

OFFICE OF THE
FIRST SELECTMAN

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Lynne A. Vanderslice
First Selectwoman

Lori A. Bufano
Second Selectwoman

Joshua S. Cole
Selectman

Deborah A. McFadden
Selectwoman

Ross H. Tartell
Selectman

TOWN HALL
238 Danbury Road
Wilton, CT 06897

BOARD OF SELECTMEN SPECIAL MEETING
Wednesday November 17, 2021
Held Electronically

PRESENT: First Selectwoman Lynne Vanderslice, Lori Bufano, Joshua Cole, Deborah McFadden, Ross Tartell

GUESTS: BoF Members-Vice Chair Michael Kaelin, Sandra Arkell, Stewart Koenigsberg and Kevin Gardiner, BoE Members-Chair Debbie Low, Glenn Hemmerle, Laura Schwemm, Ruth DeLuca, Jennifer Lalor, Mandi Schmauch, Superintendent of Schools Dr. Kevin Smith, Town Counsel Ira Bloom, Trial Counsel Thomas Gerarde, Board of Education Counsel Jennifer Richman Smith, CFO Anne Kelly-Lenz

A. Call to Order

Ms. Vanderslice called the meeting to order at 7:08pm.

B. Public Comment

None.

C. Expected Executive Session to Discuss Pending Litigation Marissa Lowthert, et al. v. Wilton Board of Education, et al., Docket No. FST-CV-15-6026938S

Ms. Vanderslice asked that each board began their motions to enter into to Executive Session starting with the BoE:

BoE: Motion moved by Ms. Low for BoE to move into Executive Session to Discuss Pending Litigation Marissa Lowthert, et al. v. Wilton Board of Education, et al., Docket No. FST-CV-15-6026938S. Motion seconded by Mr. Hemmerle and carried unanimously.

BoF: Motion moved by Mr. Kaelin for BoF to move into Executive Session to Discuss Pending Litigation Marissa Lowthert, et al. v. Wilton Board of Education, et al., Docket No. FST-CV-15-6026938S and invite Superintendent Kevin Smith, Town Counsel Ira Bloom, attorney Thomas Gerarde, Jessica Richman Smith and Anne Kelly-Lenz to join the executive session. Motion seconded by Kevin Gardiner and carried unanimously.

BoS: Motion moved by Ms. Vanderslice for BoS to move into Executive Session to Discuss Pending Litigation Marissa Lowthert, et al. v. Wilton Board of Education, et al., Docket No. FST-CV-15-6026938S and invite Superintendent Kevin Smith, Town Counsel Ira Bloom, attorney Thomas Gerarde, Jessica Richman Smith and Anne Kelly-Lenz to join the executive session. Motion seconded by Mr. Cole and carried unanimously.

Out of Executive Session and Back in Regular Session at 9:07 pm.

D. Discussion and Possible Action on Proposed Settlement in the case of Marissa Lowthert et al. v. Wilton Board of Education, et al., Docket No. FST-CV-15-6026938S

Ms. Vanderslice made the following comment on behalf of the three boards:

Current and past elected board members, current and past town employees, trial counsel Thomas Gerarde and members of his firm, Board of Education Counsel Jessica Richman Smith and Town Counsel Ira Bloom have collectively spent significant hours and effort over the last eight years related to this lawsuit.

We have consulted extensively with our lawyers either as a board or as represented by the appropriate board chairs. We deny liability, but understand the risks associated with any jury trial and Upon the recommendation of trial counsel, we have chosen to settle this lawsuit.

Two additional pieces of information, the Town's insurance carrier will be paying \$50,000 in addition to monies paid by the Town. This amount represents two times the coverage in the Town's Policy at the time of the claim. This agreement must be approved by the probate court. As such we are unable to provide further details or a copy of the settlement agreement until the agreement has been approved by the probate court.

She asked that the three boards make motions to approve and fund the settlement in the following order:

Board of Education

Board of Finance

Board of Selectmen

BoE: Ms. Low moved that the Board of Education, upon the recommendation of trial counsel, approve the settlement agreement in the case of Marissa Lowthert et al. v Wilton Board of Education et al., Docket No. FST-CV-15-6026938S and authorize the Superintendent Dr. Kevin Smith to execute the settlement agreement and approve up to \$225,000 of Board of Education reserves to be used for such settlement. Motion seconded by Ms. Deluca and carried unanimously.

BoF: Mr. Kaelin moved that upon the recommendation of trial counsel, approve the settlement agreement in the case of Marissa Lowthert et al. v Wilton Board of Education et al., Docket No. FST-CV-15-6026938S and support up to \$225,000 of Board of Selectmen reserve funds and up to \$225,000 of Board of Education reserve funds to be used for such settlement. Motion seconded by Mr. Koenigsberg and carried unanimously

BoS: Ms. Vanderslice moved that the Board of Selectmen, upon the recommendation of trial counsel, approve the settlement agreement in the case of Marissa Lowthert et al. v Wilton Board of Education et al., Docket No. FST-CV-15-6026938S and authorize the First Selectwoman to execute the settlement agreement and approve up to \$225,000 of Board of Selectmen reserve funds and up to \$225,000 of Board of Education reserve funds to be used for such settlement. Motion seconded by Ms. McFadden and carried unanimously

Ms. Vanderslice thanked all board members along with Superintendent Dr. Kevin Smith for their hard work on this matter and all attorneys for their hard work and valuable counsel.

E. Public Comment

None.

F. Adjournment

There being no further business, motion to adjourn meeting at 9:13pm. Motion moved by all three boards, seconded and carried unanimously.

Jacqueline Rochester
Recording Secretary
Taken from Video