



Board of Selectmen **Executive Session** **August 13, 2019**

The meeting was opened in public session at 5:00 pm by Chairman Stone. Selectman Tracy Post made the motion to enter into executive session with the intent of returning to open session; seconded by Selectman Mark Forest. By a roll call vote of 5-0 voted in favor of entering executive session. In attendance were Chairman Stone; Selectmen Tracy Post; Mark Forest, Erik Tolley, and Norm Holcomb. Also in attendance were Town Administrator Dan Knapik, Assistant Town Administrator Chris Dwelley, Director of Municipal Operations Rich Bienvenue, Director of Community Services Pat Armstrong, and Town Counsel Jay Talerman.

First Discussion Topic: Town Counsel Jay Talerman provided an overview of the claim from DHT (Weed and Feed), the contractor that conducted renovations at Bayberry Hills Country Club. Attorney Talerman explained to the Board that the contractor is asking for final payment in the sum of approximately \$36,000. Work was completed earlier in the year. Town Counsel had previously worked with the Golf Department staff to issue final payment with a deduction related to damage done to the irrigation system (approximately \$10,000) and what the Town claims is a double charging for sod that was previously damaged due to the contractor's poor storage of the sod over the winter. The Golf Department withheld approximately \$16,000 in payment due to the dispute.

Selectman Holcomb asked if the Town had previously offered a settlement. Pat Armstrong explained the process that had been undertaken by the Town chronicling the correspondence since the dispute began in the spring of 2018. Additionally, she explained, the Town issued DHT a letter detailing why the final payment was reduced and provided to DHT documentation to support that position. DHT then retained legal counsel in the summer of 2018. Further communication was then had between counsels. The most recent request by DHT counsel was an offer to mediate the disagreement.

Selectman Post made a motion to offer an initial settlement of \$10,000 and further offer up to but not more than \$20,000; seconded by Selectman Tolley. The motion was passed by a 4-1 roll call with Selectman Holcomb voting nay.

At 5:46 pm, the next discussion topic was the status of the "10 Taxpayer" lawsuit. It was explained by Town Counsel Jay Talerman that Dennis legal counsel had already responded to the suit. Further, Town Administrator Knapik informed the Selectmen that the Town of Yarmouth has not yet been served in the case. It was also discussed to have the special town meeting coincide with the Dennis town meeting on October 29.

At 5:55 pm, collective bargaining was discussed. Assistant Town Administrator Dwelley briefed the Board on the present status of YFD and Steelworkers union agreements (memo's attached).

Selectman Post made a motion to support the Steelworkers Union Agreement and move to a future Board of Selectmen meeting vote for approval; seconded by Selectman Tolley. A 5-0 roll call in favor was taken.

Selectman Holcomb made a motion to support the YFD union agreement; seconded by Selectman Tolley. A 5-0 roll call in favor was taken.

At 6:30 pm, Selectman Tolley made a motion to exit executive session; seconded by Selectman Post. A 4-0 roll call in favor was taken. Chairman Stone stepped out before the roll call.

Respectfully submitted,

Daniel M. Knapik
Town Administrator