

MINUTES OF SELECTMEN'S MEETING #2 OCTOBER 30, 2013

Chairman Walter called the meeting to order in the Senior Center at 7 PM with Mr. Smith and Mr. Chabot also present.

Also in attendance were School Committee Chairman Jim Metcalf, School Committee member Jason Petraitis, School Superintendent John Provost, Finance Committee Chairman Eric Hevy, and Attorney Brian Maser from Kopelman and Paige.

Mrs. Walter stated that she would only allow discussion on how to pay the judgment against the School Committee and the Town in the case of former School Superintendent Robert O'Neill; there would be no discussion on how we got here.

Attorney Maser stated that thru June 30, 2013 the amount owed to Mr. O'Neill is \$36,664.52 without interest added. This is 70% of Mr. O'Neill's health insurance premiums that he has paid. Interest thru April 15, 2013 is an additional \$17,590.42 which was negotiated with Mr. O'Neill's attorneys because of their delays in the case. From July thru now, an additional \$272.20 per month is added. This comes to a grand total of \$54,665.56 owed to Mr. O'Neill right now.

Mrs. Walter noted that in addition, the Town has paid Kopelman and Paige \$38,543.45 in legal fees since 2006.

Mr. Metcalf asked why the Town has not been accruing funds in anticipation of this judgment. Mrs. Walter noted that the School Committee could have been doing that as well.

Mr. Metcalf said that he believed that this was a case against the Town, but Attorney Maser stated that the lawsuit was against the North Brookfield School Committee and the Town of North Brookfield.

Mr. Chabot said that everyone here knows that we have to pay this money. He proposed that half of the money come from the School Department and half come from the Town's budget. Mrs. Walter reiterated that this judgment cannot be changed; we are bound by law to pay it. She said that Mr. Chabot's suggestion was a good one.

Mr. Metcalf stated that the School Committee cannot act on this because they do not have a quorum, but he believes that the School Committee has no liability here. He wants to go back to the School Committee's legal counsel and ask if the School Committee is liable for any of the judgment.

Mrs. Walter asked if both the School Committee and the Selectmen could agree to look at their budgets to find this money?

Mr. Smith said that he agrees with Mr. Chabot and Mrs. Walter. He asked if there was a need for a Special Town Meeting to appropriate funds for this? Attorney Maser noted that because this is a legal judgment, it can be added onto the Town's tax rate without town meeting approval.

Mr. Metcalf asked the Selectmen if this money could be taken from the Group Insurance Account, and he was told that there is not sufficient money in that account for this.

Mr. Metcalf again asked Attorney Maser if the School Committee was a defendant in this lawsuit, and Mr. Maser stated that yes, the School Committee and the Town were the defendants from the very beginning.

Attorney Maser stated that this is a lawful judgment that has to be paid. There is no need to go to Town Meeting for appropriation. If it is not paid it will go onto the Town's tax rate.

Mrs. Walter suggested that the School Committee go back and investigate how they will pay their half of this. The Selectmen will look into how to pay this with a town meeting and roll it into the tax rate.

There being no further business, at 7:40 PM Mr. Smith moved, and Mr. Chabot seconded, a motion to adjourn. So voted.

Respectfully submitted,

Leslie Scott Burton
Administrative Assistant