

SPECIAL MEETING  
BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
Monday, August 22, 2022

Attendance: Ed Watson (Chairman)  
Jason Naves Vice-Chairman  
Kathleen Kastrinelis  
Daniel MacDonald  
Mark Parenteau

Visitors: Rebecca Oldham, Town Administrator  
Brian Maser, K-P Law (attending on phone)

Meeting convened in open session at 6:30 p.m.

Chairman Watson: Motion to enter into Executive Session at 6:30 p.m. pursuant to M.G.L. c. 30A, §21 (a) (1): To review a complaint against a town employee (Votes may be taken).

Second by Jason Naves.

Chairman Watson: Roll Call Vote

Jason: Yes

Kathleen: Yes

Dan: Yes

Mark: Yes

Ed: Yes

Chairman Watson: The purpose of this executive session is to come up with a response to a possible complaint submitted to the Board of Selectmen on July 18, 2022. Chairman Watson stated that he had several concerns/questions regarding this possible complaint:

- 1) When did the COA convene a meeting to come up with this document?
- 2) When did the COA take a vote on this?
- 3) The agendas for the COA do not show an executive session which would be required to vote and submit any complaint. Where is an agenda that shows an executive session?

Chairman Watson recognized K-P Attorney Brian Maser to provide advice on these questions.

Attorney Brian Maser: There are several possibilities. If the COA is submitting a complaint, the COA would have needed to vote on the complaint at a properly posted meeting and this would need to have been done in executive session. If this did not happen, then COA had an improper meeting or the complaint was never before the COA and never acted on by the COA. The validity of the complaint is a matter of record. The BOS has several options:

- 1) The BOS can vote to close the matter.
- 2) The BOS can decide to take more action on the matter.
- 3) The BOS can vote to dismiss the complaint as it was not voted by the COA and so, is not properly before the BOS.

Chairman Watson recognized Dan MacDonald.

Dan posed the question that if the complaint is not properly before us, should we just dismiss it? Dismiss it summarily?

Attorney Maser responded that if that's how the majority of the board feels then they can vote to dismiss.

The BOS continued discussion on whether or not the complaint was properly before the BOS and what would be in the best interests of the town. Dan expressed concern that if the BOS got into the merits of the complaint, it would be prejudicial on the employee. Dan was concerned that this would set up a problem on the Town side for the improper handling of this issue.

Attorney Maser: Does Kathy want to say something?

Kathy: I have researched all the records available to me including minutes, emails and transcripts of taped BOS meetings and can find no evidence that the COA held a meeting on the issue presented and no evidence that the COA took a vote on this issue nor had an executive session on this issue. I have a document to support my research.

Chairman Watson: If we take no action because it (the complaint) was not properly voted, can it be resubmitted?

Kathy: Based on the information that I've reviewed; can we dismiss this?

Dan: I make a motion to dismiss the complaint as it is not properly before the BOS.

Jason: Second

Chairman Watson: Roll Call Vote

Jason: Yes

Kathleen: Yes

Dan: Yes

Mark: Yes

Ed: Yes

Dan: Motion to adjourn executive session at 6:40 p.m.

Jason: Second

Chairman Watson: Roll Call Vote

Jason: Yes

Kathleen: Yes

Dan: Yes

Mark: Yes

Ed: Yes

Kathy: Motion to adjourn open session.

Jason: Second

Vote: Unanimous

Executive Session Minutes respectfully submitted by Kathleen Kastrinelis