vena has been trying to mediate the case and is hoping to settle without having to go to trial. Attorney Vena advised that the defendants made an offer of settling with the Town in the amount of \$250,000.00. They also suggested 2 settlement plans: 1) cash for release settlement 2) plans and specifications – they will send out to bid. Attorney Vena then read a letter aloud from the opposing Attorney to the Board of Selectmen. Selectman Davis suggested settling the case as he mentioned the chance of possibly losing everything. Attorney Vena mentioned that the discovery work was done and there is always a chance in losing a case. Town Manager Coughlin informed the Board of Selectmen that the detention basin money (\$50,000) went towards financing the litigation of this case. It was noted that the total cost to fix the fields is around \$600,000.00. Mr. Morrow mentioned that he has a study number only of what it will cost to fix the fields. He wants the Company ~~*(Jackson Construction~~ Tappe Associates) to do the plans and specifications because he feels that the Town shouldn't have to incur any of those costs/expenses. Superintendent Paul Soojian mentioned that a bus can't even turn around back there (near the fields), the long walk from the parking lot to the fields, not handicapped accessible, and there is no parking, whatsoever. Mr. Morrow mentioned that the High School fields were only going to be used for gym classes and practice fields (not games). Selectman Davis put a motion out there to direct Attorney Vena to settle for no less than \$350,000.00. Attorney Vena suggested that if they want to settle then settle it sooner rather than later. He then asked the Board of Selectmen to allow him to try and settle the case for no less than \$350,000.00. The general consensus (from the BOS) was to allow Attorney Vena to settle for no less than \$350,000.00 but do not accept the offer until he presents it to the Board of Selectmen.

*There was agreement by all present that the State School Building Authority (Ms. Katherine Craven) would be approached to see if they would agree to raise the Town's original base amount (twenty eight million) to an as yet undetermined amount.

A motion/Mr. Davis, seconded/Mr. Marzec to adjourn the Executive Session meeting. Roll Call Vote: Mr. Audette/yes, Mr. Marzec/yes, Mr. Davis/yes, Mr. Montecalvo/yes, and Mr. Ampagoomian/yes.

Executive Session Adjourned: 7:12 PM

Respectfully submitted,

James Marzec, Clerk

d/

*** At their October 2, 2006 meeting, the Board of Selectmen voted to amend the August 21, 2006 Executive Session minutes as follows: In the paragraph started Mr. Morrow, 12th line, change Jackson Construction to Tappe Associates. Also, add the following paragraph before the line A motion: add the following: There was agreement by all present that the State School Building Authority (Ms. Katherine Craven) would be approached to see if they would agree to raise the Town's original base amount (twenty eight million) to an as yet undetermined amount.**

**BOARD OF SELECTMEN
EXECUTIVE SESSION #2
REDACTED
August 21, 2006**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 9:25 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #6 - Lease Negotiations – to reconvene in Open Session. **Present:** Messrs. Davis, Marzec, Audette, and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager, Attorney Mark Reich, and Donna Gosselin, Administrative Assistant - Town Manager’s Office.

At their meeting of September 11, 2006, the Board voted to release this portion of the executive session minutes only.

M.G.L. Chapter 39, S. 23B, #6 – Lease Negotiations (VFW Hall, 875 Hill Street, Whitinsville)

Selectman Audette excused himself from the Board in order to take part in this discussion as a member of the Blackstone Valley Vietnam Veterans. The Town Manager stated that Mr. Audette had come in to his office earlier today to negotiate a 5-year lease between the Town and the Blackstone Valley Vietnam Veterans and then briefly discussed the old lease versus the new lease between the Town of Northbridge and Blackstone Valley Vietnam Veterans. He mentioned that the lease was sent to Kopelman & Paige (Town Counsel) for updating and reviewing. Selectman Audette informed the Board of Selectmen that he already has the building permit so the work can be started immediately. Once the VFW Hall is completed, it will be the future home of Kenneth Trajanowski, Director of Veterans’ Services.

A motion/Mr. Davis, seconded/Mr. Marzec to adjourn the Executive Session meeting and to reconvene in Open Session. Roll Call Vote: Mr. Audette/yes, Mr. Marzec/yes, Mr. Davis/yes, Mr. Montecalvo/yes, and Mr. Ampagoomian/yes.

Executive Session Adjourned: 10:22 PM

Respectfully submitted,

James Marzec, Clerk

d/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
October 2, 2006**

REDACTED

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 9:30 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation not to reconvene in Open Session. **Present:** Messrs. Davis, Marzec, Audette, and Montecalvo.

Also present: Attorney David Doneski

M.G.L. Chapter 39, S. 23B, #3 – Litigation: High School

Discussed the field litigation issue and the claim against Tappe. Attorney ~~*Maser~~ *Doneski* stated that Tappe is reluctant to enter into a monetary settlement until the job is bid out. Tappe wants BPCC to front the money needed to begin the bidding process. Currently, \$450,000 payment on the project has not been released.

A motion was made and seconded to adjourn the Executive Session meeting. Roll Call Vote: Mr. Audette/yes, Mr. Marzec/yes, Mr. Davis/yes, Mr. Montecalvo/yes, and Mr. Ampagoomian/yes.

Executive Session Adjourned: 10:30 PM

Respectfully submitted,

James Marzec, Clerk

d/

**At their meeting of November 20, 2006, the BOS voted to amend the October 2, 2006 Executive Session minutes as follows. Change the Attorney's name listed in the above minutes from Maser to Doneski.*

**BOARD OF SELECTMEN
EXECUTIVE SESSION
October 23, 2006**

REDACTED

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 5:00 P.M., Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Litigation to reconvene in Open Session. Present: Messrs. Davis, Marzec, Audette, and Montecalvo.

Present: Attorney Brian Maser and Chief Walter Warchol

High School Litigation - Mr. Vena communicated that the range of the settlement may be between \$250K to \$400K. Tappe will bid out the job. Discussed was the November trial date scheduled and the reality that it takes 90 days for bids. We agreed that we would hold off for two months, so that the bidding process may occur.

A motion was made and seconded to adjourn the Executive Session meeting. Vote yes/ Unanimous.

Executive Session Adjourned: 6:50 P.M.

Respectfully submitted,

James Marzec, Clerk

dg/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
December 18, 2006
REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian at 9:10 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B, #3 – Police Negotiations and #3 – Litigation (Maynard, High School, Couture/Streetscape)-- not to reconvene in Open Session. **Present:** Messrs. Davis, and Marzec. Selectman Audette was not present for this Executive Session and it is duly recorded.

Also Present: Sharon L. Susienka, Acting Town Manager.

M.G.L. Chapter 39, S. 23B, #3 – Litigation [High School].

Present: Attorney David Doneski, Kopelman & Paige. Members of the Building, Planning & Construction Committee: Patrick Smith, William Ferguson, Donald Lange, Neal Mitchell, and David Morrow.

Tappé Associates ~~*prepared~~ preparing bid specifications and drawings of the fields. ~~Designed the fix and will solicit bids.~~ **Mr. Mitchell of the Building, Planning and Construction Committee, is preparing the front end of the specifications and when complete the committee will solicit the bids.*

Attorney Ed Vena was contacted. A meeting will be held to see where everyone is at this time. If no settlement, will continue with prices, etc. Court date in February.

Selectman Davis asked whether we owed Attorney Vena any money. Mr. Morrow responded that Mr. Vena is not owed any money, in fact, he was overpaid, and he notified the Town of same.

Retention funds (\$50,000) have already been used **to reimburse Mr. Vena.*

Mr. Montecalvo asked what was being done about the fields. Mr. Morrow stated that 3 out of 4 fields were going to be repaired—that the far soccer field was fine.

Tappé will be making the changes that the consultant wanted. Selectman Davis inquired about Katherine Craven at SBAB [School Building Assistance Bureau] and if the Town could increase the \$28M to \$29M and still get the 83% reimbursement. The Board authorized Mr. Morrow to contact her about that matter.

Executive Session Adjourned: 10:35 PM

Respectfully submitted,

James Marzec, Clerk

s/

**At an Executive Session held on 1/22/07, upon a motion by Mr. Davis, and seconded by Mr. Marzec, the Board voted unanimously to amend the 12/18/06 Executive Session minutes as follows: Under Executive Session #3, First paragraph, after the words Tappe' Associates, change the word "prepared" to "preparing". Delete the second sentence, "Designed the fix and will solicit bids" and insert thereof the following sentence: "Mr. Mitchell of the Building, Planning and Construction Committee, is preparing the front end of the specifications and when complete the committee will solicit bids." Roll Call Vote: Mr. Marzec/Yes, Mr. Audette/Yes, Mr. Ampagoomian/Yes, and Mr. Davis/Yes.*