

Selectmen' Meeting
Tuesday, May 24, 2016
Selectmen's Meeting Room
Executive Session - 8:14 p.m.

Approved 8/16/16 BOS Htg
Not Released: _____

Approved
Released on: 10.3.17

The meeting was called to order by roll call vote at 8:14 p.m. the chair having declared that holding the meeting in open session would have a detrimental effect on the litigating position of the public body relative to discussing pending litigation, cases--Hegner, Fonseca and Ayer and further to consider the purchase, exchange, lease or value of real property --Greenbush.

The following members were present: Anthony Vegnani, Chair, Martin O'Toole, John Danehey, Shawn Harris. Selectman Curran was absent.

Also present was Patricia Vinchesi.

Shawn Harris	aye
John Danehey	aye
Marty O'Toole	aye
Anthony Vegnani	aye

Update on Pending Litigation- Hegner, Fonseca and Ayer

Ms. Vinchesi informed members that she wanted to update members on various litigation with the Town and provided the following updates to members

Hegner – This case involves the filing of suit by Mr. Hegner who alleges the Town had no right to take him off his mooring that he shared with Mr. John Ulanowski. The Harbormaster, Stephen Mone, removed Mr. Hegner from his mooring after it was learned that he did not have a right to it under the regulations because the mooring was actually in the name of Mr. Ulanowski. Mr. Hegner and Mr. Ulanowski had a third party agreement that allowed Mr. Hegner to have a 1% interest in a boat with Mr. Ulanowski but all the paperwork was in Mr. Ulanowski's name and he has since surrendered his mooring. Mr. Hegner contends the Town (Harbormaster) coerced him into surrendering it. A more detailed explanation will be provided to the Board at an upcoming meeting with attorney Brandon Moss, who has been handling the case and will be representing the Town going forward in legal matters with the retirement of Town Counsel Jim Toomey on July 1.

Fonseca – This case involves a retaliation lawsuit filed by Mr. Vincent Fonseca against the Scituate Police Department for arresting him shortly after he was awarded \$45,000 by the Town in a lawsuit settled dealing with an alleged violation of Mr. Fonseca's civil rights. The Town's insurer, MIIA, is defending this case. Three years ago Mr. Fonseca received a \$45,000 as settlement from the town's insurance carrier (Massamont at that time) when some personal

information of Mr. Fonseca's was inadvertently contained on a posting made by the Scituate Police Department. As a result, the Department was required to receive training in criminal records information handling. Shortly after this matter was resolved, Mr. Fonseca was pulled over for a broken tail light and contraband was discovered in his vehicle. He alleges that the department had it out for him because of the settlement. The insurance company attorney is in contact with Mr. Fonseca's attorney to ascertain what they are looking for in damages as none were named in the filing.

[REDACTED]

Sale of interest in Real Estate -- Greenbush

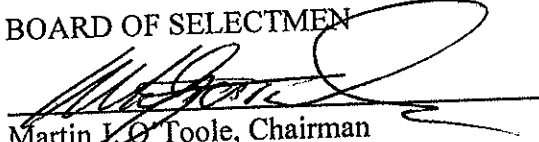
Ms. Vinchesi reported that she and Selectman Danehey received an email from the real estate company working with the MBTA which is in the process of rebidding a portion of the Greenbush parking lot for development. Previously, the Board had been open to selling a small portion of town owned land abutting the Greenbush property so that the MBTA could market more acreage to potential developers. The recent email communication indicated that the MBTA would like to agree on a sale price with the town land before it awards an RFP to a developer. The appraisal performed by the MBTA indicated the parcel was worth about \$1.63 million and the proposed Town's share of that would be about \$360,000. After some brief discussion, members agreed that as the value of the land is unknown and the pricing that the MBTA may receive under the proposals could be widely variable, it would defer any agreement on a sale price and wait until bids were received. Any sale of the land would still be contingent upon approval at town meeting.

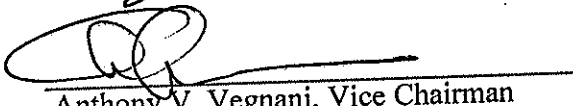
The Board voted to adjourn the meeting at 9:05 p.m.

Patricia Vinchesi
Recorder

Board of Selectmen Executive Session Meeting Minutes for May 24, 2016

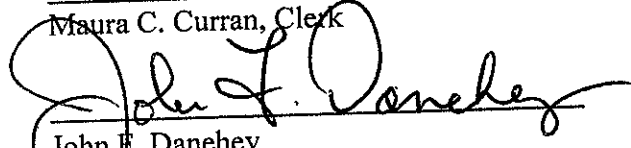
BOARD OF SELECTMEN


Martin J. O'Toole, Chairman


Anthony V. Vegnani, Vice Chairman

Not in attendance

Maura C. Curran, Clerk


John F. Danehey


Shawn Harris