

Memorial Town Hall, 1 Library Street, Georgetown, MA 01833
Ph. (978) 352-5755 □ Fax (978) 352-5727
BOARD OF SELECTMEN MEETING MINUTES
Memorial Town Hall
2/12/18
6:00PM-Special Meeting~2nd floor meeting room, Town Hall

Selectmen Present: Joseph Bonavita, Chairman; Steven Sadler, Clerk; Douglas W. Dawes, Gary C. Fowler, and C. David Surface

Others Present: Michael Farrell, Town Administrator; Darren Klein, KP Law; Janet Pantano, Administrative Assistant; Steven Przyjemski, ConCom Agent; Carl Shreder, Chair, Laura Repplier and Rachel Bancroft, ConCom members; Andrea Thibault and Pam Anderson; Patty Pitari, ZBA Clerk

Absent:

6:00PM

(1) To discuss complaints or charges brought against, a public officer, employee, staff member or individual.

And,

(3) To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

Mr. Bonavita opened the meeting. He stated that the meeting was to be an executive session but Mr. Farrell and Mr. Przyjemski have requested the meeting be held in open session.

Ms. Thibault asked if she could record the meeting. Rachel Bancroft asked if she could record the meeting. Mr. Bonavita stated that they could.

Mr. Bonavita explained that they will listen to everyone and at the end determine how to proceed. He introduced Darren Klein, town attorney from KP Law. He stated that there has been a complaint and charges and have to have a strategy on how to proceed in open session. Mr. Surface stated that he is uncomfortable doing this investigation. He stated that he would rather have an independent investigator. Mr. Klein stated that tonight should be on the process and then an investigation and that would be brought back to the board. Mr. Bonavita stated that he would like to open up with some comments by Mr. Farrell and Mr. Przyjemski as they are the accused. He stated that it will be up to the board on how to proceed. He stated that they have the complaint from Ms. Thibault. Mr. Klein stated that the two will deny allegations.

Mr. Sadler moved to hire a third party to investigate this claim and report back to the board. Mr. Surface seconded the motion.

Mr. Surface stated that this is a complaint. Mr. Farrell stated that he does not know the complaint against him. Mr. Klein stated that it is not a public document unless it is discussed. Mr. Farrell stated that he cannot defend himself if he does not know what he did.

Mr. Bonavita stated that he wants to let these men know what the allegation is.

Mr. Fowler asked if they can go into executive session. Mr. Klein stated that they can go into executive session and show the document to both and then they can determine if they want the meeting held in open or closed session. Mr. Dawes asked if the only documentation to these gentlemen is the letter sent by the Chair. Mr. Bonavita stated that he talked to Mr. Farrell and both were notified of the executive session and both decided to hold in open session.

Mr. Dawes asked if Mr. Przyjemski has had discussions with Mr. Bonavita. Mr. Bonavita stated that he has not discussed this with Mr. Przyjemski. Mr. Bonavita stated that with the complaints he asked to separate Ms. Thibault and Mr. Przyjemski until tonight. He stated that he met with Mr. Farrell for a half hour and discussed complaints.

Mr. Klein stated he feels the motion should be voted on and it is in the town's best interest to proceed.

Mr. Fowler stated members have not seen complaints. Board members stated that there are numerous emails. Mr. Fowler stated he has only seen two. He stated he sees no complaint lodged and a misunderstanding.

Mr. Surface stated that the email said that the complainant would provide copy of emails to Mr. Fowler. Ms. Thibault stated that she talked to Mr. Dawes and called Mr. Fowler. Mr. Dawes stated that he gave Mr. Fowler some emails but he is not a courier.

Mr. Sadler asked as we continue with investigation can the parties work together. Mr. Farrell stated he is can, Ms. Thibault stated she could.

Mr. Dawes stated that the public employee can request to hold in open session. Mr. Fowler stated he would like to discuss in executive session.

Mr. Bonavita asked if a complaint has to come in a special way. Mr. Klein stated that it does not need to come any special way and the board has responded correctly. Mr. Sadler stated that town has followed the correct procedure.

Mr. Bonavita asked if this verbal discussion is all that is needed to proceed. Mr. Klein stated that the complainants have the right view the complaint document.

Mr. Surface asked how much falls on the ConCom as Mr. Przyjemski works for them. Mr. Klein stated they have to all work together.

Mr. Fowler stated he would like to vote on the motion and vote to deny and then go into executive session and share the complaint documents and then go into executive session the board only. He stated that he only saw allegations against one employee.

Mr. Surface stated that everything should be sent to town counsel and then an impartial investigator will look into the complaint and then return a report to the board.

Mr. Bonavita stated that this would be an attorney who does not know the town. He asked for a vote on the motion.

The motion was approved by a unanimous vote.

Mr. Surface moved to hire KP Law to investigate the complaint by Andrea Thibault of the conservation agent and town administrator. Mr. Dawes seconded the motion and the motion was approved by a unanimous vote.

Mr. Surface asked Ms. Thibault if she feels safe.

Ms. Thibault stated that she does feel that Mr. Farrell would handle that.

Mr. Surface moved to have town counsel share the complaint with employees within the next 48 hours. Mr. Sadler seconded the motion and the motion was approved by 4-1.

Mr. Klein stated employees can ask questions on the process. Mr. Fowler stated that the board and complainants should not have discussions on the complaints.

Mr. Bonavita asked if Mr. Farrell or Mr. Przyjemski had any questions.

Mr. Farrell stated no questions.

Mr. Przyjemski asked how long will the process take and can his board be more involved in process. Mr. Klein stated less than a month. He stated if a problem or concern go to either chairman. Mr. Fowler stated that all emails are confidential and should go to counsel. Mr. Bonavita stated all his emails have been forwarded to town counsel. Mr. Klein stated that the board does have the ability to hold a joint meeting. Mr. Bonavita stated can it just be the boards or do Mr. Przyjemski and Ms. Thibault have to be notified. Mr. Klein stated that the employees have a right to be there for the meeting. He stated Mr. Przyjemski and Mr. Farrell have the right to be there and you could invite Ms. Thibault. Mr. Farrell stated that he would want all discussions to be in open session. Mr. Sadler asked if they can contact KP Law. Mr. Klein stated that any questions should go through the chair and not everyone call. He stated that the investigator could be called if they remember something. He stated that this can be Ms. Thibault, Mr. Przyjemski, Mr. Farrell, or the board.

Mr. Fowler moved that all correspondence should go to the chair. Mr. Dawes seconded and the motion and the motion was approved by a unanimous vote.

Mr. Bonavita asked for the 3 people to work with the investigator. Mr. Klein stated that the three principles work directly with investigator and anyone else should go through the chair.

Mr. Bonavita stated that this was a good discussion and that there will be a fair and full investigation and that he hopes everyone can work together. He stated that he will work with the investigator.

ADJOURNMENT

Mr. Surface moved to recess until 7:00PM. Mr. Sadler seconded the motion and the motion was approved by a unanimous vote.

Meeting recessed at 6:54PM.

Minutes transcribed by J. Pantano.

Minutes approved March 12, 2018.