

Date: October 5, 2009

Date Minutes Approved: October 14, 2009

BOARD OF SELECTMEN MINUTES

Present: Elizabeth H. Sullivan, Chair; Christopher Donato, Vice-Chair; and Jon Witten, Clerk.

Absent: No members were absent.

Staff: C. Anne Murray, Adm. Assistant

The meeting was called to order at 6:37 PM.

Ms. Sullivan indicated that the meeting was in Open Session and recognized Mr. Robert Troy, Town Counsel, to address the meeting.

Mr. Troy explained that there were a number of events today that motivated him to suggest that the meeting, which he intended to mean the Executive Session, be postponed. Inadvertently, there was a miscommunication and it was understood the entire meeting was to be cancelled; not just the Executive Session.

Since the meeting had been posted Mr. Troy felt it was important to open the meeting, but it was his recommendation that the Board might want to take some time to review and give some thought to recent events and then to convene in Executive Session at a later time to discuss the matter (i.e., the Police Chief's contract). He acknowledged that Chief DeLuca and the Chief's Attorney, Mr. Gerald McAuliffe, were present.

Mr. Witten indicated that due to other obligations he will not be available on October 19th, (which was the Board's next scheduled meeting due to the Columbus Day holiday). He also indicated he could not make a meeting on Tuesday, October 13th. Given that the attorneys were present along with the Police Chief and in light of his other scheduling conflicts Mr. Witten indicated he would prefer to go forward with the Executive Session this evening.

Mr. Donato concurred.

Ms. Sullivan said if that was the opinion of the majority of the Board, then although she disagreed she would honor that. Ms. Sullivan did acknowledge that there was a misunderstanding regarding the cancellation of the meeting, but following the advice of counsel indicated she would prefer to postpone the Executive Session. If they were to proceed, however, she suggested a recess as the Town Manger, Mr. MacDonald, was not present and should be included in the Executive Session discussion.

There was an exchange between Mr. Donato and Ms. Sullivan. Mr. Troy intervened and suggested that there was a previously scheduled Executive Session to discuss the matter, and he has now received the necessary waivers. However, Mr. Troy again stated he recommended that because of today's events he felt there would an advantage to taking some time to absorb information, but if the Board chose to move forward he strongly recommended it be done in Executive Session.

Before proceeding, Mr. Witten pointed out that there was another matter scheduled for the Executive Session tonight. As it was understood the meeting was to be cancelled, those parties were notified of the cancellation. It was understood that matter will be taken up another time.

ENTERED EXECUTIVE SESSION

Following the lead of Town Counsel, Mr. Witten moved that the Board of Selectmen enter into Executive Session for the purposes of discussing contractual negotiations with non-union personnel and all matters of privilege under the statute have been waived by the Police Chief and agreed to and Town Counsel has also agreed to the discussion. Second by Mr. Donato. Roll Call Vote: Mr. Witten –aye; Mr. Donato – aye; Ms. Sullivan –aye.

At the suggestion of Town Counsel, Ms. Sullivan offered an amendment to the motion to include that the Board will reconvene in Open Session solely for the purpose of adjournment. Second by Mr. Witten. Roll Call Vote: Mr. Witten – aye; Mr. Donato –aye; Ms. Sullivan –aye.

Ms. Sullivan requested agreement from her colleagues for a recess to allow the public to leave the room and in order for the Town Manager to join the Executive Session. Ms. Murray was dispatched to invite the Town Manager to the meeting while the public left the room.

EXECUTIVE SESSION CONVENED

Once Mr. MacDonald and Ms. Murray returned to the Mural Room the Executive Session began. Midway through the meeting, the location was changed to the Town Manager's office.

At approximately 8:22 PM, having completed the business, the Executive Session was adjourned and the Selectmen reconvened in Open Session solely for adjournment.

ADJOURNMENT

As there was some concern that members of the public might have remained in the Mural Room, it was agreed that a quorum of the Board would return to the Mural Room to formally adjourn the meeting there.

Ms. Sullivan and Mr. Witten returned to the Mural Room to reconvene in Open Session. At 8:25 PM, Mr. Witten moved for adjournment of the meeting. Second by Ms. Sullivan. Vote: 2:0:0. (Mr. Donato was not present to vote.)