



TOWN OF GROVELAND
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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:** Thursday, July 19, 2012 @ 6:30 p.m.

AGENDA ITEMS: Chairman calls meeting to order

Discuss Management Review
Executive Session may be called; vote(s) may be taken

Adjournment

Signed: _____

Nancy Lewandowski

Date: July 17, 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

JULY 19, 2012

Chairman Darke called the meeting to order at 6:30 p.m. Present at said meeting were Selectmen Donald N. Greaney, Elizabeth A. Gorski and William H. Darke, Chief Kirmelewicz, Town Counsel Brian Maser, and Selectmen's Assistant Nancy Lewandowski.

Chief Kirmelewicz announced he would be recording the meeting and placed a recording device on the meeting room table.

Chairman Darke opened by saying he didn't know where to begin and referred to the agenda which noted 'discuss management review'. Darke stated that he thinks they have a big problem and said before they get into any hot water asked Selectman Gorski, who was sitting at her desk, if she was sitting in on the meeting.

Selectman Gorski responded, "we have counsel here; I don't know where you are going with this meeting; I think I've recused myself from other meetings where I've had family involved, but there was a time when my attendance was never questioned. I am not getting all the information I need to get that you people get." Darke said he doesn't want anyone to get in trouble and asked Town Counsel Maser to respond.

Attorney Maser responded, "I think the advice we have communicated to Ms. Gorski, myself and I don't know if Mr. Hewig has also communicated as well, but when it comes to matters concerning the Police Department, no matter how big or how small, given the fact that you have an immediate family member who is employed as a police officer with the town, it would be more appropriate if you were to recuse yourself and step away from the Selectmen's table during any discussions that pertain to the Police Department whether it be operations of the police department, personnel decisions within the police department, police department investigations, anything having to do with the police department."

Selectman Gorski responded to Maser saying she never understood it that way; that she thought Bill (Hewig) wanted her to recuse herself on the Warrant Articles; and of course the very unfortunate situation just recently that went on for nine months that she wasn't participating in. Gorski said she was elected to do this job, and asked Maser, "do you mean leave the premises or can I sit?" Attorney Maser responded that it is an open session. Maser continued, "Anything that would lead to the appearance of a potential violation of the conflict statute you should be concerned about because it is an individual statute which leads to individual liability." Gorski responded "ok". Maser continued, "This is an open meeting so obviously you could sit and review the notes subsequent to the meeting. I don't know if its being carried live on local access or not" and Darke responded, "It is not." Attorney Maser said "if that were an option, there's really no point in driving home and watching the open session, you just remove yourself from your desk there, come over and grab a seat in the gallery and you could sit and watch, it would just be probably a situation which, if you offer an opinion or offer comment, again, you could be

in a situation which there could be problems with the conflict statute, and that's something that you want to try to avoid."

Gorski responded okay and stating that she was going to give Bill (Chairman Darke) something this evening and was going to make some copies of it, then handed Darke a one page document and asked that he read it and share it with Selectman Greaney and moved from her desk to the audience section of the meeting room. Chairman Darke read the one page document, handed it to Selectman Greaney and told him he could read it but he feels it has no bearing on what the Board would be discussing that evening. Chairman Darke told Selectman Gorski he thought she was making a smart decision; that she doesn't need to put herself in harm's way, and Gorski agreed.

Chairman Darke gave history of what lead to today's meeting saying that the Board met earlier in the month to talk about doing the management review he had spoken about during the Chief's contract negotiations; that the meeting didn't go the way he thought it would, nor did the follow up to it. Darke stated he was kind of shocked at the letter the Board received from the Chief. Darke stated they talked about the review as part of the Chief's contract process and that he had maintained that he wanted to hire an outside agency to come in and do a review; that the Chief had stated he had no problem with the a review but he wanted his contract negotiations completed first. Darke said he ultimately gave in on that and on just about every point that he tried to bring up; that he said okay, they won't do the management review at that time but never said they wouldn't do it; that it's written in the contract that they can do a review at any point that they want.

Darke stated that during the negotiations he told the Chief on multiple occasions that he wasn't looking to cost him his job; that he wasn't looking to have him fired or not re-hired; that he was just doing his due diligence.

Darke said that we have situations that arise where people won't come to the board and speak to them on the record; that it actually happened several years ago with the case involving a former police officer who was found -his time cards or whatever he was doing he was essentially double-dipping; that nobody ever came to us on the record; that the current Chief was a Lieutenant at the time and who Darke believed, off the record, mentioned it to Selectman Gorski and it got brought to the Board's attention; that the previous Chief was invited in to a meeting and the Lieutenant who is now our Chief was also present and nobody would say anything on the record that something was going on. Several months went by and again the Selectmen were told things were still going on, but not on the record, and because there were enough of these issues brought to them, the Board decided even though they had nothing on the record coming from the police department, they decided to proceed and do an audit and hired Melanson and Heath to conduct the audit. Darke said they came in and they found there were some issues and that's still on-going. Darke said he brought all that up because again, the Board is in a situation where people say things, and he's heard second and third hand, and not from Selectwoman Gorski, from other people, about issues that he didn't know if there was anything that he

needed to be concerned about, so he thought they should do the management review.

Chairman Darke pointed out that Selectman Greaney had mentioned that he felt the Chief had threatened him with an ethics violation if his contract negotiations weren't done and that the Chief said he had been misunderstood. Selectman Greaney responded that he had called Brian about that particular time and had mentioned to him what had gone on and Brian in turn spoke to Jack Collins and Jack said he hadn't advised him to contact Greaney or speak to him and that he (Greaney) believed after that discussion it was questionable whether he understood properly, but he didn't hold it against anybody. Chairman Darke said neither did he; that they could have, if they were looking to terminate the Chief, done something then, but they weren't looking to; that they gave him the benefit of the doubt. Darke said they proceeded with the contract talks and he's pretty sure the Chief got everything he wanted because the couple of things they talked about changing didn't get changed and he didn't get to do the review he wanted to do; that when they all met a few weeks ago and he brought it up and the Chief said why don't we do a review of the Board of Selectmen, and said he felt like he was being harassed by the Board of Selectmen, he told the Chief that, if anyone, he feels like he's been intimidated throughout this whole process.

Chairman Darke mentioned two issues--that the Board was pressuring the Chief to bring back Officer Gorski early; that they never had any conversations with the Chief outside of the meetings; that the first couple of meetings they had called never happened in December or whenever that was. Darke said they sat there and nothing happened; that the attorneys spoke and said no meeting tonight and they left; that by the time they finally got around to actually speaking with anybody about it was probably around March and in the meantime he never once spoke to the Chief about bringing back Officer Gorski; that he never said anything to the Chief about it. Darke stated the one conversation he had about Officer Gorski being out was when the Chief called him or asked Darke to call him, that he can't remember who actually called; that Kirmelewicz wanted him to call him right after Officer Gorski was put out--and he explained his reasons for doing it. Darke said he didn't say anything, just listened. Darke said he never told the Chief he shouldn't do that or that the Chief should put him back immediately. Darke stated that during the process, during the conversations when the Selectmen talked with the Chief about how he handled certain things in the police department, that Darke did tell him that he thought the Chief could have handled that differently; that he never said the Chief has to put Gorski back immediately. Darke stated that at that point he believed they need to follow a process and that he believes that they did that; that the process took almost nine months or more and they came to a resolution. Darke stated that he thinks, in hind sight, that it took too long, but there was never any pressure to bring Officer Gorski back early.

Darke said the second complaint was that at one of their meetings on contract negotiations--- that they violated because Selectman Gorski was called to come down. Darke said they were all sitting around the meeting room table and the Chief has said on more than one occasion he just wants to give Eric a hug, and Darke stated he told the Chief you've been such good friends with the Gorski family for so long, can he try to repair that relationship. Nothing to do with anyone coming back to work or his contract hinges on this; that it was just as people who lived in this town for a long time trying to repair a relationship; that's what he (Darke) was hoping to do, and it wasn't his intention, he doesn't recall now, and would have to look at the Minutes, but it wasn't supposed to be in Executive Session. Darke said they weren't doing anything--just sitting around talking as one, two, three, four people. Greaney responded, "I don't know that we ever went into an Executive Session that night at all, I mean, maybe the Chief remembers, but it doesn't seem like we had done anything formally because there was nobody else in the room."

Darke continued that they were talking, that at no point did Selectman Gorski say well you've got to bring back my son before I talk to you; that it was just let's try to mend fences. Let's try to work together, let's see if we can make things better." Greaney said he actually believes that when Gorski came in she said 'I don't know what I'm here for, I don't know what to say'. Darke said he asked if anyone had a problem with this and there's not going to be an ethics commission violation complaint about this is there and that everybody said there wouldn't be; that there were only five people in the room and it happened; that it was wrong, and they have to deal with that. Darke said he was saying all this just as part of the history of where they are and why he feels like he needs to have an attorney present when he's speaking because after the last meeting—that he feels when the Chief said "well how about if I call the Attorney General's Office and see what Martha Coakley has to say" that he takes that as a threat, and when he sees a letter that he's never seen in the 18 years he has done this job, a letter that is copied to the Ethics Commission and the Attorney General's Office, he doesn't know what to think.

Attorney Maser—"The only time I have seen letters that are copied to the State Ethics Commission is in situations in which an individual employee requests an opinion from town counsel as to whether or not they are in violation of the statute by doing something and you are required by the statute to send a copy to the Ethics Commission and they respond whether or not they agree or disagree with your opinion."

Darke said that he feels like they've gotten to the point where he feels hampered in trying to do his job as a member of the Board of Selectmen; that he isn't asking for anything ; that he hasn't asked to place the Chief on administrative leave while they do a management review; that all he's asked to do is hire a company that knows what they're doing to come in and do a review; that it was proposed that Selectman Greaney and he can do it. Darke said there's absolutely no way that he can do it because he's already got an ethics complaint against him, as does Selectman Greaney, suggesting that they were forcing the Chief to do certain things. Darke asked, if there was anything that was of concern, how could

they even bring it up because all it does is, it just looks like retaliation---it just looks like the only reason they are doing this is because somebody filed a complaint against them. Darke stated there is absolutely no way that he is going to sit and do a review of the Police Department. No way. None. Zero. It's not going to happen, but he does still maintain that they should hire a company. Now it was in that letter that the Chief sent to us that was copied to the Attorney General's Office and the Ethics Commission, and it wasn't even just the Attorney General's Office, they actually had to know the name of the person to go to, which he found was interesting --it wasn't the Attorney General---it was said that this Pomeroy Group, who I have no idea who Bob Pomeroy is, Robert Pomeroy, I was given his name by a person, my neighbor who is in law enforcement because I mean, I know her, we bowl together---not this year, because she had a bad elbow; she said there is only four or five companies/firms in the State of Massachusetts that do these reviews and at the time she gave me two of the names. She said she'll give him the other two. He said she doesn't know these people; that they haven't got the fix in or whatever to say okay, we'll hire him so he can come and dig up dirt on the police chief. They are a company that does it, and that was questioned. This guy's reputation was questioned in the course of that meeting. I mean I have never met the guy until I talked to him on the phone once and asked if we do this how long will it take? Darke said as far as he is concerned there's no way they can keep going, and he doesn't mean the Board of Selectmen and the Police Chief, he just means the town and the police department itself without a management review. Darke said if they come in and say everything is great, that's fine. He'd be cool with that. If they say, this could be better, that could be better, there's a management letter with our audit that says you're doing this, you're doing that; you should be doing this, you should be doing that. Darke stated that you don't like to see the same things over and over again in the management report from the auditors; that if it's four years running and you haven't fixed it, that would be an issue, but they bring up things that can be better and so he'd like to see that happen (management review of PD).

Darke said that he guessed you could argue at that point---that he thought about it afterwards that Eric, since his Uncle who was a dentist passed away, has come to his office so he guesses somebody could say that, but if he's a patient he does gain financially from Eric coming in. Darke said again nobody has come forward on the record; that he's had people tell him, not police officers, he had people who know police officers tell him things that are a concern. He said he doesn't know if they are true or not because he's not there, so he can't say---and even if it is, if there's something going on that needs to be made better, he thinks they should deal with it. Darke said he's thought about this a lot at how things have unfolded and can't help but feel that the Chief is trying to build a case against them, individually and as a Board, in case something happens to his job-- when all along, it's never been his or he believes Selectman Greaney's intention to cost the Chief his job; that he said that on many occasions. Darke said they hired the Chief, they renewed him for three years, and everything he has ever said to the Chief he has honored.

Darke said during the process of different issues with certain patrolmen over the past few years, he backed the Chief 100%; that he never told him what he was doing was wrong; that now he just sees the way that he's been treated throughout this process, if other people are treated that way by the Police Chief, he thinks there is an issue. He said he doesn't know if they are or not; that he was just saying if they have been. Darke said he feels like he's been bullied through this process by what is going on; that he's never had anybody send letters like this to him (letters from the Chief copied to Ethics and Attorney General). He stated again that he is not qualified to do a management review and that there is absolutely no way he is going to do a management review because he feels that if they were to do it and they found *anything at all* that it will be said it's just retaliation. Darke told Greaney that he's hoping Greaney will go along and they will hire somebody to come in and just do a review and then—his whole objective is to make sure, like with anything, that things are going as well as possible; that he's not looking to fire anybody.

Darke stated that he thinks that the vendetta--the way that the situation unfolded between the Chief and Selectwoman Gorski is sad. She was his biggest supporter for a long time, and the reason that he is here is because of her. Darke said he had a person call him at his office one day, saw the Chief putting up a sign for Gorski's opponent, and said 'is that right, can he do that?' and he said he responded that he didn't know; that if you've got an issue, if you saw it and think there's something wrong, call somebody; that he doesn't know anything about that. Darke said again the night when he asked Bette to come down, it was truly just to try to mend fences, and nothing else; that it had nothing to do with whether Officer Gorski came back to duty; that Officer Gorski didn't return to work until just a week or so ago and that the meeting with Selectman Gorski was several months ago. Darke said that it's an unfortunate situation the way things have deteriorated and that he doesn't know what to do, but the Chief reports to the Board, the Board hires him, so as a manager, he doesn't see anything wrong with doing a review.

Selectman Greaney told Attorney Maser that the Chief's position is a strong Chief and asked what role the Selectmen have in the day to day operation of the Police Department. Attorney Maser responded that, the difference between a strong Police Chief and a weak Police Chief is that a strong Police Chief can prepare Policies & Procedures; that if the Board doesn't approve or disapprove them within a certain period of time, then they become policies of the department. Attorney Maser said that a weak Chief does not have the ability to prepare policies. Those policies flow through the Board to the Department. Greaney asked if the Board is supposed to be involved in the operation of the Department and Maser responded that obviously the day to day operation of the department falls to the chief law enforcement officer in the town, but the General Laws do provide the Board with the ability to review the performance of the department.

Greaney told Attorney Maser that during the contract negotiation, Bill asked him to be the liaison to the Police Department so that if there was something going on the Chief would report it to him, and he in

turn through the Board's Assistant sends it to Selectman Darke. Attorney Maser responded that that's good practice; that they (Kopelman and Paige) see that a lot in their towns where individual board members become liaisons to certain departments so that if there are issues within that department, that department head has an individual member of the board that they can speak to about what's going on, and then if it's an issue that needs to be brought in front of the entire board then that's a segue to get that issue in front of the board so that there are obviously clear lines of communication.

Attorney Maser told the Board that there are certain personnel matters obviously that require involvement of the Board. Situations come up where a department head brings those issues to the board, the example he could only refer to here was his experience in town with the former patrol officer who used to work for the town. After an investigation was conducted, the Chief brought that issue to the Board for final disposition; that wasn't something that was handled solely within the police department. Maser stated that certain things obviously can be handled by the Chief within his own department, dealing with employees say on a shift level on a day to day basis. The bigger ticket items, you would anticipate that there would be involvement of the Board of Selectmen, meaning dismissal, removal, things such as that the Board will be dealing with right now with another situation at the PD.

Greaney stated that during the course of the contract talks, when he and Darke went over to the police station to do a review of the operation over there, the Chief did mention one employee that he had an issue with for certain reasons and that he believes Darke told him he doesn't know how he (the Chief) could keep that person, and now we seem to be in this predicament with that person, we don't, we haven't had a meeting to discuss it. Greaney told Chairman Darke that he doesn't know how long they're going to let it drag on; that it's already been probably five weeks. He also stated that anything that's going on at the PD, he gets communication, they are sending the communication to him, and he sends it through Nancy to Darke; that he just doesn't really know what it is the Chairman is looking for.

Darke responded to Greaney that that's just one part of it, saying again he doesn't do this (management reviews) and thinks if they paid someone to come in they're not going to just make sure the communication is flowing, they're going to look at practices of the department to see how things are run. Greaney asked, "so, what is it we're looking for? I guess I still don't get what we're looking for." Darke responded "I'm looking to see how things are being run over there. I'm looking see how the management team is working, if it's effective. We've had a lot of issues that have come up and you take each issue one by one and it's not much, but again, I've been doing this job for a long time and now you're starting to get there too, and we've never had all these issues before. I mean, is everybody truly bad?"

Greaney responded, "We actually did have the issues before. I was calling the last Police Chief almost on a daily basis because people were telling me that we had a cruiser at Charlie's Variety, we had a cruiser at Gerry's Variety, you know, every Keeno place around, and he didn't do anything about it, and when we finally put him to task to do something about it, he quit. We spent a lot of money on

Melanson & Heath and we got nothing. Nothing ever happened. I mean it was a waste of the town's money as far as I was concerned at that point." Darke responded that they did their jobs and Greaney agreed. Chairman Darke told Selectman Greaney that they did what they had to do. Something got brought to them and they did their job. They brought the other people (Auditors) in and the fact that nobody else had done anything about it, that was out of the Board's hands; that they did what they were supposed to do. They were working in the best interest of the town.

Darke stated that the Chief has maintained there is no morale problem over there and if that's the case, that's fine, but he's not sure if that's the case. Darke said if he goes back and looks at the history, Officer Aaron Yeo was doing bad things and Darke said he didn't have any issue with what the Chief did. Then there was the Police Officer that passed away. He was going to be put up for a fitness for duty evaluation; then they had Officer Gorski, and now the Board is being accused of being bad people. Darke noted there are other issues going on over there now with certain Officers that he guesses are bad people doing bad things. Darke told Greaney he got the thing today that Greaney just sent, or yesterday, about an Officer who had to be counseled and said he's just wondering is the environment over there (PD) one that is fostering a good work environment so that people are going to do a good job for the town of Groveland. Darke said he can't answer that.

Darke stated that they had used Kopelman and Paige years ago for contract negotiations with the Police Union because he felt it wasn't a level playing field seeing the employees had representation and the town only had the Selectmen; that it made sense to have somebody who knew what they were doing negotiate that contract for the town. Darke said he doesn't believe in wasting taxpayers' money; that they all try to be very conservative with that, but he doesn't think a management review is a waste of money when they are paying lots of money on legal fees for different issues; that he wants to know if there is an issue with the leadership of the Police Department or with everybody else over there.

Chief Kirmelewicz asked to speak and asked Chairman Darke not to take his comments as being sarcastic but, maybe they should just let people do what they want over there; that they don't have to go to calls if they don't want to, they don't have to write tickets, they can come in late, they can leave belts on prisoners in the cells, etc. Darke told Kirmelewicz that's exactly what that is (sarcasm); that that's not what he is saying; that he's not saying let people do what they want to do. Darke told the Chief he knows he runs a pretty tight ship but he (Darke) is not qualified to say whether things are right, wrong, or indifferent; that he does know that there's a lot of stuff going on and the air, the environment that is over us now is not good. The Chief responded that he can lay out everybody's folder on this table for the Selectmen and they will not see one person that was treated unfairly. Kirmelewicz suggested that on the contrary, the Board would probably say, if it knew all the facts, that the employees should have probably been dealt with more harshly. Darke responded that maybe that will come out in the management review; that he wasn't saying that the Chief has been too fair or not fair enough.

Chief Kirmelewicz stated for the record that he agrees with Darke 100% when he said that he (Chief) didn't have a problem with the management review. Kirmelewicz said that he doesn't have a problem. He said he had a problem with that being used in conjunction with his contract renewal. Kirmelewicz said that his point now and at the last meeting is that Darke has never been able to articulate to him the reasons that Darke wanted to do a management review, and, suspiciously enough, as he said in the letter to Darke, he has a problem with an employee breaching confidentiality and he did everything that the Board wanted him to do contacting town counsel, everything to the T to request a hearing and four weeks now and he can't get a hearing to discuss that issue.

Darke responded that they would have to figure this out and said to Selectman Greaney that maybe he could talk with counsel; that Darke feels he can't sit on a hearing involving that employee because that entire family are patients of his. Chief Kirmelewicz responded "But you've been ignoring me. I haven't even gotten a correspondence back..." and Darke said "Well, you know what Chief, because I feel like I can't say anything to you without the threat of what I say getting sent to the Attorney General's Office or the Ethics Commission. Suspiciously, there were five of us in the room that night, how did an Ethics Commission complaint get filed?" Kirmelewicz responded that he had explained that to Darke a while back on how that all went down; that he's been contacted several times by the Ethics Commission. He also mentioned he got an educational letter for putting up that sign across the street, and that was bad judgment on his part and that he accepts full responsibility for his actions on that; that when someone is coming after your job you do tend to come out and support someone else. Darke responded to Kirmelewicz telling him that nobody was going after his job, and as he said that night, even if anyone was going after the Chief's job, his (Darke's) job is the town of Groveland, to do what's in the best interest of the town. Chief Kirmelewicz said he understands that and that tonight is not the forum to get into it, but that he has witnesses that will come forward and say how both his and the Deputy's contract and jobs were threatened by certain people. Darke asked "By me?" and Kirmelewicz responded, "No, I'm not saying you. I'm not going to discuss it in this forum. I'm just telling you my job was threatened during the whole contract process. Mine and the Deputy's." Darke said it wasn't threats to the Selectmen; that it wasn't people coming to them saying get rid of this guy.

Chief Kirmelewicz stated he has said several times, he has nothing to hide; that he believes the letter or the email that Darke is talking about today that Selectman Greaney sent to him, that was, in my opinion, an Officer that could have been suspended and he got the first step in progressive discipline, counseling. Darke responded that it's not his job; that he doesn't know what counseling letters should be, when it should be done, when it should not be. He said he wasn't talking about that; that he was saying nothing has changed since before they hired the Chief, rehired him, about doing a review and he doesn't understand, if he (Kirmelewicz) keeps saying he has nothing to hide that the but keeps coming. Chief Kirmelewicz responded telling Darke that he is still waiting for Darke to articulate the reasons for a management review and Darke responded saying that he is the Chief's boss and he can do it; that because it is his job to make sure that the town is being run properly and that at this time he (Darke) is

not the person qualified to do that. Darke said if things are great at the PD then that will be great and he'll be happy; that if things could be better then they make them better. Chief Kirmelewicz responded that that's the first time Darke gave him a definite answer, 'because you're my boss and you want to do it', and Darke said he's said it all along that he has wanted to do it. Kirmelewicz acknowledged that and said that the Police Department had a previous administration that was involved in criminal activity and the Selectmen didn't do a management review at that time. Darke asked if he was referring to the former administration and Kirmelewicz said he was. Darke responded that the former Chief was leaving and the town did an audit and by the time it was done, the former Chief was gone. Selectman Greaney said that the audit was just a financial audit if he remembers correctly. Chief Kirmelewicz stated that there was knowledge a year prior to that of things that were going on and a management review wasn't done. Darke asked if anyone came forward and said that's the problem, no one did. He told Kirmelewicz that he said before that Kirmelewicz sat right here and didn't say anything on the record with that Police Chief, and that he (Darke) gave Kirmelewicz every opportunity to say something; that if they could go back and if he (Chief) had recorded at that point he'd hear Darke trying to get the answer that nobody would give, nobody would bring it up. Chief Kirmelewicz responded, "Bill, you had me sitting here with my boss" and Darke said "exactly, so if there is anybody who has an issue over there, are they going to come sit next to you and say anything to us?" and Kirmelewicz said "I want them to come sit next to me; that's why I've given you gentlemen my blessing to talk to my people."

Greaney asked Darke if they did speak to those people individually and if they (Darke and Greaney) had all these complaints that are out there, and we had them in here and we individually spoke to each of the people and nobody says anything, does it make any sense to spend any money on a management review? Darke responded that he doesn't understand him (Greaney) at all ; that they've pretty much agreed on most things over the years but he just doesn't understand this at this point in time; that they're spending lots of money on legal fees and he feels this is small change compared to that. Greaney responded that they've had quite a few meetings already; that they could sit with people and probably get through it in one night.

Darke asked Greaney if he thought the employees would come say anything on the record because obviously the Board's Minutes are public information; that people are afraid for their jobs. They're not going to say anything. Greaney responded, "I don't see how they could be afraid for their jobs because we're the bottom line. They can't get hired or fired without us, right?" Darke responded, "So your issue is that if we're going to spend \$8,000 it's going to waste taxpayers' money?" and Greaney replied, "Again, I don't really know what we're going to get out of it." Darke responded, "Exactly, because we don't even know what we're going to do. We're going to sit around and have some conversations with people. I have no idea about Police Department Practices/Procedures, how those things are supposed to go. How other towns do things. Does this make sense? Are we doing this properly? I'm not talking about fair or unfair. I'm not talking about how the Chief chooses to discipline people. I'm talking about everything---how the department is run. I'm not qualified to do that and I don't understand how we're getting hung up on \$8,000. It's not going to make or break the town of Groveland to do a management

review and, if it's something that potentially could make things better, like I said, we do a financial review every year. We don't have to do that now. When I first got on the Board, it was right after we got out of that situation with the missing however much money there was. I don't know Brian if you know about that but the town of Groveland, like 20 years ago, there was somehow a couple hundred thousand missing and it turns out I don't think it ever really was missing, it was accounting, it was just poor controls but, ever since then, since I got on the board, we've done an accounting review, management review for every year because we want to make sure that things are running smoothly."

Greaney asked Attorney Maser if his firm has anyone they've worked with regarding management reviews on police departments and Maser responded that he is sure he could speak with his colleagues about firms that would do a full comprehensive review of operations, policies, maintenance of records. Maser also suggested the Board's Assistant could speak with the town's insurance carrier; that sometimes they will recommend agencies.

Greaney asked Darke if he thought Maser's comments sounded reasonable and Darke responded that he doesn't care who it is as long as they are qualified to do the job; that he was told there are four or five in the State that do that; that if there's more than that, that is fine, he doesn't care; that they could put it out to bid, if it was needed. Greaney said he supposes the bottom line is the insurance company is the one on the hook if the Board does something it's not supposed to be doing. Maser said that sometimes there will be a situation where the insurer gets involved and in an effort to save money they will sometimes be willing to pay the money for a study so that if there's an issue then you can address those issues whether they be payroll, accounting, personnel record retention, policies and procedures, etc. Maser also mentioned that the Chief had said that Jack Collins may know of some people or some agencies that would have experience in that field and that may be something the Board would want to hear from in terms of getting some type of comment from Attorney Collins who has been with the Mass Chiefs now for longer than Maser can remember.

Chairman Darke told Maser that would be fine; that again it is his understanding there's a small number of firms that do it and they can ask them for proposals; that they can ask all of them for proposals---that he doesn't care who it is; that he gave that Pomeroy name because that's the name that was given along with somebody else that was not a firm. Darke said he doesn't see them going forward without doing it; that whether the Chief agrees or not, Darke thinks there's an air around all of them in the department that he thinks needs to be cleared up. Darke said he wants everyone to just move forward and that he's tired of this stuff.

Greaney told Darke if he(Darke) doesn't want to talk to the police officers, he (Greaney) still doesn't have a problem talking to them individually to see if there's something going on in their world that they feel they've been done wrong. Darke responded that he can certainly do that as an individual, but he doesn't think they, as a Board, he doesn't think it's going to happen."

Greaney said, that if somebody did say something to him, I think it's obvious from the previous Chief, that when things were brought to his attention he acted on it immediately. Darke asked how he could

act on it as an individual Selectman and Greaney replied, no, he couldn't act as an individual Selectman but he could then say to the Chief that he thinks there's a reason to have the review done and that the Board is going to follow the process to find the right place/person to do it; that he knows they said before they'd take input from both sides and try and come up with the best process and that would be the way it would have to be done. Darke responded that is all he is asking Greaney to do, just what he just said. Greaney responded, "Let's find out from our insurance people whether this is something they can do on the town's behalf, and then we'll review it with Brian and review it with the Chief."

Chief Kirmelewicz responded "that sounds good..... that if any of the people in the building (PD) have some serious concerns or thoughts, I would like to know about it. One of the problems that I've had with this whole process and this idea is that, even as Bill said, there's second and third hand information getting back to the Board of Selectmen, and rumors and innuendos. Sit down and talk to my people, face to face and ask them. I'm fine with that."

Greaney said that through the communication he's been having with the Chief at this point, he doesn't feel like anything's being kept from him of things that are happening, and that he has been forwarding it to Darke through the Board's Assistant, and that he has updated the Board on things at open meetings when he has something to report; that he read that letter, (letter that Gorski gave to Darke at the start of the meeting) and did bring back to the Board that Jeff was going down to Virginia in that Expedition after he met with the Chief, the Deputy and Lt. Cudmore that night. Lt. Cudmore did go to the same FBI school that his (Greaney) cousin went to and Cudmore said that when he went down he went down in a town vehicle and that he knows his cousin went down in a vehicle, and from his understanding of it, that was common that these people did that; that he brought the information openly to the Board. Chief Kirmelewicz added that that apparently is the norm for that FBI training academy; that the municipality provides a vehicle for the Officer to attend, seeing the federal government is spending \$55,000 for their tuition, that the employer provide for the officer's transportation. Greaney told Darke he is doing the best he can and Darke responded that he wasn't saying he's not. Darke told Greaney that he got the email yesterday or today about the counseling; that he read it, but that that's not the point. Greaney told Darke that that seems to be making him think that there's other things that are being done over there that shouldn't be being done and if all the information was in front of him (Greaney) and he looked at it, he could see if something was being done wrong.

Darke stated he feels he has to watch what he says but has spoken to individuals that lead him to believe that they should do a management review; that whether what they are telling him is true or not, he doesn't know; that just like you (Greaney) said if you spoke to somebody and they said something to you, that you would do it, that's what happened in his situation. Darke said he had some people reach out to him, uncomfortably, more than one person, and he just wants to get to the bottom; that he wants this all to go away; that he needs to try to make sure that things are running as well as they can be run. The Chief asked why these people don't come forward if they have something to say and Darke responded because they're afraid that if they say something on the record it might influence,

affect them in other ways, just like what happened four years ago when Kirmelewicz said he didn't say anything because he was sitting with his boss; that no one came forward but the Board kept hearing "this is going on", "that's going on" which was being fed to him and Greaney through Selectman Gorski; that at the time she was the most favored nations' status, since then she's not. Everything got fed to her and she was sort of the de facto liaison to the Board of Selectmen because you and other people felt comfortable giving her information.

Darke stated he never goes over to the department, doesn't look over the shoulders of those working at town hall; that he doesn't stick his nose in everybody's business.; that it's not how he does things; that he does feel the review needs to be done or they will still be dealing with this a year from now; that if they do it now, if there's some bad apples over there then they resolve it; that if there's some things that need to be tweaked, they resolve it; that if something comes down that the Chief isn't doing right, they resolve it; that either way, they kind of just get things fresh and go forward. It has nothing to do with Officer Gorski. He's back on the job. Darke said he's glad he's back on the job; that he said that before that he wanted to see him get back on the job but they never pressured the Chief to bring him back. Darke said again he had heard certain things since then; that he just wants to make sure things are alright and again, as the town's manager, he doesn't see anything wrong with that. Darke said he doesn't feel like he should have to feel like he's harassing the Chief or that he should have to feel like that he's being threatened when he sees a letter that's copied to the Attorney General's Office, to the Ethics Commission, for just trying to do his job. Chief Kirmelewicz apologized to Darke if he felt threatened by him copying the letters to those agencies, that it was not his intent. Darke asked what was the intent and Kirmelewicz responded that his intent is transparency; that getting back to this management study, the same night he has an investigative hearing, he emails and requests a disciplinary hearing and the response is schedule a meeting for a management review, that his request for a hearing is ignored.

Darke responded, "And you said for transparency's sake we have to let the powers to be know that we are doing things that shouldn't be done?" Chief Kirmelewicz, "Well, there's been a lot of things said that people aren't privy to." Darke respond, "There's been a lot of things said, and just like you said that second and third hand stuff I shouldn't be listening to?" Kirmelewicz responded, "No, it's not second hand. I was sitting there personally listening to things that had been said." Darke asked, "By us?" and Chief Kirmelewicz responded, "Yes." Darke said, "That's interesting. I guess I didn't see you there. Where were you?" and Chief Kirmelewicz replied, "We were in Executive Session meetings." Darke, "Meetings that we had, had to do with us. Again, I can't help but feel that you're making a case, that you're trying to build a case that we're doing something wrong to protect your job—and again, I've said it before, I feel like, that to me, and I'm not going to file a complaint, but that to me is like, if anybody has anything to gain financially, it's you, by you know, by keeping your job, so putting the pressure on us to make sure you keep it, that's an issue, but I'm still me, I'm still above board, and I'm still saying let's

hire someone who knows what they're doing, who is independent, not me, William Darke, Board of Selectmen, —hire someone who knows what they're doing to come in and do the job."

Greaney—"Will you check with MIIA tomorrow, Nancy? Are you off? Nancy—"Yes, I'm off."
Greaney—"Monday? Is that all we have now?"

Darke—"Yea, that's all I've got. I'm hopeful we can get this thing going here soon—as long as this thing drags out, and that was the reason that I gave in and didn't do it before the Chief's contract negotiation was finished because I thought that was dragging on too long and I thought that the longer that process dragged on it just wasn't going to be good for anybody so I thought let's just get this thing done, and I can do that review later, and I even hesitate to say what I'm thinking. Again, I thought that for all parties involved the Chief, us, Selectman Gorski, Officer Gorski—even though the two were unrelated I thought that if that thing dragged on much longer, that it was just going to be bad for everybody."

Greaney—"I think we're all happy that it's done."

Darke—"but I never gave up my desire to do a review, and again, I don't see anything wrong with it no matter how much pressure is put on me, no matter how many Ethics Complaints get filed, you know."

Chief Kirmelewicz—"What do we do about the other situation, as far as a hearing?"

Darke—"I don't know, ask our attorney. If I'm not going to sit in on it, and Bette can't sit in on it, who do we have, the Town Clerk?"

Attorney Maser—"I think it might be more appropriate for me to analyze it with a little more thought before I sort of just come in to a meeting—I understand obviously she's a patient of yours..."

Darke—"That's fine. Her whole family is, her husband, children."

Attorney Maser—"Yea, I would have to consult probably the Ethics Commission. A patient relationship is not a situation in which an immediate family member has a financial interest like you see with Selectman Gorski where her son has a financial interest in the operation of the police department. For example, when the whole situation occurred with the former patrol officer Selectman Gorski recused herself because in the event that officer is removed, her son has a financial interest in those vacant shifts that are created from the removal. Here would be a situation which you have a patient, but the patient is not in the same, it's not on all fours with that example I just gave you about Selectman Gorski."

Darke—"I understand that, but you know what the problem is with the Ethics Commission? Apparently anybody can file and they don't have to put their name to it and you can make up whatever you want to make up and they have to investigate it—and if they decide that it is worth investigating, then they investigate it, and that means that people like us have to answer to that and that stuff is just wrong...."

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Greaney and Darke both said they haven't picked up certified mailings that were sent to them by Ethics. Darke stated that he knew they sent one uncertified to his house, but he hasn't talked to anybody yet; that he was expecting somebody to call him—but he's not even going to put himself in that situation; that he's not going to do it.

Attorney Maser responded, "that's why if you requested an opinion from us as to whether or not there was a conflict, we could then send our opinion to the Commission and they would advise..."

Greaney asked whether they could just put the person into a different position with the town, whether they could move people around, whether that is an option?

Attorney Maser said he would have to take a look at the Personnel Policy but that he would think that if the policies were silent with respect to that it would certainly be something that the Board of Selectmen could do if that position is appointed.

Greaney replied, " I think it's crazy to have someone getting paid for several weeks where we run light, we don't have many employees in this town. I mean, maybe there's a way we can do something different." Attorney Maser asked "You're talking about just in terms of right now, or in terms of going forward?" and Greaney responded, "Either going forward or right now, either way. I hate to see the person be out of work—and at the same time I hate to see someone getting paid for not being at work."


Attorney Maser—"If there's a need in another department and the Personnel Policies are silent on that and there's no benefits or guarantees that are conferred upon an employee in their position, then, from my chair, it's certainly something you can do rather than have a person stay out on paid administrative leave pending a hearing or in order to resolve the entire situation....." Greaney—"I'm thinking of it as a resolution to the problem."

Moved Greaney, seconded Darke, and it was

VOTED: To adjourn.

Meeting adjourned at

Respectfully submitted,



Nancy Lewandowski
Administrative Assistant