

**Executive Minutes
Stow Board of Selectmen
April 14, 2015**

Present at the meeting that was held at Stow Town Building were Brian Burke, Donald Hawkes, Charles Kern, Thomas Ryan and James Salvie.

Also present were William Wrigley, Town Administrator and Maureen Trunfio, Administrative Assistant.

Mr. Kern called the meeting to order at 8:55 PM.

Center School Project Settlement

Mr. Wrigley shared a summary of the current status of the Western Surety case regarding a section of improperly built sidewalk during the construction of Center School.

The Town has been in mediation with Western Surety regarding this issue and Mr. Wrigley now seeks a decision from the Selectmen to either continue the case into court for adjudication or to accept the final offer settlement from Western Surety which has come down \$25,000 since the Board of Selectmen last met.

Mr. Wrigley provided the Selectmen with information to help them achieve a reasonable decision. The first was a list of mediator, Walter McDonough's finding of facts as to a reasonable monetary settlement offer. The second was a cost estimate of legal fees from attorney Chris Petrini in the event the Town chooses to settle in this case in court.

Mr. Wrigley said that the mediator had addressed the strengths and weaknesses of each case. The Town's attorney, Chris Petrini, estimated over \$100K in legal fees, if the Town decided to pursue the case in court. Mr. McDonough suggested that the Town consider a potential settlement in which the Town would agree to pay Western Surety between \$75-150K from the remaining contract funds. In response, Western Surety offered a final non-negotiable offer of accepting from the Town, a payment of \$225K. The Town would retain \$431,809 of the remaining \$656,809. Mr. Wrigley reminded the Board that once this case has been settled, and the project has been closed out, the State (MSBA) would release more than \$1M back to the Town.

The Selectmen agreed that litigation could be risky and costly and supported the \$225K settlement payment to Western Surety.

Mr. Burke made a motion to accept the recommended terms and conditions expressed in Mr. Wrigley's Town Administrator's Activities Report dated April 14, 2015, recommending the Town pay to Western Surety the sum of \$225K in a settlement agreement pertaining to sidewalk construction at Center School. Mr. Hawkes seconded the motion and it was passed unanimously.

Illegal Earth Removal - Nate Smith of 211 Randall Road

Mr. Hawkes asked for a status update in Mr. Smith's case. Mr. Wrigley reminded the Board that Mr. Smith had countered with an amount of \$2,766 which the Board rejected. The case will now go to court.

Adjournment

At 9:15 PM Mr. Ryan made a motion to adjourn the meeting. Mr. Ryan Hawkes seconded the motion and it was passed unanimously. Roll Call Vote: Mr. Burke, aye, Mr. Hawkes, aye, Mr. Kern, aye, Mr. Ryan, aye, and Mr. Salvie, aye.

Respectfully submitted,

Maureen Trunfio
Administrative Assistant to the Board of Selectmen