



TOWN OF GROVELAND

2012 JUN 27 PM 3: 58

TOWN CLERK
RECEIVED/POSTED

MEETING NOTICE
(MGL Chapter 30A, Sections 18-25)

**COMMITTEE OR
CONVENING BODY:**

Board of Selectmen

MEETING PLACE:

Selectmen's Conference Room
Town Hall – 183 Main Street, Groveland, MA

**DATE & TIME OF
MEETING:**

Friday, June 29, 2012 @ 4:30 P.M.

AGENDA ITEMS:

Open Meeting

- 1) Board to discuss hiring firm to conduct management review of Police Department

Signed: _____

Nancy Lewandowski

Date: June 27, 2012

All meeting notices must be time stamped and filed in the Town Clerk's Office and posted 48 hours prior to the meeting (excluding Saturdays, Sundays and all Holidays).

MINUTES

BOARD OF SELECTMEN

June 29, 2012

Meeting called to order at 4:40 P.M.

Present Donald N. Greaney and Chairman William H. Darke

Also present were Chief Robert Kirmelewicz and residents Pat Dewhirst and Kathy Greaney.

Chairman Darke opened the meeting and shared with Selectman Greaney a proposal he had received from Pomeroy & Associates for conducting a management review of the Police Department. Selectman Greaney asked if it was the place Selectman Gorski said she talked to. Chairman Darke responded that he didn't know if she (Gorski) had talked to him (Pomeroy) or not; that he (Darke) talked to him in March. Chief Kirmelewicz told the Selectmen he would be taping the meeting and placed a recorder on the meeting room table.

Chairman Darke stated the proposal was what was sent to him and told Chief Kirmelewicz there was an additional copy on the table he could look at. Selectman Gorski telephoned Selectman Darke and he told her the Board was meeting. He asked if she was planning on coming and then told her it was her call whether she attends or not, not his.

Darke told Greaney and Kirmelewicz the proposal from Pomeroy and Associates seems pretty straight forward to him. Kirmelewicz stated he had some questions. He told Chairman Darke that he was under the impression when he (Darke) and Selectman Greaney met with him in the conference room of the police station that they had conducted their evaluation then. He asked what had changed. Chairman Darke responded that nothing has changed; that they all talked about getting this done during contract negotiations and that Kirmelewicz had said at the time that he had no problem with a review being done but would prefer them finishing up his contract renewal first. Kirmelewicz said he was under the impression that they weren't going to do it. He said he has nothing to hide but doesn't understand why now and asked what has happened since then and now. Chairman Darke stated that all along they talked about doing this and that the Chief said he wanted to get his contract done first and that's what they ended up doing. Darke told the Chief that the reason for getting it done now is the Deputy Chief is getting ready to go to his training and asked when it is that he leaves. Kirmelewicz responded that Deputy Gillen would leave on July 15th and Darke said they did not want to wait until the Board's meeting on July 9th because they want Pomeroy to be able to talk with the Deputy before he leaves.

Chief Kirmelewicz said again he was under the impression they weren't going to do an evaluation; that he has stated more than once he has no problem with an evaluation, has nothing to hide but depending on the reason it's being done now, and asked what has happened since then and now, and asked if he has been accused of anything. Chairman Darke responded that nothing has happened; that he guessed maybe they did not communicate as properly as they should have; that this is what he (Darke) wanted to

MINUTES-PAGE #2
JUNE 29, 2012

do in March. Selectman Gorski entered the meeting room at this time and took a seat in the public's section of the meeting room.

Darke told Kirmelewicz that the timing was critical but it seemed if they did it back when they were negotiating his contract, it would have taken too long to get the contract done and he put it on the back burner; that it's the same exact thing they talked about three months ago when they sat here and Kirmelewicz said yeah no problem but let's get the contract done first and that's where we are, the contract is done, there's some money left from this year and we can actually use a reserve fund transfer because last year we weren't planning on doing this so essentially it qualifies as unforeseen for this year, but the next fiscal year it would be different because we talked about doing it; that he just wants to get it done so we can use FY'12 money.

Chief Kirmelewicz responded that he is just suspicious of the timing of this and asked if it has anything to do with him filing an ethic's complaint against Selectwoman Gorski for her interference with the police department and now Darke is actually under investigation as well. Darke responded it has nothing to do with anything other than they talked about this during negotiations and he (Chief) said he had no problem doing an evaluation but that he wanted his contract finished first; that you got your contract, we got through town meeting, it's the end of a fiscal year, we can use some money, we can talk to Jeff before he goes; that he wants to get this done. Kirmelewicz stated again that he felt the whole evaluation was put to bed when the Selectmen met with him at his building and Darke responded "not in my mind", further stating that as he said before, he's not the guy who can evaluate the Chief or the department; that there's nothing that is anything different.

Selectman Greaney stated that his understanding at the end of negotiations was that he would act as the liason between the board and the department; that any communications between him and the Chief have been forwarded to the Board's Assistant who he understood shares with Chairman Darke. Resident Lisa Dube' Carpenter entered the meeting room. Greaney stated there was an interview last week that he sat in on at the PD and only listened, did not speak; that it's his understanding there are several other issues at the department that the Chief will need to deal with and that there are two/three individuals involved and it seems that these people are all seemingly part of what seems like an interference between the operation that is going on over there (Police Department), the allegations that are going on. Greaney stated he is confused about the need for the management review as well.

Selectman Greaney stated he also thought Selectman Gorski mentioned on Monday that she spoke to these people (Pomeroy Associates); that he doesn't know if this is the same place she and Darke were talking about on Monday when he walked in to the meeting room, but if they are going to do something, he doesn't know that he would be comfortable going with this one (Pomeroy proposal he received at the start of the meeting). Greaney stated he really doesn't want to be getting more ethics violations against him. Chairman Darke responded that he had talked to Pomeroy in March and that's the reason he got his proposal. Greaney stated he looked on the internet and saw

MINUTES-PAGE #3
JUNE 29, 2012

there was one done in Atkinson, NH. and that there are others around. Darke stated that he and Gorski weren't talking about this (Pomeroy); that they couldn't talk about it. Bette Gorski interjected that she didn't remember saying she spoke with anybody, and announced that she was present as Bette Gorski, taxpayer of the town of Groveland, who cares about what goes on in her community.

Chief Kirmelewicz addressed Chairman Darke and said that Mr. Pomeroy was one of the names they mentioned to him earlier in negotiations that a close, personal friend of Bette's (Gorski), Lisa Dube', had recommended; that he believes she recommended Mr. Pomeroy and Mr. St. Pierre. Kirmelewicz stated that if this was really going to happen, then his suggestion would be Attorney Maser and Attorney Jack Collins can agree on an unbiased party to do it. Chairman Darke stated he was kind of getting sick of everything; that they talk about people intimidating people and told the Chief that he has intimidated him throughout this whole process. Kirmelewicz responded "oh really". Darke responded yes you have; that this is what he (Darke) talked about three months ago. Darke told Kirmelewicz that he doesn't know this guy (Pomeroy) from anybody; that if he can't be unbiased then Darke doesn't have a problem having anyone do this; that he wanted someone who is a professional, not a dentist, not a plant manager. Darke said he wanted someone who knows how to do this to do it; that if there is someone else who can do it that's fine; that he doesn't care. Chief Kirmelewicz told Darke that he takes offense to Darke's comment that he has been intimidating him because he feels that Darke is harassing him. Darke asked how he is harassing him and Kirmelewicz said again he was under the impression that they already did an evaluation. Darke responded "we didn't." Kirmelewicz responded that now all of a sudden things started to happen at the PD, and he is following the protocol that "you guys set up, just what you wanted me to do. Selectman Greaney is the liaison for any problems, the most recent problem we had, another close, personal friend of Selectwoman Gorski, suspiciously"; that "I have to deal with this and a discipline hearing and I talked to Selectman Greaney, just as I am supposed to, he gives me permission to talk to town counsel, I follow town counsel's advise, I request a meeting before the Board for a hearing and I can't even get a hearing". Kirmelewicz suggested that there are conflict of interest violations, harassment and intimidation and Darke asked what he was talking about, stating that there is no harassment or intimidation; that they talked about doing this in March; that he didn't bring up any of this other stuff and it has nothing to do with anything. Kirmelewicz said he disagrees.

Darke said all along he wanted to do this; that he wanted to do it three months ago when they could not do it; that Kirmelewicz sat right there and told him he did not want to do it then, that he had no problem doing it but wanted his contract. Greaney said they were in that conversation during the contract negotiations and when they spoke to town counsel the board was told they really didn't have anything they could hold up his contract for so they (Darke and Greaney) started doing a process of evaluating. Darke responded that what they did over at the PD was fine but it didn't replace what he wanted to do all along; that obviously, if there is only the two of them (Darke and Greaney) and Greaney decides not to do it, then he guesses they can't. Bette Gorski said she was wondering when Don (Greaney) is the liaison to the PD when are they

MINUTES-PAGE #4
JUNE 29, 2012

(Gorski and Darke) supposed to know what is taking place; that she thought they were supposed to all know what was going on. Darke responded that he was thinking about that because it is fresh and Greaney interjected again that he sent emails with the information. Darke said he knew that he did but then when do they decide they are going to meet and talk about something. Greaney asked wouldn't Darke as Chairman just have it on the agenda for the next meeting, and Darke said he didn't know and thinks they should talk with town counsel about it.

Selectman Greaney mentioned there was an incident on Gardner Street recently and residents were calling Bette (Gorski) to ask her what was going on; that she called the PD and spoke to the investigator and asked a question then after that he (Greaney) told both Gorski and Darke that if they are going to talk to anyone at the station the Chief would prefer that they talk to him so he can answer their questions; that it didn't matter which of them called him; that he was looking for the protocol of working from the top down. Darke told Kirmelewicz he didn't understand why he was making such a big deal out of this; that he told them on multiple occasions that he had no problem doing this but yet he obviously does because he is saying that he is being harassed; that those two things don't go together. Kirmelewicz responded no, that he is suspicious of this; that his impression of this is that his contract was completed, the evaluation was done, and that there was no need for this evaluation; that Darke never told him ok, they were giving him his contract but just so he knows, next month or whenever they are going to do an evaluation; that he (Darke) is talking about spending almost \$10,000 of taxpayer's money, for what? Chief Kirmelewicz asked Darke that if he really wants to know how the management of the PD is run, why doesn't he just come over and sit down with him, Deputy Gillen and Sergeant McDonald and they can tell him everything he needs to know. Kirmelewicz told Darke that he feels Darke is hearing false statements, untruths from certain people and some of these people are problems and can't seem to do their jobs in a professional manner and those people need to be dealt with; that those are the people that are complaining and things that are getting to him second and third hand. Chairman Darke responded "Bob, you can say what you want to say about things you think I may or may not have heard; this all along is what I wanted to do." "I want to do it". Darke said in the short run he conceded everything and said okay, they did the three year contract and anything he (Darke) wanted to do did not happen; that there were a couple of things he wanted to do during the process and you (Kirmelewicz) said no and it stayed that way. Selectman Greaney asked Darke if he remembered what those things were that he had wanted to do and Darke said he couldn't remember and said he doesn't understand what the problem is; that if we want to get someone else to do it, he doesn't care who does it.

Chief Kirmelewicz told the Board that if it's definitely going down, he thinks the person or company should be chosen by both counsels and an unbiased person. Kirmelewicz said he was just curious and said that never in the history of Groveland Police Department has there been a professional evaluation; that with everything going on he is just suspicious and he would actually like an evaluation of the Board of Selectmen. He said he thinks he will schedule a personal meeting with Martha Coakley and they are going to talk. The Chief stated he is a strong Chief and he has been interfered with; that

he cannot correctly run the police department with the interference from certain members of this Board of Selectmen. Selectman Greaney asked Kirmelewicz if he thinks he interfered by being the liaison and the Chief said no, that he agreed with that; that they had six meetings to settle his contract and he told the Board that he was on board with Selectman Greaney being the liaison. Kirmelewicz told Chairman Darke that this last incident with his secretary, another close and personal friend of Selectwoman Gorski. "I did everything that you asked Bill, and again I haven't even been able to get a hearing on that to discuss the next step on that but all of a sudden, mysteriously, and suspiciously, now we are doing an evaluation of the PD. I feel that I am being harassed."

Selectman Greaney said he remembers one thing that Chairman Darke asked about doing when they were in negotiations; that he wanted to interview the department members and asked if the Chief ever said that he couldn't do that? Chief Kirmelewicz responded no, and said he had suggested that. Greaney asked Darke if that is what Pomeroy's people do and Darke said it's what they do; that they are professionals. Greaney also mentioned that they had talked about the Chief doing ride alongs with the people. Bette Gorski said "being elected by the people of Groveland just recently, I believe that when people call me about a bad situation in the community, it never was an issue before if I made a phone call and when there is a house in the community where there's wrong doing and people that live there, older people that have taken care of their houses forever are concerned about what's going on over there, and they call me as a Selectwoman and also they thought I was still a member of the Housing Authority. I told them I didn't run this year, one election was enough. I think as a Selectwoman I have every right to call the Groveland Police Department and ask what's going on and I don't think I need to go to you Donnie because I would get back to you that there are some issues and they need to be taken care of; you are a liaison for whatever reason. This had nothing to do with any other parties. This had to do with the neighborhood, with a lot of people that are suspect and are misbehaving, underage drinking, all sorts of stuff. If that was an issue, my calling and asking the investigator, and I always preface that now that I don't know if I should be able to talk to you and I darn well should be able to talk to anybody over there. I wasn't interfering. I wanted to set some people's minds at ease." Greaney asked if she thought he said she was interfering. Gorski responded "I have no idea what is going on now because it has turned into a circus here, whereas at one time people called me all the time to find out where they were and what's going to happen and how they are doing and can I help."

Chairman Darke tried to get back to the only item on the agenda which was discussion on hiring a management review for the police department, stating that he doesn't know why everybody is getting all upset here. Bette Gorski responded "it's justified."

Darke said again that there is nothing different than anything they talked about doing all along and told the Chief "you threatened us a couple of times here." Chief Kirmelewicz responded that he disagrees with that statement and Darke replied "you have, you said you will have to do this, you will have to do that. I am doing my job, the job I wanted to do three months ago. Now if we have to hold off a couple of weeks....." Selectmen Greaney asked why don't they find three places and try to find the best and Darke said that was fine with him. Bette Gorski asked "Why does somebody always set the tone

MINUTES-PAGE #6
JUNE 29, 2012

here all the time? I don't quite understand it. Everybody is jumping through hoops and we are the body who does this. I am sitting over here but I have envelopes and things to answer to, if need be it's going to cost me a lot of money to defend myself and it's getting tiring." Chairman Darke said okay and Gorski continued "You know I don't do this for the glory or whatever to interfere in people's lives. \$1,500 doesn't quite cut it and I am very tired of this behavior." Darke responded "I am keeping this on the straight and narrow here. All I am talking about is doing the management report." He told Selectman Greaney that if he is not comfortable with this, and there are two of them making the decision, if Greaney is not going to vote this today then they are all done for today. Selectman Greaney told Darke he is not willing to vote on this one. He said if Darke wants to look at other routes, groups and then either they talk to Kopelman and Paige and find out who they would recommend. Darke responded that is fine. Greaney asked the Chief if that was a problem for him and Chief Kirmelewicz responded "no, if you are going to go that route then I would request that Jack Collins has some say as well." Darke responded "you know you guys are making this a big deal" and Greaney responded, "again, I don't understand." Chairman Darke said he thinks they are character assassinating this innocent guy who has nothing to do with anything.

Lisa Dube' asked if anyone looked into what Pomeroy's qualifications are and Greaney responded he had just received the proposal this evening. Lisa stated he has done the review in Stoneham, in Salisbury, then excused herself and said there are four or five towns within the State of Massachusetts that he has done the reviews at; that he is very reputable. Greaney said he will look him up then and Darke remarked that Greaney had mentioned others and Greaney responded that he saw one that was done in Atkinson but doesn't know who they were. Gorski said "Excuse me. I don't quite understand. You sent another individual to every doctor on the North Shore" and Darke interrupted and said "Listen, all we are talking about this afternoon is this." Gorski responded "because somebody has power and wants to do this to people." Chairman Darke interrupted and Selectman Greaney responded "I didn't do that" and Darke tried again to stop the back and forth. Gorski responded to Greaney "well then, you better stand tall because you sit right up there."

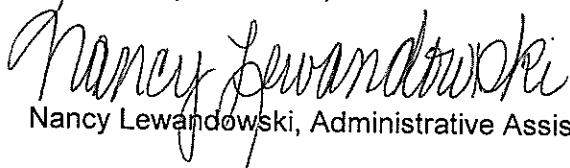
Chairman Darke closed by saying Greaney is going to find the name of a couple of people and Greaney said he would ask people and try to find out something; that he just got here and saw this proposal today and Darke told him no problem, they can take this under advisement and said he should have gotten him the information sooner.

Moved Greaney, seconded Darke, and it was

VOTED: To adjourn. 2-0

Adjourned at 5:02 p.m.

Respectfully submitted,



Nancy Lewandowski, Administrative Assistant