

MINUTES

BOARD OF SELECTMEN

AUGUST 28, 2012

Selectman Gorski called the meeting to order at 5:40 P.M.

Present: Selectmen Greaney and Gorski, Town Counsel Brian Maser, Chief Robert Kirmelewicz, Attorney Evan Ouellette, representing Chief Kirmelewicz on behalf of MIIA insurance, Tracy Dalton, the Chief's confidential secretary, and Attorney Stephen Colella, counsel for Tracy Dalton. Also present was Anthony Dalton, Tracy's husband.

Selectmen announced they would be entering into Executive Session but Ms. Dalton informed the Board that she wanted the meeting conducted in Open Session.

Town Counsel read from the Personnel Policy: "Dismissal is the most severe and permanent form of disciplinary action, and as such, should be exercised with care and considerable prior thought. Any department head who proposes to dismiss an employee shall consult in detail with the Board of Selectmen prior to taking any action". Counsel told the parties that Chief Kirmelewicz can consult with the Board and communicate his reasons for suspending Ms. Dalton, then Ms. Dalton can ask any questions she might have then make a statement or her attorney may do so.

Chief Kirmelewicz submitted copies of his documentation of the events that led up to his suspending Ms. Dalton and asked that all parties take the time to read through the papers, a copy of which is attached hereto, dated August 28, 2012, and made a part of these Minutes. Selectman Gorski asked if it is routine to receive the documentation at the eleventh hour and Attorney Maser responded that it's not unusual. Dalton's counsel informed the Selectmen that he had spoken with town counsel who explained that the hearing process tonight was a venue for the Chief to inform the Board of his reasons for his proposed actions and that based on the Chief's recommendation this evening, Ms. Dalton could file a grievance with the Board of Selectmen and another hearing would take place where she could answer to the Chief's claims. Selectman Gorski asked Chief Kirmelewicz to proceed with his presentation.

Attorney Evan Ouellette of Brody, Hardoon, Perkins & Kesten, LLP, was present and informed the Board that he was hired by the town's insurance, MIIA, to represent the Chief in the MCAD filing by Dalton. Ouellette said that the firm of Louison, Costello, Condon & Pfaff, LLP were also retained to represent the town in that matter.

MINUTES-PAGE #2
AUGUST 28, 2012

Chief Kirmelewicz read through the documentation he had given to the Selectmen, Dalton and the Attorneys, giving a timeline of events that took place involving Ms. Dalton from early 2011 through June 18, 2012. At the conclusion of the Chief's presentation of events he asked that the Selectmen support his recommendation of termination as confidential secretary to the Chief of Police due to Dalton's breach of confidentiality on a number of occasions in accordance with the provisions of the town's Personnel Procedures Manual and the requirements of the job description.

Selectman Gorski asked if it had been noted that Selectman Greaney had been present at the investigative audio taped interview of Ms. Dalton. Selectman Greaney responded that the Chief asked if he could attend and that he (Greaney) conferred with town counsel who told him it was okay to do so. Greaney commented that he just listened and did not say anything at all. Greaney stated he did speak with Tracy about baseball before the interview began.

Chief Kirmelewicz stated that he wanted someone there as a witness and asked Selectman Greaney if he would be able to sit in; that normally Deputy Gillen would have sat in but he was leaving for the F.B.I. Academy.

Selectman Gorski said that we are about solving problems; that she doesn't see her (Dalton) as intending to hurt the Police Department. Selectman Greaney said he sat through the meeting and heard different things.

Gorski asked for a explanation of the grievance hearing and Attorney Maser read from the bottom of page #11 and page #12 of the Personnel Procedures Manual, copies of these two pages are attached hereto and made a part of these Minutes. Attorney Maser told Attorney Colella and Ms. Dalton that they can inquire of the Chief tonight and reserve any comments they may have for the grievance procedure. Attorney Colella responded that the Chief stated his position and he and his client will have their time at a later hearing.

Attorney Evan Ouellette, representing MIIA insurance in the MCAD case Dalton filed against the town stated that they are into solving problems; that he has spoken with Dalton's attorney and because she had not been terminated up to this point thought they could discuss how to resolve the issue; that if there was any hope in doing so it would be beneficial to everyone involved. Ouellette stated that the Chief was desirous of working something out but Ms. Dalton wasn't.

Attorney Colella agreed to file for the hearing in a timely manner.

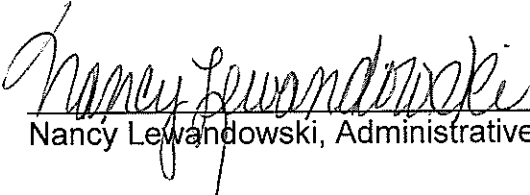
MINUTES-PAGE #3
AUGUST 28, 2012

Greaney moved, Gorski seconded, and it was

VOTED: To adjourn.

Adjourned at 6:11 P.M.

Respectfully submitted,



Nancy Lewandowski, Administrative Assistant