

Select Board
Executive Session Meeting Minutes
Thursday, April 27, 2023
Stow Town Building

Present in the Warren Room: Megan Birch-McMichael, Ellen Sturgis, Cortni Frecha, Ingeborg Hegemann Clark, and Town Administrator Denise Dembkoski

Present Remotely: Hector Constantzos

Also Present: Rick Holland, Town Counsel (Zoom), Valerie Oorthuys, Planning Director, Lori Clark, Planning Board Chair, and Jesse Steadman, former Town Planner (Zoom)

At 4:03p.m. Chair Birch-McMichael moved to enter into Executive Session pursuant to MGL c. 30A, Section 21 (a) (3) for the purpose of discussing strategy with respect to litigation (Stow v. Howard Stein Hudson) if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

The Chair publicly declared that in her opinion, holding these discussions in an open meeting would have a detrimental impact on the negotiation position of the Town.

Ms. Hegemann seconded the motion, and it was unanimously approved on a roll call vote.

Attorney Holland outlined the litigation with HSH and provided some details and information leading up to mediation, scheduled for Monday, May 8, 2023.

In his estimation, the total damages associated with this case, not including employee time to expand the infiltration basin is approximately \$1,819,341.04. Attorney Holland stated that in his experience, cases that settle do so between 30% and 70% of the damages sustained. Using these figures, the range for this case would be between \$545,802.31 and \$1,273,538.73.

Attorney Holland is looking for the Board to set a bottom threshold for settlement.

After discussion amongst the Board members, Ms. Sturgis made a motion that the Board establish the bottom threshold at One Million Dollars (\$1,000,000). Seconded by Ms. Frecha. Discussion between the Board took place, and Chair Birch-McMichael called for the vote. The motion was unanimously approved on a roll-call vote.

Attorney Holland suggested the Board schedule another Executive Session for after May 8th for a brief overview of the mediation session and where things stand. Ms. Dembkoski stated the Board has a meeting on Tuesday, May 9th and we could add an E.S. for 6:30pm that evening.

At 7:08pm, Ms. Sturgis made a motion to close the Executive Session and adjourn the meeting. The motion was seconded by Ms. Hegemann and it was unanimously approved on a roll-call vote.

Respectfully submitted,

Denise M. Dembkoski
Town Administrator