

BOARD OF SELECTMEN  
EXECUTIVE SESSION  
MEETING MINUTES  
*Monday, February 5, 2018*  
*Groveland Town Hall*  
*183 Main St, Groveland, MA 01834*

Present: Chair Mike Wood, Vice Chair Lisa Dube-Carpenter, and Selectman Bill Dunn

Absent: Selectmen Ed Watson, and Bill O'Neil

Also Present: Finance Director, Denise Dembkoski

Chairman Wood called the meeting to order at 5:33 pm.

Selectwoman Carpenter made a motion to roll call into Executive Session, in accordance with M.G.L. c. 30A, s. 21 (a)(2), for the purpose of conducting a strategy session in preparation for negotiating with non-union personnel (Fire Chief);

Selectman Dunn seconded and the Board approved the motion on a roll call vote. Dunn – Yes, Dube-Carpenter – Yes, Wood – Yes

Ms. Dembkoski informed the Board that Chief Lay's counsel expressed a potential lawsuit if this matter couldn't be settled amicably. After consulting with counsel, Ms. Dembkoski presented the following facts to the Board. If a lawsuit were to be filed with MCAD (Mass. Commission Against Discrimination) for age discrimination, the town's insurance company would defend that suit; however, we would be on the hook for the \$5,000 deductible and a 24 – 36 month wait for the case to be on the docket. In all likelihood the insurance company would look to settle a suit such as this, even if there is no merit.

If a civil suit is filed for wrongful termination, just the attorney's fees to prepare a defense could easily add up to \$10,000 to \$15,000 and would take approximately one year to be on the court's docket. As with most suits, the plaintiff would most likely reach out for a settlement on top of the attorney's fees paid. Or if it goes to trial, there will be additional costs, plus any court judgement, which if the town is found guilty, would include back wages.

In either case that does not account for the \$24,952.31 that is owed for health insurance. If Chief Lay fails to pay that back, we would be left with two options to recover the funds: seek a lien against his property for the amount or to file a lawsuit for recovery. The costs for either of these options would be estimated between \$10,000 - \$15,000 as they would both require a judgement in court.

Costs being considered, Ms. Dembkoski informed the Board that through counsel, we had been informed that there may be an appetite to settle before the 12<sup>th</sup> and before any other costs are added. Counsel relayed that the Chief is concerned about losing his health insurance coverage as a result of possible termination. Ms. Dembkoski informed the board that one option would be to allow Mr. Lay to remain on the town's health insurance, provided he pay 100% of the premiums, until his 65<sup>th</sup> birthday (September 2019).

The Board discussed their options and weighed the costs presented earlier. Chairman Wood stated if the Board entertained allowing Chief Lay to remain on the insurance they would require very strong payment language. In addition, the board would like to be transparent and would like to publically release the terms of any settlement.

Selectwoman Carpenter made a motion to offer a settlement to Robert Lay that the town would waive the \$24,952.31 he owes for unpaid health insurance premiums and will allow the Chief to remain on the town's health insurance plan until his 65<sup>th</sup> birthday, provided he pay 100% of the premiums, if the Chief resigned under a mutual agreement with neutral reference language and a non-disparaging clause. Selectman Dunn seconded the motion. Chairman Wood called for a roll call on the vote. Dunn – Yes, Dube-Carpenter – Yes, Wood – Yes

Ms. Dembkoski informed the Board that she would be in touch with Attorney Brian Maser first thing in the morning to relay the Board's settlement offer. Absent an agreement, the Board will plan to meet with the Fire Chief on Monday, February 12<sup>th</sup> at 6:30pm.

Selectman Dunn made a motion to adjourn at 6:20pm. Seconded by Selectwoman Carpenter. Affirmative by all on a roll call vote.

Respectfully Submitted by: Denise M. Dembkoski

\*\*\* Approved on March 19, 2018 on a vote of 3-0-2, with Selectmen Watson and O'Neil abstaining \*\*\*