

BOARD OF SELECTMEN

CHARLES E. SHEPARD MUNICIPAL BUILDING

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MINUTES OF EXECUTIVE SESSION

DECEMBER 10, 2008
SHEPARD MUNICIPAL BUILDING

Present: David Delanski, Chairman; Robert W. Souza, Jr., Vice Chairman; Robert K. Downing, Clerk; Jean McCaughey, Administrative Secretary.
Also present: David Jenkins, Town Counsel, Gary Odiorne Highway Surveyor, Bruce Spiewakowski, Chief of Police.

The purpose of the executive session was to hear charges brought against [REDACTED] acting in his capacity of a town official. [REDACTED] was given 48 hours notice of the meeting and was not present.

Mr. Delanski turned the meeting over to Mr. Jenkins who conducted the session.

Mr. Jenkins reviewed the facts of the matter as they had been told to him. He noted that under the open meeting law, the Board cannot discuss an employee without giving him proper notice. The purpose of tonight's meeting is fact finding. The board will be required to notify [REDACTED] of charges and give him a chance to be heard. The purpose of this meeting was to ask the employee, the surveyor and the chief to present their version of what occurred. Since the employee is not here, Mr. Jenkins began by questioning Gary Odiorne.

Gary Odiorne said that in May and June they were cleaning up the old garage and there were a couple of old buckets and a twister wrist. He felt that they were no good as they needed work. They had been replaced by new equipment two years ago. He went on to say [REDACTED] asked about them and said he knew someone who could use them. Gary presumed that the items would be given to this person, not sold. Mr. Jenkins asked if they were sold, Gary replied "I have been told they were sold". When asked who told him, Gary said, [REDACTED] other people in the department, who may have found out from another source. The items were returned by an uninvolved party [REDACTED]. They had been given or sold to another party, [REDACTED].

Mr. Jenkins asked Mr. Odiorne if he was aware of statutes about surplus property and if he thought they applied in this case. Mr. Odiorne said he is aware of them but did not think they applied because the items had been around for years and had only been used off and on.

[REDACTED]

Executive Session December 10, 2008

[REDACTED]

Mr. Downing asked if in fact Gary did not know [REDACTED] sold the items, the answer was yes.

[REDACTED]

At 5:30 PM the Board excused Gary from the meeting.

Chief Spiewakowski told the board that his investigation of the equipment disappearance found that Gary spent \$1800 to repair the equipment in 2004.

[REDACTED]

Mr. Jenkins pointed out that the statute does not give the highway surveyor appointing authority.

After further discussion and upon the suggestion of Mr. Jenkins, Mr. Downing made a motion to authorize Attorney Jenkins to prepare a formal notice of charge and a hearing, second by Mr. Souza. Roll Call Vote: Souza, yes, Downing, yes, Delanski, yes.

The disciplinary hearing will be held on Wednesday December 18 at 5 PM. The notice will be hand delivered by a constable.

There was a brief discussion of the possible actions that the selectmen can take following the hearing including termination. The board members feel [REDACTED]

Executive Session December 10, 2008

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Downing asked if in fact Gary did not know [REDACTED] sold the items, the answer was yes.

[REDACTED]

At 5:30 PM the Board excused Gary from the meeting.

Chief Spiewakowski told the board that his investigation of the equipment disappearance found that Gary spent \$1800 to repair the equipment in 2004.

[REDACTED]

[REDACTED]

After further discussion and input from [REDACTED] the board authorized Attorney Jenkins to prepare a formal notice of charges and a hearing, second by Mr. Souza. Roll Call Vote: Souza, yes, Downing, yes, Delanski, yes.

The disciplinary hearing will be held on Wednesday December 18 at 5 PM. The notice will be hand delivered by a constable.

There was a brief discussion of the possible actions that the selectmen can take following the hearing including termination. The board members feel undecided about

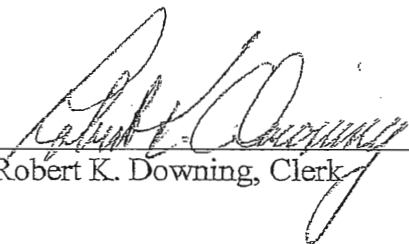
Executive Session December 10, 2008

that option because no one has had the opportunity to talk ██████████ Jenkins pointed out that sometimes a long term employee is willing to enter an agreement or resign because of the risk of losing health and other benefits.

Mr. Jenkins suggested to the Selectmen that they take back hiring authority for the highway department.

Motion made by Mr. Downing at 5:50 PM to come out of executive session; second by Mr. Souza. Roll call vote: Souza, yes, Downing, yes, Delanski, yes.

Respectfully submitted,
Jean McCaughey
Administrative Secretary


Robert K. Downing, Clerk

11 Walnut Street
PALMER, MASSACHUSETTS 01069
Telephone 283-5168

Date 10/25/04

Town of Warren
Highway Dept.
Warren, Mass. 01083

Order No.

Repairs to Twister Wrist

1800 00

Wayne Roy

*Put in BOOK
MACH. MAINT.
J. O.*

BACK HOE

*Order
0311*

TOWN OF WARREN
ACCOUNTS PAYABLE VOUCHER

DEPARTMENT Highway WARRANT# 32

ACCOUNT NUMBER
001-420-5210-048

AMOUNT
1800.00