



BOARD OF SELECTMEN

CHARLES E. SHEPARD MUNICIPAL BUILDING

48 High St. • P.O. Box 609 • Warren, MA 01083-0609 • Tel. 413-436-5701 • Fax 413-436-9754

EXECUTIVE SESSION MINUTES DECEMBER 18, 2008 SHEPARD MUNICIPAL BUILDING

Present: David Delanski, Chairman; Robert W. Souza, Jr., Vice Chairman; Robert K. Downing, Clerk; Jean McCaughey Administrative Secretary.

Also present were David Jenkins, Town Counsel, Police Chief Bruce Spiewakowski, Highway Surveyor Gary Odiome, [REDACTED] and his attorney [REDACTED]

The purpose of the meeting was to discuss discipline and possible termination [REDACTED] based on allegations regarding the conversion of town owned property.

Mr. Delanski informed [REDACTED] of his rights in an executive session, including the right to have the meeting held in open session, which he waived.

[REDACTED] and Attorney [REDACTED] left the meeting room.

Attorney David Jenkins told the board that he has subpoenaed two men who supposedly [REDACTED] talking about making money on the sale of town property. One was here before the meeting and denied hearing anything. He asked to be excused based on poor health and has left the building.

He then told the board of his conversation earlier in the day with [REDACTED] regarding the matter. Mr. Jenkins told Mr. [REDACTED] that there are high stakes for Mr. [REDACTED] explaining the risk to his pension and insurance if he should be terminated. [REDACTED] he is of the opinion that the board does not want to terminate the employee. [REDACTED]

In the earlier conversation Mr. Jenkins asked Mr. [REDACTED] if his client is considering resignation. The response was yes, but he would want severance. [REDACTED]

The Selectmen are not open to paying severance. [REDACTED]

Mr. Jenkins explained the use of a "last chance agreement" in situations where an employee has had multiple disciplinary issues. Mr. Delanski said [REDACTED] stay on, he would want such an agreement.

Motion by Mr. Souza to come out of executive session at 5:30 PM, second by Mr. Downing; Roll call vote: Downing, yes, Souza, yes, Delanski, yes.

The executive session re-convened at 5:50 PM

Present were: David Delanski, Chairman; Robert W. Souza, Jr., Vice Chairman; Robert K. Downing, Clerk, Jean McCaughey Administrative Secretary.

David Jenkins, Town Counsel, Police Chief Bruce Spiewakowski, Highway Surveyor Gary Odiome.

[REDACTED] his case is that Gary said disposing of the equipment was ok. He would agree to 15 days suspension beginning tomorrow. Mr. Jenkins reviewed the terms of the last chance agreement that he prepared with the board.

Motion made by Mr. Souza to authorize Attorney Jenkins to enter into the agreement on behalf of the town, second by Mr. Downing. Roll call vote: Downing, yes, Souza, yes, Delanski, yes.

[REDACTED]
He left the room and returned five minutes later with an agreement signed by [REDACTED]

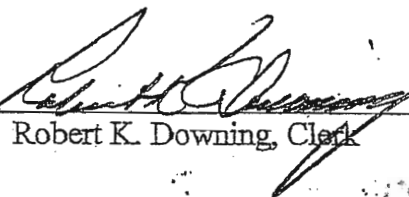
Motion made by Mr. Souza to sign the agreement [REDACTED] second by Mr. Downing Roll call vote: Downing, yes, Souza, yes, Delanski, yes.

The three members of the board and Gary Odiome then signed the document.

[REDACTED] and Attorney [REDACTED] returned to the meeting at 6:20 PM. Mr. Delanski briefly addressed [REDACTED] the board's concerns.

Motion made at 6:25 by Mr. Souza to come out of executive session second by Mr. Downing. Roll call vote: Downing, yes, Souza, yes, Delanski, yes.

Respectfully submitted,
Jean McCaughey


Robert K. Downing, Clerk