

MINUTES
BOARD OF SELECTMEN
NOVEMBER 26, 2012

Meeting called to order at 5:33 P.M.

Present Selectmen Elizabeth Gorski, Donald N. Greaney and Chairman William H. Darke,
Town Counsel Brian Maser.

Executive Session

Moved Greaney, seconded Gorski, and it was

VOTED: To enter into Executive Session in accordance with the provisions
of MGL Chapter 30A, Section 21(a) (3) to discuss strategy with
respect to litigation.

Chairman Darke declaring to do so in Open Session may have a detrimental effect on the
litigating position of the town.

GORSKI, GREANEY, DARKE – “AYE”

Executive Session was entered at 5:30 P.M. and closed at 6:56 P.M. The Board announced it
will return to Open Session at the close of the Executive Session. A copy of the Board's
Executive Session Minutes is on file in a separate binder in the Administrative Assistant's Office.

The Board returned to Open Session at 6:56 P.M.

Present Selectmen Elizabeth Gorski, Donald N. Greaney and Chairman William H. Darke,
Town Counsel Brian Maser, Attorney Evan Ouellette representing MIIA Insurance and
Chief Kirmelewicz, Chief Robert Kiremelwicz, Attorney Stephen Colella representing
Tracy Dalton, Tracy Dalton, Anthony Dalton and son Anthony, and Eric Gorski.

Chairman Darke opened the meeting and thanked everyone for their patience. Darke asked
Tracy Dalton if she wished the meeting in Open Session and she stated she did.

Selectman Gorski stated that the Board had been talking for a long time about how everyone
should be like family in a small town and that she doesn't see that Mrs. Dalton did anything so
egregious that she should lose her job; that she thinks the Chief believes there is good in
everyone. Addressing Tracy, Selectman Gorski told her that she would like Tracy and the Chief
to talk every day about what's going on; that she would want her to return to work and would
want her to work it out with the Chief. Selectman Greaney said he would like to hear from Tracy
and the Chief on how they might work things out. Ms. Dalton stated she has given the Board of
Selectmen her statement; that it was about everyone over there but somehow she was thrown
into it; that she did not go around town talking about confidential information. Dalton stated this
has been wear and tear on everyone in her family. Dalton also suggested she was targeted by
having spyware put in her computer, adding that there are people in this building on the internet
a lot more than she was and, that she is so hurt about what has happened to her.

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Attorney Colella suggested a third party would be needed to help the Chief and Ms. Dalton resolve their issues with each other. Tracy told the Board that she feels she has been let down by the Board of Selectmen. Chairman Darke responded that he tries to resolve issues; that they should have talked a year or so ago. Darke said if two people let bygones be bygones, with a process in place for a neutral person to help resolve any problems, maybe it would work out.

Attorney Ouellette stated that he thinks it's very difficult for the Chief to sit down with Tracy to talk about their differences unless there's a resolution to the pending MCAD filing. Personal attacks against the Chief, she is the confidential secretary to the Chief, they spend a lot of time together; that confidential secretary is her primary duty. Attorney Ouellette said that would be very difficult. Chairman Darke stated that he understands completely; that the Complaint would have to be resolved. Darke said that they are attempting to resolve this; that it will be difficult but maybe not impossible. Attorney Ouellette stated that he didn't know if MIIA has the resources to facilitate the mediation, and that from everything he has seen, it's going to be difficult for the employment relationship to continue. Chairman Darke responded that people can do whatever they want to do if they are open minded; that there's nothing that has happened that can't be repaired; that both parties must be willing. Ms. Dalton responded that she has not had a key to the Chief's office for over a year; that if it got too hot she could not turn on the air conditioner. Selectman Gorski asked Attorney Ouellette if he thinks it's ridiculous to put two people together to see if they can work it out. Evan responded that if the town has a pending law suit, just having a sit down while there is a pending law suit would not be a good idea.

Attorney Maser told the Board that if they are not prepared to make a decision, they can notice the parties of a continuance. Darke asked is there something out there that can help? Ms. Dalton asked "so you are asking me to drop the MCAD?" Attorney Colella said there is a missing component to settle this matter and asked if MIIA has the capability to mediate. The Selectmen will research whether MIIA can offer mediation.

The parties agreed to meet again on December 17, 2012.


Adjournment

Moved Greaney, seconded Gorski, and it was

VOTED: To adjourn. 3-0

Adjourned at 7:30 p.m.

Respectfully submitted,


Nancy Lewandowski
Administrative Assistant