
**BOARD OF SELECTMEN
MEETING MINUTES
11/4/08**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:04 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

None

ANNOUNCEMENTS

1. **Yard Waste Days** - The Lunenburg Landfill, off of Youngs Road will be open for consecutive Saturdays October 18th and continuing to November 22nd, 8:00 a.m. to 4:00 p.m. Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches, unlimited length). Shrubbery and plantings, with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. OPEN TO LUNENBURG RESIDENTS ONLY.

2. **Financial Summit, November 13, 2008 – 7:00 P.M.** – rescheduled to Thursday, November 13, 2008 @ 7:00 P.M. session will be televised, people will be afforded the opportunity to ask questions. Note correction to cable station (Andrea)

APPOINTMENTS

None

CURRENT BUSINESS

1. **CAFO Updates** – see attached.

2. **Minutes** - None

Warrants - #22 09, 11/4/08 - \$321,686.84 and #23 09, 11/5/08 - \$340,436.25 reviewed and signed.

3. **Action File Issues**

Dave questioned a letter in the action file from a Patricia Cabrinety and would like to be sure that she gets a response from someone. He will call and inform her that as we don't really know where we're at with the program being fully funded this year versus what has occurred previously as this cost that she's addressing doesn't take into account the cost of transportation and tipping. Town will need to get a lot of data together before we make a determination on a senior discount.

4. **7:15 P.M. – 109 Massachusetts Ave., Helen Jean Dupont** – Jean was present and informed the board that this is basically a transfer for a name change to Rosemary & Radishes, Inc., d/b/a Arabis A Wellness Boutique. Board voted unanimously to approve.

OLD BUSINESS

1. **Committee Updates** - None

COMMITTEE APPOINTMENTS/REAPPOINTMENTS - RESIGNATIONS

None

EXECUTIVE SESSION

Being no further business board voted unanimously to adjourn Regular Session at 7:18 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen

BOARD OF SELECTMEN
EXECUTIVE SESSION
11/4/08

The Board of Selectmen met in Town Hall as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Adjourned Regular Session at 7:18 P.M. and opened Executive Session by roll call vote; Steve aye, Tom A. aye, Paula aye, Tom M. aye and Dave aye, at this time for the purpose of considering the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual. Also present was DPW Director Jack Rodriquez.

Chairman announced that the Board would not be returning to Regular Session

1. Personnel Matters

Kerry reviewed her attached memo to the board on the 10/24/08 incident. She informed the board that by Marc Terry advised her that the only thing she as CAFO could do was to place Jack on paid administrative leave pending an investigation which she did on Friday October 24th following the incident. Kerry spoke with the Fire Chief with regards to the seriousness of the event and concluded that the incident was serious enough that some action needed to be taken. She requested that Laura conduct the investigation as she has been certified as the Hearings Officer.

She informed the board that advice of Counsel, Marc Terry was that the Board delegates their authority to the CAFO to exercise the power given to the board per Section 7-9 of the Town's Charter. Charter states that, *"any appointed town officer...not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement...may for good cause, be suspended...without compensation...by the multiple member body which appoints such officer. Suspension shall be for no more than fifteen days."*

Jack informed the board that for his part of the report there is nothing but the truth. It's been embarrassing having been in this business for over 14 years and would like to have the opportunity to read the report. However, does express disappointment in what has occurred.

Board is concerned about the communication within the department and would like to stress the importance.

Jack has begun compiling information and has had meetings with both the laborers and middle managers and they have been directed to submit their outlines (middle mgrs) for the future scope of work. Has contacted Dig Safe and they are scheduled to come to the department for a presentation about their functions. Have also scheduled a slot on Friday's at the Library for use of their AV equipment and have also contacted OSHA.

Board concurred that fortunately nothing serious occurred and if some good can come out of this the board is pleased with Jack's efforts to reach out and get training for the department. Important thing is that we've learned from these mistakes and are more aware of the safety issues. And would like to see Jack's written response so that we can close the file on this.

As such and based upon the findings of the employee interviews the CAFO recommends the following disciplinary action be imposed: five - (5) day suspension. This suspension should be retroactive back to Monday, October 27, 2008 and conclude at the end of business on Friday, October 31, 2008. After such time, Rodriquez should be fully reinstated as DPW Director/ Superintendent of Highways. Additionally, I would impose a standing requirement that two- (2) hours per month be set aside for safety training, the first 6 months of which should receive prior approval of the CAFO. All training should be documented, kept on file in the DPW Director's Office and be available during business hours for review by the CAFO or her designee.

Tom A. motion to ratify the CAFO's decision, Dave so moved, Steve seconded, voted Dave aye, Tom M. aye, Steve aye, Paula aye and Tom A. aye. Being no further business board voted unanimously to adjourn Executive Session at 7:38 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen

Voted to be incorporated with regular minutes on: _____.