

WACHUSETT REGIONAL SCHOOL DISTRICT

HOLDEN ♦ PAXTON ♦ PRINCETON ♦ RUTLAND ♦ STERLING

Minutes

Executive Session Part I

Monday, August 11, 2008

Cafeteria

Davis Hill Elementary School

Committee Members Present:

John Nunnari, Vice-chair	Stacey Jackson
Thomas Ackerman	Michael Pantos
Cynthia Bazinet	Robert Pelczarski
Robert Carter	Norman Plourde
Colleen Cipro	Michael Sherman
Shirley Conrad	Joseph Sova
Steven Hammond	Marcie Zaharee
Robert Imber	

Committee Members Absent:

Margaret Watson, Chair	Mark James
Melinda Coyle	Duncan Leith

Administration Present:

Thomas G. Pandiscio, Superintendent of Schools
Rebecca Petersen, Executive Secretary to the Superintendent

Vice-chair Nunnari called part I of the executive session of the School Committee to order at 8:35 PM. Vice-chair Nunnari asked Superintendent Pandiscio to address the matters of litigation relating to the high school building project and recent negotiations with Business Manager Peter Brennan, following which the Superintendent will excuse himself and leave the executive session.

Superintendent Pandiscio reported to the School Committee that high school project general contractor, TLT Construction of Wakefield, Massachusetts, has essentially completed their portion of the project. He reported the status of litigation, which involves, among other things, liquidated damages and punch list items that have not been resolved. The Superintendent told of TLT Construction's history of often ending up in court towards the conclusion of a project (giving Falmouth and Reading as examples). The erosion control claim is at the heart of this unfortunate set of circumstances. Superintendent Pandiscio reminded the members that this litigation will go before an arbitration panel, starting in early September. Superintendent Pandiscio's opinion is that it may have been a wiser plan to have this matter heard in a court of law rather than before an arbitration panel. Superintendent Pandiscio assured the Committee that counsel working on this matter, Holland & Knight of Boston, are very competent and he is very comfortable working with the attorneys assigned to the case. In summary, the

Superintendent's opinion is the entire matter comes down to "a lousy site, a lousy contractor and a lousy architect." Superintendent Pandiscio explained for the Committee how TLT Construction's insurance policy is written; it is a declining/diminishing policy.

At this time, TLT Construction's claim against the District is \$14 million, completion value of the project is \$3.5 million and the liquidated damages claim is \$3 million. Superintendent Pandiscio reported it is clear the District owes TLT Construction \$3.2 million. If it costs WRSD \$2 million to settle this suit, that would be the best case scenario. The worst case scenario would be that the District must come up with an additional \$8 million. The Committee was told to understand that money to settle this case will need to be borrowed.

In conclusion, the Superintendent assured the Committee his report was for information/updating purposes only. A vote of the School Committee is not needed at this time.

Superintendent Pandiscio asked Member Sherman to report on recent negotiations with Business Manager Peter Brennan. Member Sherman reported on the August 6, 2008 meeting he had with Member Nunnari, Superintendent Pandiscio and Business Manager Brennan. Member Sherman used a flip chart to help explain to the School Committee the recommendations this negotiating team came to in terms of Business Manager Brennan's salary (attachment 1). It is being recommended that Business Manager Brennan be offered a three year contract (FY09 – FY11), with salary increases being based on both merit and achievement of goals. Business Manager would be required to develop between three and five goals he would be expected to achieve. Goals for FY09 will be developed now and would need the endorsement of the Business/Finance Subcommittee. Member Nunnari did note that negotiations have not yet concluded.

Motion: To endorse Business Manager Peter Brennan's contract.

(T. Ackerman)
(C. Cipro)

Member Hammond made a friendly amendment to this motion, which was accepted by the maker and seconder of the motion.

Amended motion: To endorse the terms of Business Manager Peter Brennan's salary increases, as presented.

(T. Ackerman)
(C. Cipro)

Roll call vote:

In favor:

John Nunnari
Thomas Ackerman
Cynthia Bazinet
Robert Carter
Colleen Cipro
Shirley Conrad
Steven Hammond

Robert Imber
Stacey Jackson
Michael Pantos
Robert Pelczarski
Norman Plourde
Michael Sherman
Joseph Sova
Marcie Zaharee

Opposed:
None

(Motion passed 15-0)

It was acknowledged these minutes are not to be released until the high school building project litigation is settled.

9:11 PM Superintendent Pandiscio left the meeting.

Respectfully submitted,

Thomas G. Pandiscio, Ed.D.
Superintendent of Schools

TGP:rlp