

Select Board Executive Session Meeting Minutes

Tuesday, October 5, 2021

Meeting Conducted @ Scituate Town Hall, Select Board Hearing Room, 600 Chief Justice Cushing Highway

In attendance: Ms. Connolly, Chair, Ms. Canfield, Vice Chair, Mr. Goodrich, Clerk, Ms. Curran and Mr. Vegnani

Also present: Attorney Cynthia Amara, Murphy, Hesse, Toomey & Lehane and Nancy Holt, Town Accountant/Finance Director

Town Administrator Jim Boudreau was not present

**EXECUTIVE SESSION:**

To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body. – Settlement of Dandel Construction, Inc. vs. Town of Scituate Cudworth Cemetery Project

The Chair declares that the Select Board move into executive session pursuant to purpose 3 of the Open Meeting Law to discuss strategy with respect to litigation and declares that an open meeting may have a detrimental effect on the litigating position of the Select Board in connection with this matter. The board will reconvene in open session. – Settlement of Dandel Construction, Inc. vs. Town of Scituate, Cudworth Cemetery Project

**Move that the Select Board go into executive session at 6:35 p.m. pursuant to purpose 3 of the Open Meeting Law to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body. The board will reconvene in open session. – Settlement of Dandel Construction, Inc. vs. Town of Scituate, Cudworth Cemetery Project Motion by Ms. Canfield second by Ms. Curran Unanimous Vote (5-0)**

**Roll Call Vote:**

Ms. Connolly yes

Ms. Canfield yes

Mr. Goodrich yes

Ms. Curran yes

Mr. Vegnani yes

Attorney Cindy Amara reviewed the lawsuit with the Select Board. In her opinion this never should have been a law suit. The anchor bolts installed were not according to specs. We were always willing to pay we just needed evidence of the correct bolt installation. Mediation was attempted. Once we received the information that was acceptable by the engineers it was resolved. Another issue of concern was the town inspecting the work prior to it being done. The town never had the opportunity to inspect. To settle the matter, the Town agreed to a five-year warranty since we were unable to inspect the pavement. The third issue were punch list items not done. Upon approval it was agreed that we would settle the lawsuit. We are not paying more than we agreed to pay. Ms. Curran asked if the bolts were excepted. Our engineers agreed with the documentation. A vote of the Board will be taken in open session.

**Motion by Ms. Canfield to adjourn the executive session meeting at 6:41 p.m. and reconvene in open session second by Mr. Vegnani Unanimous Vote (5-0)**

**Roll Call Vote:**

Connolly yes

Canfield yes

Goodrich yes

Curran yes

Vegnani yes

Respectfully Submitted,

Lorraine Devin, Recorder

**List of Documents for October 5, 2021 Select Board Executive Session Meeting**

Settlement Agreement and Mutual Release for Dandel Construction, Inc. vs. Town of Scituate Cudworth Cemetery Project

## Select Board Executive Session Meeting Minutes for October 5, 2021

### SELECT BOARD

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Karen E. Connolly, Chair

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Karen B. Canfield, Vice Chair

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Andrew W. Goodrich, Clerk

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Maura C. Curran

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Anthony V. Vegnani