

Pursuant to the foregoing warrant, the Special Town Meeting was called on September 22, 2014 at 7:00 p.m. at the Becket Town Hall, 557 Main Street, Becket, MA 01223. There being a quorum present, the meeting was called to order at 7:00 p.m. by the Moderator. There were 37 registered voters present (3% of 1,382 registered voters) and a total of 38 people attended the meeting. Town Officials Present: Bruce Garlow, Moderator; Jeanne Pryor, William Elovirta, and Angela Hilton, Selectmen; Maria Wallington, Mark Karlberg, Dan Parnell, Stephen LaBelle, Sr., and Ann Spadafora, Finance Committee Member; George E. Roberts, Town Clerk; Edward Gibson, Town Administrator. Town Counsel, Joel Bard was also in attendance.

The Moderator opened the meeting stating the rules to be followed. He asked for a showing of hands of non-voters and welcomed them, indicating that they could address the meeting but could not vote. The Moderator noted measures he would take to speed up the meeting, including paraphrasing each article (as the articles are available in written form) and not having the Town Clerk read the call of the meeting and officer's return of service. The Moderator reviewed the warrant and noted it as having been duly posted.

The following articles were voted on:

**Article 1:** To see if the Town will vote to appropriate the sum of \$500,000.00 for the purpose of settling litigation with BRD LLC concerning tree and brush removal services performed by BRD in 2009 in connection with the December 2008 ice storm, and to fund this appropriation by transferring \$500,000.00 from the Stabilization Fund, or take any other action related thereto.

### **2/3 Vote Required**

**Article 1** Was moved and seconded from the floor. Town Administrator Ed Gibson gave a brief explanation of the background concerning the ice storm of 2008 and the clean up efforts into 2009 involving the BRD and the disputed billing leading up to and including the litigation the Town has been involved in. Mr. Gibson explained that the Town went through a mediation process, and has arrived at a proposed settlement of Five Hundred Thousand dollars (\$500,000.00). Mr. Gibson explained that we have spent approximately One Hundred and Ten Thousand Dollars in legal fees to date, and we could be looking at an additional One Hundred and Fifty to Two Hundred Thousand Dollars in legal fees to get to a court decision. Further it was explained that the Town would also be subject to a potential exposure of 1.8 to 2.0 Million Dollars if the Town received an adverse verdict. Mr. Gibson opined that it made financial sense to stop our loss at the proposed Five Hundred Thousand Dollar (\$500,000.00) proposed settlement. William Elovirta gave an account of the mediation process. Mr. Gibson and Mr. Bard responded to questions from the floor. Ann Spadafora explained the effect of the settlement on Town finances. She explained that we do have the money in the Stabilization Fund, and that this settlement would reduce it by approximately 80%. She stated that contracts would be scrutinized much more closely going forward. Selectman Jeanne Pryor noted that the Town Administrator had taken classes provided by the State, and been certified in procurement procedures, and that the Town would be looking at contracts going forward. Selectman Elovirta explained that if we do not approve this settlement, and we lose at trial, the town's people will be back at Town Meeting to determine how to raise perhaps Two Million Dollars. He noted that this settlement, if approved, would not result in anyone's taxes increasing.

A vote was taken and the motion on

**Article 1 Passed by 2/3, with 36 votes in favor, and 1 vote against.**

**A motion to dissolve the meeting was moved and seconded from the floor. A vote was taken and the motion to dissolve the meeting passed.**

Respectfully submitted,

George E. Roberts  
Town Clerk