

**Board of Selectmen
Minutes of July 14, 2016
Selectmen's Chamber, Town Hall**

Present: Alison Hughes, Chairman, Joseph DiRocco, Jr., Vice-Chairman, Tami M. Dristiliaris, Clerk, Tony Archinski, Jesse Forcier, Jim Duggan, Town Manager, Attorney James Hall, Attorney Peter McQuillan and Recording Secretary Shannon Rowe

Mrs. Hughes opened the meeting at 5:30p.m.

The Pledge of Allegiance was recited.

AGENDA ITEM:

* Discuss and Vote on Town Manager's Appointment of Interim Police Chief – Mr. DiRocco stated that the Board is in receipt of two letters from different Attorney's, one from Reardon, Joyce & Akerson, P.C., dated July 14, 2016 and one from Attorney Panas dated July 14, 2016 and asked if the Board should go into Executive Session to discuss them? Attorney Hall recommended that the Board go forward and if someone is going to sue the Town they will. Attorney Hall stated that there isn't anything being done today what would create a lawsuit.

Mr. DiRocco stated that he is not looking at the individual he is looking at keeping Dracut safe.

Attorney McQuillan stated that he agrees with Attorney Hall and the letters that the Board has received are letters of representation.

Attorney McQuillan stated that what is being done tonight does not violate any law.

Mr. Duggan reviewed his memorandum to the Board dated July 12, 2016, recommending Mr. Neil Ouellette as Interim Police Chief of the Dracut Police Department. Mr. Duggan stated that Mr. Ouellette worked for the Danvers Police Department for 32 years with 10 years being Chief. Mr. Duggan stated that he is confident that Chief Ouellette will serve the best interests of our Community and its residents during the interim period.

Chief Ouellette appeared before the Board and stated that this is an exciting opportunity, the rank and file has a thirst for change and Dracut has a wonderful facility.

Mr. DiRocco stated that he would have liked to ask questions before this meeting and feels a though the "cart is before the horse".

Mr. Forcier stated that is why he also questioned going into Executive Session.

Attorney McQuillan stated that Executive Session is not on the agenda and explained Civil Service General Law Chapter 31, Section 12.

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Attorney McQuillan explained that there is no Civil Service eligible list for Police Chief, which allows the Town Manager to appoint from the outside.

Attorney McQuillan explained Civil Service General Law Chapter 31, Section 26, regarding appointing a Veteran. Attorney McQuillan discussed speaking to Civil Service and asking for the Chief's list. Attorney McQuillan stated that there is no list which gives the green light to make a provisional appointment. Attorney McQuillan stated that they have satisfied all of the requirements.

Attorney McQuillan explained the difference between the Civil Service Commission versus the Human Resources Division. Attorney McQuillan stated that any appeal of the Board's decision would be with the Civil Service Commission.

Mr. DiRocco stated that he is trying to protect the Town and if the process being done tonight is not correct, it would come back to Attorney Hall, Attorney McQuillan and the Town Manager.

Mr. Archinski asked if the Permanent Chief would have to be a Veteran? Attorney McQuillan stated that the preference has to be recognized and they would have had to notify Veteran's if there was a Chief's list.

Mr. DiRocco asked when did Chief Richardson announce his retirement? Mr. Duggan stated that Chief Richardson made his official announcement on June 17, 2016.

Mr. DiRocco stated that he hates the last minute of this. Mr. DiRocco stated that according to the paperwork provided, Civil Service was reached out to on July 1, 2016 with the approval of Chief Ouellette on July 6, 2016.

Mr. Duggan stated that Chief Richardson had a confidential discussion with him regarding his retirement. Mr. Duggan stated that he then confidentially reached out to Attorney Hall.

Mr. Duggan stated that he wanted to clearly understand what he could bring forward to the Board for their appointment.

Attorney McQuillan discussed Civil Service Law Chapter 31, Section 58, stating that the Chief would have to establish residency within 9 months of appointment.

Mr. Duggan stated that the Chief Ouellette would be on duty 24 hours a day and work five days a week.

Mr. Forcier asked about the time line of all of this? Mr. Forcier stated that the approval was stamped July 6, 2016 but he wasn't notified until July 12, 2016. Mr. Forcier asked if other members of the Board were notified before July 12th?

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Mr. Duggan stated that notification was consistent and the entire Board were told at the same time.

Mr. Forcier asked if the current employees could apply within the next 12 months for the Chief's position? Attorney McQuillan stated yes, current employees would need to apply and discussed how the Civil Service tests work. Attorney McQuillan also discussed provisional appointments.

Mr. DiRocco asked if this was checked through the Ethics Commission? Attorney McQuillan explained how the Ethics Commission works and stated that Municipal Resources, Inc. (MRI) are non-municipal employees.

Mr. DiRocco asked if there was an age requirement for the position? Chief Ouellette stated that he is 56 and can work until the age of 65.

Mr. Forcier asked if Civil Service Law Chapter 31, Section 12, has ever been used? Attorney McQuillan stated that he does not have an answer to that and stated that Civil Service Law Chapter 31, Section 26, is required.

Mr. Forcier questioned if the appointment approval has gone to the Civil Service Commission or only the Human Resources Division? Attorney McQuillan discussed how the process works.

Mr. Forcier stated that an employee can self-report to the Ethics Commission but an employer cannot. Attorney McQuillan discussed how the Ethics Commission works. Attorney Hall stated that they have not contacted the Ethics Commission on Chief Ouellette's behalf.

Mr. Forcier discussed the ethics of the appointment and if the appointment is not correct the Board could be individually looked at by the Ethics Commission.

Chief Ouellette stated that he is not currently a municipal employee.

Mr. DiRocco asked what happens if someone files with the Ethics Commission after the fact? Attorney Hall stated that it was Chief Ouellette's responsibility to get any decision from the Ethics Commission. Attorney McQuillan discussed Chief Ouellette being a non-municipal employee when he worked with MRI.

Mr. Forcier discussed the letter sent from Attorney Panas dated July 14, 2016, for Union members of the Dracut Police Department. Attorney McQuillan stated that the provisional appointment is allowable.

Mr. Archinski stated that Attorney Panas is not speaking for the Union but only for some Union members.

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Attorney Hall stated that he is confident that if anyone were to file a lawsuit they would not lose the case.

Chief Ouellette stated that if he thought becoming the Interim Police Chief would be an issue, he would not be here.

Attorney Hall discussed the Town Charter and stated that they have received the approval of the Human Resources Division.

Attorney McQuillan stated that they have complied with all Statues and Charters.

Motion made by Mr. DiRocco to Recommend Approval of the Appointment of Interim Police Chief Neil Ouellette. Motion seconded by Mr. Archinski. Mrs. Dristiliaris requested a Roll Call Vote:

Tony Archinski – Yes
Alison Hughes – Yes
Tami Dristiliaris – Yes

Joseph DiRocco – Yes
Jesse Forcier – Yes

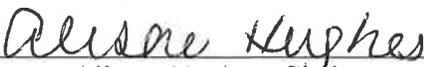
Motion passed unanimously.

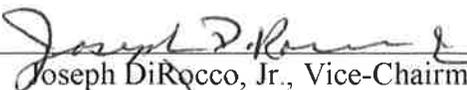
ADJOURMENT:

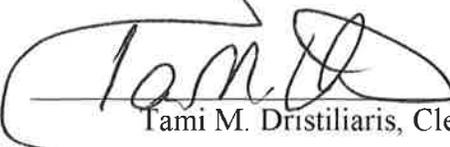
Motion made by Mr. DiRocco to adjourn the meeting. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

The meeting adjourned at 6:09 p.m.

BOARD OF SELECTMEN


Alison Hughes, Chairman

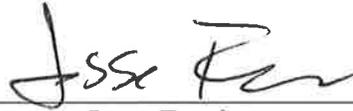

Joseph DiRocco, Jr., Vice-Chairman


Tami M. Dristiliaris, Clerk

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Tony Archinski



Jesse Forcier