

**TOWN OF WEBSTER
BOARD OF SELECTMEN
ROBERT MILLER, CHAIRMAN
DON BOURQUE, VICE CHAIRMAN
ANDREW JOLDA
WILLIAM STARZEC
MARK DOWGIEWICZ**

Executive Session was held in the Board of Selectmen's Meeting Room on Monday, January 5, 2015. Chairman Miller called the meeting to order at 6:31 P.M.

Attendance: William Starzec, Mark Dowgiewicz, Andrew Jolda, Don Bourque, Chairman Robert Miller, Attorney William Hewig, Attorney Brian Maser, Attorney David Jenkins, Attorney Austin Joyce, Chief Timothy Bent

Topic: Police Chief Investigation Cost

Chairman Miller stated this was a follow-up regarding some questions the Board had regarding the costs for a couple of investigations. He stated the Board had some questions after a newspaper article was released regarding a settlement that was reached involving the Police Chief. He stated the Board has no prior information regarding these allegations or settlement. He stated the Board would like to talk about the costs associated with the case. He stated the Board would also like to know the cost associated with the Sergeant Brooks investigation. He stated Mr. McAuliffe is the appointing authority so all reprimands for misconduct would be assessed by him. Selectman Dowgiewicz stated the Board was not aware of anything regarding these investigations and would like to ask some questions. Attorney Hewig stated a settlement was paid for the Yvette Roselund case by the insurance company. He stated he cc'd the Board in a letter regarding the settlement in April 2013. Mr. McAuliffe stated there had been many conversations regarding this case. Selectman Dowgiewicz asked how much this cost the Town. Attorney Jenkins stated the Town had Trident Insurance which paid for all the fees. (Attorney & Settlement Costs) He stated they can get an exact amount. Mr. McAuliffe stated the Town would have been responsible for all the costs if it did not settle. Selectman Bourque asked if the Insurance Company was required to disclose the Attorney fees they paid. Attorney Jenkins stated they are not required. He stated they tried to interview and do an investigation but the plaintiff was not willing to cooperate. Selectman Starzec asked how this will affect the Town's premium. Mr. McAuliffe stated the premiums are all based on claims. He stated the premium will also go up because of the Water Department injury claim. Attorney Jenkins stated during her first claim she was paid while out of work. He stated he advised Mr. McAuliffe not to terminate her for not working. He stated the second claim came a year after her first claim. Selectman Dowgiewicz asked what triggered her amended complaint. Attorney Jenkins stated he believes she got an Attorney. He stated she was having performance issues before the claim and this complaint she filed gave her protection. Selectman Dowgiewicz asked if anything happened on duty. Attorney Jenkins stated regarding the Police Chief, nothing happened on duty. He stated the other allegations happened during work hours. He stated the other allegations were old and were not sustainable. Selectman Dowgiewicz asked if she was tied up. Mr. McAuliffe stated there was an allegation that she was tied up and left in a car bay.

Topic: Sergeant Brooks Investigation

Mr. McAuliffe stated the Town spent \$17,000.00 on the Sergeant Brooks investigation. He stated the cost breakdown was: \$12,000.00 for Legal Counsel, \$4,000.00 for an Independent Investigator and \$1,000.00 for an Arbitrator.

Chairman Miller stated Mr. McAuliffe should have stayed neutral on this investigation. He asked how much Sergeant Brook's was paid while he was on paid administrative leave. Attorney Maser stated he did not know the exact amount but the Town could get that information for you. He stated Sergeant Brooks returned back to work immediately after the verdict was announced. Chairman Miller stated this investigation lost the Town money and time. Mr. McAuliffe stated Sergeant Brooks hit the dog. He stated it was a very bad situation. He stated he did not pursue this issue it was actually his fellow officers who come forward with their concerns. Selectman Dowgiewicz asked how many Independent Investigator's the Town has had. Attorney Maser stated the Town hired Michael Pavone, Sr. to do the Brooks investigation. Mr. McAuliffe stated these cases are expensive. He stated there is a lot of ill will. Selectman Dowgiewicz stated there was another incident the other day. He asked if that was going to be investigated. Mr. McAuliffe stated he was unable to speak of this matter during executive session since the party involved was not present but stated this will not be investigated. Selectman Bourque stated the Board can't lose sight that the dog was also an officer. He stated there needed to be an investigation. He stated it showed great ability of the Town Administrator to get an Independent Investigator and Independent Arbitrator to oversee this case. Selectman Starzec stated he heard about this case through hearsay. He stated it should have been brought to the Board's attention before time. Mr. McAuliffe stated he called all the Board members and notified them of this incident. Selectman Starzec stated he did not received a phone call regarding this incident and believes the Board should have been aware of this. He stated he heard that there was also a forensic investigation on fibers found on the police cruiser. Mr. McAuliffe stated he was not sure of the exact cost. He stated the fibers ended up being part of the cruiser. Selectman Starzec asked the Town Administrator why the Town didn't take Sergeant Brooks at his word that he didn't hit the dog. Mr. McAuliffe stated the whole series of events did not make sense. Attorney Maser stated there were verbal reports made to Deputy Chief Budrow that the dog had been hit by Sergeant Brooks. Deputy Chief Budrow spoke with the staff at the animal hospital who determined that Radar had been hit by a car. He stated through a series of events the Town held a disciplinary hearing. Mr. McAuliffe stated it seems as though the Board doesn't understand the severity of this situation. He stated the dog will not be returning to work. Chief Bent stated the dog is not fit for duty. He stated the dog will not return back to active duty. Chairman Miller stated it is well known that the Board is not respected by the Police Department. He stated it is said "Fuck the Selectmen" and that they have the Town Administrator in their pocket. He stated the Town Administrator should reign the Police Department back into order. He stated the Town Administrator spends way too much time on Police Department issues. He stated there are major problems at the Police Station. Mr. McAuliffe stated he would like to address the issues in the letter he received from Kopelman & Paige concerning the Police Department. Chairman Miller stated these issues will not be addressed any further. Mr. McAuliffe stated he would like to address them now with all of the Attorney's present. Chairman Miller stated Mr. McAuliffe was not listening and that all the issues will not be further addressed. Chairman Miller thanked everyone for coming.

ADJOURNMENT

Motion: made by Selectman Jolda, seconded by Selectman Bourque to adjourn Executive Session at 7:13 P.M.

Vote: Mr. Starzec – yes, Mr. Dowgiewicz – yes, Mr. Jolda – yes, Mr. Bourque – yes, Chairman Miller –yes.

Respectfully submitted,
Courtney M Friedland
Executive Secretary