

MINUTES
BOARD OF SELECTMEN

AUGUST 13, 2012

Meeting called to order at 6:30 P.M.

Present Donald N. Greaney, Elizabeth A. Gorski and Chairman William H. Darke

Present were Tracy and Anthony Dalton, Judy Simonds, and the parents of Groveland Patrolman Michael Traister.

Also, present for a scheduled Executive Session were Conservation Chairman Mike Dempsey and Open Space Chairman Alex Johnson, resident William Angelini, Finance Director Greg Labrecque and the Board's Assistant, Nancy Lewandowski.

Chairman Darke opened the meeting and acknowledged those attending the meeting and asked if they all wanted to speak with the Board about something, or whether they were present just to observe.

Selectman Gorski told the Board members that the above-mentioned attendees wanted to come in tonight to speak with the Board; that she knows there is an Executive Session scheduled for 6:30 P.M. but felt they should be allowed to be heard and not turned away.

Gorski stated she'd like to ask a question; that she'd like to ask Donny and Bill and Nancy how their families are doing tonight. She asked Selectman Darke "how's everybody at your house, are they good and kids are healthy?" Selectman Darke responded "mm hmm." Gorski asked "Nobody's in conflict, under siege, nothing like that going on?" Gorski asked Selectman Greaney, "Donny is everybody safe at your house?" and Greaney replied "as far as I know." Gorski asked, "Jake's having a good summer season playing ball? Elaine's traveling and having a good time?" Greaney responded that his wife is back to work but somebody had thrown flour all over Jake's car again. Gorski asked the Board's Assistant, "and Nancy, how's Beth? Good?". Lewandowski responded "Nope" and Gorski said "She's not good? She's not feeling well? Okay, well that's too bad because you know what Nancy, these people are not having a good summer and their families are being impacted by a lot of nonsense."

Gorski stated there is a lot of pain in town and no one is doing anything to help them. She suggested if any of the people present would like to say something and the Board would like to listen. Darke responded he is always willing to listen. Gorski stated she did not want to stall Bill Angelini's appointment or anybody else but this has been important and it's been going on not just months but years, and there's a lot of heartache and a lot of people that are in pain, and the Board of Selectmen, "the highest ranking authority in the community are doing nothing to help anybody!" Gorski said she was saying this to all those in attendance and that she wished the meeting was being aired this evening. Gorski stated "people have been hurt, people have lost homes and jobs and been seriously damaged."

Chairman Darke responded "I guess you know, we don't have an agenda item for this here tonight, but I'm assuming you're talking about the Police Department and we've been talking about a management..." Selectman Gorski responded "Well, I'm talking about more than a management study, Bill. I think we've gone way past a management study, but I think there's some...I don't know where the accountability is. I don't know who man's up. I just don't know. I'm emotional about it as you can see, but I'm very worried, and I look to you two for some help."

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Darke stated that he has been trying to get stuff done; that he is very concerned and Gorski knows how he feels. Darke said he's been talking about this; that he's been trying to get some things done, and that he's concerned that they have to watch what they say; that they have to be very careful; that if he knew they (the Daltons, Traisters and Ms. Simonds) were coming, that he would be glad to sit down and talk with anybody; that they have to make sure they follow the open meeting law.

Darke said he spoke with the town's attorney because he had some concerns about what they (he and Gorski) can talk about because they really can't talk about anything except when they're in a meeting and, if they want to talk about anything that involves the job someone is doing, the Board needs to notify them so they can be present. Darke informed the attendees that the Board has rules they have to follow and it seems like the rules are stacked against them. He asked Selectman Greaney if he had the chance to look at any names in regards to a management study and Greaney responded he had not looked; that he just finished the baseball season.

Chairman Darke told Greaney that the Chief has suggested they sit down and talk with all of the department and Darke said he'd be glad to do that; that he doesn't know if any would come forward and talk to them on the record. Darke said he's looking for solutions; that maybe not everyone sees that. Darke said he thinks they have a big mess on their hands and maybe not everyone sees that, but addressing Selectman Gorski, Darke said he doesn't have the answers.

Selectman Gorski stated that she felt like they need to push the envelope here because day after day this goes on, everybody is waiting for something to happen where people can go to their jobs and not feel threatened, not being lied about. She said "they don't have any place to go, and they don't have deep pockets hiring lawyers after lawyers after lawyers who all say that it stops right here---highest ranking authority in the community---right here."

Chairman Darke responded that Gorski knows because she's been on the board for a long time too, that there's a process and, that unless somebody comes forward and talks to the Board, it can't do anything; that they have to have a reason for doing something and he is willing to do whatever it takes. Darke said him just trying to get a management review met with a lot of resistance. He said he has no answers; that he's very leery talking without having a lawyer present; that they're all already in hot water and it's obviously going to get even hotter. He said that this affects everybody differently; that it's gotten him to the point where he's all done with this job; that he said it before---he won't run again; that this is putting him over the edge. Darke said he thinks there is a problem or potentially a big problem; that there's a lot of issues that have been going on. He said he would be glad to have those present come down and talk to the Board but he wants a lawyer sitting right there because he doesn't think anybody's protected unless there is; that it's come to that.

Selectman Gorski asked Darke if they could issue anything so the people will have a comfort going to work and not feeling like they have to be harassed or bullied. Darke responded that if that is going on people need to come here and talk to the Selectmen and tell them what is happening to them. Selectman Greaney asked why doesn't the Board schedule to have them (police department employees) come in to talk to them like he asked before? Darke responded that they can.

Gorski said that people here know, they know better than anybody that nobody's coming in to the Board and saying anything publicly; that they're not going to say it; that all those people are not going to come in through the Selectmen's door; that a few have, but others won't.

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Darke said he doesn't even care anymore because people blame them for everything and that's fine; that they can say the Board's not doing anything but nobody's giving them anything. He stated he talked to people and he understands and believes that there are some things that need to be addressed, but that's him as an individual, not him as the Board of Selectmen; that he thinks that until either Selectman Greaney has separate conversations with people or, but even then they'd still have to come back together and the two of them have a conversation that would allow it all to move forward, so he's open to suggestions; that he's willing to do whatever it takes.

Gorski asked if Darke wants any of those present to speak about, and Darke responded that he didn't know if they can without getting either themselves or the Board in trouble because he imagines it will be talk about individuals who haven't been notified that they are going to be talked about. Darke said it's the laws, not him. Gorski responded, "Well, Mrs. Dalton's here. She's somebody that's been harmed." Darke said he understands that, but anytime the Board is talking about anybody they have to invite the other party to come down. Gorski responded that she knows that but she's at a point of desperation trying to help people who are good people; that they're not bad people; they're not out hurting people. Darke stated he wasn't arguing that and Gorski stated she knew he wasn't.

Chairman Darke asked if people would come down and talk to the Board on the record at an official meeting that was posted; that one of the questions he asked the lawyer today was if they want to talk about anything, and suggested that although the Chief has said they can talk about this because he has no problem with the Selectmen talking to his employees; that he's assuming that means he (the Chief) wouldn't be sitting in the room at the same time and asked Selectman Greaney if he agreed. Greaney responded that he didn't know if they ever had that part of the conversation, but that Darke was probably right.

Selectman Gorski stated that she knew they (Police employees) had a counseling session after one of their officers died and they had a lot of things that went on and the man Darke mentioned said he could sit in the room because no one had an issue with that; that that same individual said when Darke asked him about 2008 and 2007 when Darke brought him in to a meeting with another high ranking official of the police department and asked him a direct question that he couldn't answer truthfully because when Darke asked him why he said because his boss was sitting right next to him.

Chairman Darke stated that what needs to happen is they get everyone to come back; that the Board only needs a couple of days; that he will make himself available and asked Selectman Greaney to do what he could to meet soon; that they will have counsel present and whoever wants to come down to talk to them, talks to them; that the Board will have to notify the Chief, but they will ask him if he would excuse himself from the conversations so the Board can talk to the employees. Darke said other than that they have to follow the rules. Greaney said the Board doesn't have much choice about following the rules and Gorski stated "Well Donny, you're the liaison. You haven't been reporting back here everything you've been hearing." Greaney responded "I've forwarded everything I got through Nancy" and Gorski responded "Well, I haven't seen it" and Greaney replied "That isn't my fault." Gorski replied, "Maybe it is, you're the liaison." Darke told Gorski that there are certain things the lawyer said to him that she shouldn't see, anything that relates to the job that the Chief is doing because it can get her in trouble. Gorski responded that it's been so very long, that it's been since 2008, and mentioned that a year ago she asked the Board's Assistant to sit in on a meeting with Tracy and another individual; that was a year ago; that "you (Tracy) went there in good faith and here you are now." Darke asked that they pick a date, see if their attorney can be there and that the people present come down and bring as many people as they want. The more the merrier. That he'd love to talk to everybody.

Gorski asked whether they have to continue with Brian Maser and asked if Darke is all that comfortable with him. Darke responded that he likes Brian and thinks he's a good attorney; that he thinks he knows the law and his job is to tell the Selectmen the law. Darke said if they start getting emotional and doing stuff that they're not supposed to, it doesn't help anybody. Darke stated that if he could go back nine months he would do things differently; that he didn't know then what he knows now, the whole process and everything, just everything in general; that you can't go back nine months and he's trying to play the hand that the Board has been dealt. He said he has said to certain people that if they could get people to come in and talk to them now, the Chief has said he doesn't have a problem with it, then he thinks they should and then they can move forward from there and they'd have something to act on, but right now those present can't tell the Board anything because they weren't posted for this discussion.

Gorski said she thinks those present just came to the meeting for answers; that these are people whose lives have been impacted by some bad behavior; that this is part of the group; that she counted the other day how many people have been impacted and it's like 50. Darke warned that he wants to be careful and Gorski responded "I know, because yeah--because Bette can't say anything and that's wrong, but other people are getting carte blanche information about everything! The Chief sits here and says that he has a confidential informant. Boy! Well I'm sorry. I was hoping things would be better." Darke responded that they can certainly put it on the agenda and do it; that they just have to post it; that he'd be glad to talk to anybody; that he'd be more than glad to have people come down and talk to the Board; that that would make their job a lot easier. He suggested those present leave their contact information and asked Selectman Greaney what his schedule is like and whether baseball is over. Greaney stated as far as he knew it was over. Darke told those present that if any of them have a solution he is all ears and Gorski responded she has a solution; that it's costing her \$2,500 because she had to get her own counsel; that she doesn't have the luxury of having somebody represent her. Darke responded that no one is representing him.

Gorski told those present that she is sure they are disappointed; that she will keep trying because she's not one that stands by and lets other people get bullied. Anthony Dalton thanked her and asked if there is a date and how will they know when that date is. Darke responded that they'll let him know. The Board's Assistant told Darke that town counsel is on vacation the week of the 20th. Darke said that if they're in a duly posted meeting and they've done everything they're supposed to, they don't have to have the lawyer present because they just want to talk to the people and ask questions to see if they have information to give the Board. Greaney said he thinks the only thing they'd have to be concerned with without counsel is if they're talking to people that have retained counsel. Darke asked how soon they all could get people to come talk to the Board. Gorski said it's probably a priority for them. Darke responded that every time he says something he really has to think about what he says and that he doesn't expect anybody to feel bad for him or for Don; that this is a position they chose to run for. Gorski asked what about her and Darke responded he was talking about himself specifically right then and Gorski replied "you and Don, it's been tough." Darke responded to Gorski asking her to let him finish what he was saying, because people want to throw blame around and that's fine, they can blame them; that basically they've pissed off everybody on all sides of it; that they haven't been able to give people the answers they want; that the people Gorski is talking about aren't happy with him and Greaney; that it's a bad situation that he's trying to resolve. He told Gorski she can blame them all she wants; that he's still trying to get this thing done because he cares about what's going on and he cares about the people; that he cares about the way things happen; that he's always been one to try to treat people properly and thinks that everyone should be doing that. Darke said he wants this thing to get resolved and knows there are a lot of people involved; that this whole situation has torn everybody apart; that he thinks it's the worse it's ever been. Selectman Gorski responded that it was so needless.

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Officer Traister's father asked to hear from Selectman Greaney on the matter. Greaney responded that like Chairman Darke said, he doesn't know how much they can talk about at this point; that he sees communications all the time that he has forwarded them through the Board's Assistant to Chairman Darke; that there's things going back and forth constantly that Bette is not seeing,, and at this point there isn't much he can say about it.

Anthony Dalton asked Greaney whether he personally thinks there's an issue going on; that he knows Bill (Darke) thinks that it's a problem. Greaney responded that he sees all this correspondence going back and forth and to him a lot of the stuff looks like it's being handled by the rules and regulations, but that's just because of what he's seeing; that nobody has come and said anything to him. Selectman Gorski addressed Darke saying that everything Greaney is sending to Darke and Nancy and she (Gorski) is third man out which is to protect her but everything that they're getting is one-sided; that they're not getting anything objective and Greaney said he just said that. Gorski said she didn't hear him say it. Greaney said again that he feels he and Darke should speak with the people; that he's all for getting together with everybody and talking about it.

Officer Traister's father asked Greaney if the liaison has a fiduciary responsibility to inform not only members of the Selectmen but also members to whom certain documents pertain. Greaney responded that he didn't believe that it was his responsibility to do so. Mr. Traister asked what his responsibilities were then and Greaney told him that Chairman Darke at negotiations with the Chief asked that all documentation of anything coming up be given to him (Greaney); that he sends it to the Board's Assistant and she in turn sends it to the appropriate Selectmen. Greaney told Mr. Traister that he and Bill can't talk about anything outside of a meeting; that they can't email each other so there's no back and forth communication. Darke said he thinks that having a liaison hasn't worked out the way he had hoped it would, but it's not Don's fault; that if anything comes up and they know about it right away, they can at least call a meeting and talk about it. Greaney said without the liaison, they wouldn't know anything.

Gorski said it's not a good way to conduct business; that they don't want to micromanage anybody but when problems present themselves the board should have a way to sort those out. She told those present that if they see something wrong and they don't speak out about it, they become part of the problem. Gorski said they are at a loss of where to go and Darke said they need to come talk to the Selectmen because as far as an official Board action, unless it happens in front of the Board it doesn't happen; that one person can't do anything.

Gorski told Darke that the Selectmen have received calls from people in town that were kind of being treated badly by Zoning or Planning Board asking for the Board to intervene where there's been problems and the Board has. The Board's Assistant responded saying that personnel issues are very different than an issue before the Zoning Board and you can't treat them the same way the Board would a problem before the Zoning or Planning Board. Selectman Darke stated that he's always been consistent throughout his time on the Board; that if anybody has ever said anything to him he's always told them if they really want to do anything, put it in writing to the Board of Selectmen, then it becomes part of the record and the Board can act on it officially.

Anthony Dalton asked Chairman Darke who does the Chief report to. Who is his boss? Greaney responded that the Board of Selectmen are the Chief's bosses. Dalton said "And people have come before you and complained and?" Darke responded that nobody has come before the Board and complained. Dalton responded by asking "Nobody's written a letter to your guys before because I know for a fact that somebody has and she's sitting to my right." Darke

acknowledged having one letter last year and Gorski said absolutely she did. Tracy Dalton remarked to Greaney and Darke, "I didn't get a call from either of you." Selectman Gorski said "She has done that. She did what she was supposed to do." Anthony Dalton commented that nothing was done. Greaney asked if that was the situation where the Board's Assistant mediated on Dalton's behalf. Gorski responded "Nancy's not a member of the Board of Selectmen." Anthony Dalton added "You guys are the Board of Selectmen." The Board's Assistant addressed Gorski and stated "You asked me to help mediate the issue" and Gorski responded "I did ask you to. I did, and do you have Minutes from that meeting?" Lewandowski asked "Minutes from what meeting?" Gorski replied "What meeting? The one where you sat with Tracy" and Lewandowski replied that she took notes. Greaney remarked that to the best of his knowledge that matter was resolved, as far as he and Darke were told. Lewandowski commented that she did not go as the Board of Selectmen; that she went because Gorski asked her to. Gorski replied "Exactly, because she needed somebody there" and Lewandowski replied "And I resolved the issue for her." Anthony Dalton commented "supposedly it was resolved but as you stated there are certain things that we can't talk about right now. Now we're in a different situation and it's potentially because maybe you thought something was done, but nothing was really done."

Officer Traister and his wife arrived at the meeting. Greaney wished them congratulations on their recent marriage. Traister thanked Greaney and Gorski suggested that it was probably the first congratulatory wish Traister got. Greaney responded that he hadn't seen him.

Officer Traister's father told the Board that they have an opportunity to settle a lot of issues, whether its done now or whether its done in an Executive Session. He said the Board has an opportunity that they may want to take advantage of. Darke responded "that's fine."

Gorski stated "I always asks people to walk in the other guy's shoes; that's how I brought my kids up. You know, put yourself in somebody elses shoes. How would you feel? I'm tired of the battle myself." Darke responded "I am too, you know. I'm not a quitter or I would offer my resignation right now. I mean, I've had enough of all this stuff. Nobody needs it and again, when I say that, I understand what other people are going through so my problems are nothing, ok?, so I understand. But nobody needs any of this bullshit, and that can go on t.v. I don't care! It doesn't matter. Nobody needs it! I don't need it. I mean we get blamed for every friggin thing under the sun and, you know what? I'm sorry that we didn't talk to you Tracy but I don't recall you asking to come in and talk to us." Anthony Dalton responded "She submitted a letter and it went in all of your boxes." Darke replied "Then follow up and say listen, what I meant was I want to come in and talk to you guys. Come on in and talk to us. I'd be glad to." Greaney asked "Was that the house? The mailbox at the house?" and Dalton's husband responded "yup". Greaney said he remembered it. Darke told Anthony that he read the letter and he asked what was going on and he doesn't remember from there but if they all want to blame him and Greaney, that's fine; that he doesn't care. It doesn't matter. Dalton's husband responded that nobody is blaming Darke and Darke replied "Yeah, Bette's blaming us; that she's said at least a half dozen times that the Board of Selectmen is doing nothing" and Gorski responded that she didn't say that. Dalton's husband said "but it ends here" and Darke replied "and you said we didn't do anything last year, so that's where we are."

Anthony Dalton then asked "So who do I go to when the Board of Selectmen isn't doing what they should be doing? Who do I go to now? Where do I go?" Darke responded "You talk to us. There's a process." Dalton asked "And what is the process? Who do I go to?" Darke told him "you come and talk to us, officially as a Board, but we have to post a meeting." Dalton asked, "Ok, so I come and talk to you and you do nothing. Who do I complain to next?" Gorski added "Because we kind of had a meeting like that" and Dalton said "I don't understand. If you do nothing, where do I go?" and Gorski continued "and Bill, you made a motion for something Bill

and didn't get a second, so when we have a split vote, where do we go?" Darke responded that he didn't know.

Gorski asked if those present would come back to another meeting and told them that she wouldn't be able to attend. Officer Traister's father asked her why not and Gorski replied because she has a son on the police department and they think she is biased. Darke told her she shouldn't say they; that she has to be careful what she says; that it's not us, it's Kopelman and Paige who tell the Board what they can and can't do. Traister's father stated "but not every issue on the department includes you and your son" and Gorski agreed. Traister's father asked again, "Why can't you attend the other matters of the Police Department?" and Gorski responded that she needs to file something called a 21--. Darke told Traister's father that he spoke to the lawyers the other day and he said there are certain things but anything that has to do with Eric's Supervisor and hurts his performance, that she can't; that she can get fined by the Ethics Commission if she says anything about it; that counsel said no, she should not sit there if she cares about protecting herself. Traister's father responded "well, the rest of you should reconsider that because I think he is probably looking at this in a very telescopic way. I think that decision should be reconsidered."

Darke stated that he's willing to come down and listen to as many people as those present will bring; that if they get stuff they can act on, then they will act on it. Darke said "Tony was saying we'll do nothing. We don't know we'll do nothing." Dalton responded "No, I'm just saying, if nothing is done by the Board of Selectmen, what is my next step? Who do I go to after that?" Greaney told Dalton "I guess ~~it~~ ^{no} all depends on what 'it' is."

Officer Traister's father stated they'd like to have an opportunity to resolve these matters in a friendly way and that he felt that it can be done; that they're all adults and he thinks they can resolve them if they put their heads together collectively; that it would be in everybody's best interest. He asked when they can do it. Selectman Greaney said he has plenty of time because baseball is over until Fall ball starts. Dr. Traister asked when Fall ball starts and Dalton's husband responded "two weeks". Greaney responded "Probably September." Gorski remarked "this is far more important than baseball." Greaney said he knows, and the games are only on Sundays. Gorski responded that she doesn't care. Greaney said his week is wide open and Gorski told him "I don't care if you were in the Olympics Don. I really don't. These people are important to us."

Darke asked the Board's Assistant how much advanced notice needed to be given to the Chief and he was told 48 hours written notice is required. Darke said the soonest they can meet is Thursday then following discussion it was agreed by all present to meet that Friday at 5:00 p.m.

Gorski told Darke "You know, I'm not attacking you and Don. I'm part of the problem too! I'm part of the problem. I'm a big part of the problem because I know, way back when I was hearing stories I should have been, done my due diligence. I want to correct a wrong." Darke told the Board's Assistant to notify the Chief. Darke then asked "what if he can't make it? What if he says he can't make it?" and Greaney responded "He just has to be notified." The Board's Assistant interjected and said "Well, if he asks for a continuance, we've always given them, so, I would assume you would give him a continuance. We've had other instances where we've given notice to people who couldn't make it and they asked for a continuance and it was granted." Gorski ended the discussion saying "Well, I'm hoping for Friday at 5." And Officer Traister's father responded "We'll be here." Darke responded that if it's any different he would let them know.

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Executive Session

Moved Greaney, seconded Gorski, and it was

VOTED: To enter into Executive Session in accordance with the provisions of MGL Ch. 30A, Sec. 21(a) (6) to consider the value of Center Street property. 3-0

GREANEY, GORSKI, DARKE – “AYE”

Selectman Darke announced that the Board will return to the Board's Open Session at the close of the Executive Session. The Executive Session was entered at 7:14 P.M and closed at 7:52 P.M. The Minutes of the Executive Session are on file in a separate binder in the Selectmen's Administrative Assistant's Office.

Warrants

Upon return to Open Session, Greaney moved, Darke seconded, and it was

VOTED: To approve Payroll Warrant #13-06. 2-1

Greaney, Darke – “AYE”; Gorski – “Abstain”

Moved Greaney, seconded Gorski, and it was

VOTED: To approve Bill Warrant #13-05 and Deduction Warrant #13-04A. 3-0

MEETING OF JUNE 29, 2012

Selectman Gorski asked that the record show that she was unaware that the meeting of June 29th, 2012 was being audio recorded. Selectman Gorski had arrived after the June 29th meeting had started and the Police Chief had announced that he would be audio recording the meeting.

Other Business

Finance Director Labrecque was asked to send a letter to MA DOT regarding the town's interest in the former Getty Station site.

Finance Director Labrecque reported to the Board that there is only one parcel of town owned land on sewer which is located on Main Street near Perry Park; that the parcel is a house lot and consists of .788 acres of land. This item was originally discussed at the Board's July 30, 2012 meeting.

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Moved Greaney, seconded Gorski, and it was

VOTED: To accept the Minutes of July 30, 2012, as presented. 3-0

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Adjournment

There being no further business to come before the Board, moved Greaney, seconded Darke, and it was

VOTED: To adjourn. 3-0

Adjourned at 8:14 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Lewandowski".

Nancy Lewandowski
Administrative Assistant