

March 13, 2017
Executive Session, #1
Town Hall, 1 Avenue A, Turners Falls
8:10 PM

Present: Selectmen Richard Kuklewicz, Michael Nelson, Chris Boutwell; Steven Ellis, Town Administrator; Wendy Bogusz, Executive Assistant

RE: Executive Session under G.L. c30A, Section 21 (a)(3) to discuss potential litigation regarding Penta Corporation

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Ellis: When last we met to discuss Penta, we talked about the fact that the least expensive repair that Bob envisioned could be done under \$70,000. We were positioning ourselves much higher than that. We had originally asked for \$170,000, and then CDM came in with some numbers that may have set our process back a little bit. We exchanged offers over the course of the last three weeks with David Doneski from KP being our lead man, and they countered a \$180,000 offer from us with a \$100,000 offer. We countered at \$150,000, they countered at \$120,000. At that point, rather than risk further upset in the process, David, Bob, and I conferred and felt comfortable accepting that figure and are confident that we can make the repairs within that budget. The next step in the process would be for the two sides to exchange language related to the settlement and to let the court know that we would like the case dismissed upon final agreement. I think ultimately from the Town's standpoint, we're very satisfied.

Kuklewicz: This showed me that when we do a project of this size, we need to follow some more strict clerking type process. It's worth it to have some professional oversight of the contractors and the engineers. I think we should consider that when we start to get in the scope of tens of millions of dollars.

Ellis: I believe the Chapter 149 standards are now that if a project exceeds a million dollars and has over \$10,000 in design fees, then we're supposed to actually hire a project manager.

Kuklewicz: I called Tom Wyman, who did the preliminary repair work, and he suggested that we do an inspection again this spring and not do anything this year, check it again in the fall, and maybe do a little better job on marking some of the positions. He thinks that a lot of the settling is done and that some of the work may not even need to be replaced at all. We need to work with the Finance Committee so that when this settlement does come, we are sure that it's held for the reason that it's come into the General Fund.

Ellis: I exchanged messages with Bob McDonald and he did not feel that we needed to rush something on for the Annual Town Meeting.

Kuklewicz: We should ask David to prepare a press release that we could just read at the meeting and be done with it, just stating that there was an issue and that the Town will proceed with repairs.

Nelson made a motion to approve the Town Administrator to move forward with the agreement of \$120,000 from Penta Corporation. Boutwell seconded, unanimously approved. Boutwell - Aye, Nelson - Aye, Kuklewicz.

Nelson made a motion to adjourn Executive Session. Boutwell seconded, unanimously approved. Boutwell - Aye, Nelson - Aye, Kuklewicz.

Nelson made a motion to adjourn regular session. Boutwell seconded, unanimously approved. Boutwell - Aye, Nelson - Aye, Kuklewicz.

Approved:

Boutwell

Kuklewicz

Nelson

Release to the Public:

Yes

Not Yet

4/2/18 Date

Date Released to the Public:

4/3/18