

**TOWN OF PROVINCETOWN – BOARD OF SELECTMEN
WEDNESDAY, MAY 13, 2015
EXECUTIVE SESSION – CLOSED
TOWN HALL – TOWN MANAGER’S CONFERENCE ROOM**

Chairman Tom Donegan called the open meeting to order at 6:00PM noting the following Board of Selectmen members: Tom Donegan, Erik Yingling, Cheryl Andrews, Robert Anthony, and Raphael Richter.

Other Attendees: Acting Town Manager David Gardner, Acting Assistant Town Manager Michele Jarusiewicz and Finance Director Dan Hoort.

Recorder: Loretta Dougherty

The Board motioned to go into Executive Session at approximately 7:30pm.

MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clause 3 for the purpose of:

Clause 3 – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). Former Police Chief Jaran Arbitration/Appeals. Votes may be taken. and not to convene in open session thereafter.

**Motion: Erik Yingling
(Roll Call)**

Seconded: Raphael Richter

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Raphael Richter: Yes

Robert Anthony: Yes

Yea: 5 Nay: 0 Motion passed

The BOS went into Executive Session at 7:32 pm, meeting in the Town Manager’s Conference Room.

Clause 3

(Former Police Chief Jaran Arbitration/Appeals)

A discussion was held on the memo sent by Town Counsel Darren Klein to the BOS. [REDACTED]

[REDACTED] The BOS discussed Jaran’s last offer and, if there is an agreed upon amount, whether to make the payment with one or two payments, and the timing of each payment.

There was some discussion of requesting that a “non-disparagement” provision be added to any potential settlement agreement. It seems that this is in the best interest of both sides, but Darren thinks [REDACTED]

[REDACTED]

According to the Finance Director, we can do budget transfers, as soon as we have a signed agreement. We can approve it as a year-end budget transfer that the BOS and FinCom would have to approve, for a certain dollar amount, and pay the remaining balance. The tax rate is set for 2015; the remaining money would be added to the tax

levy which would have to be approved by Town Meeting. However, if we have something signed by June 15th, we can pay it all out.

Discussion was held regarding the pending law suits against the town and some minor concerns that Jaran may not be a cooperative witness should anyone post something on Facebook or other social media that might offend him. There does not appear to be any concern at this time that this should present a problem. No one can prevent anyone from stating their opinions on social media.

It was agreed upon that the offer would be \$512,796.92.

Town Counsel Darren Klein was called and joined the meeting by phone at 7:55pm.

The BOS went over what had been agreed upon with Town Counsel, and in Darren's opinion

Tom stated that the new deadline is June 15th.

Tom stated that he is going to be asked to defend why the \$512,796.92 was given and Darren stated that he would draft it for Tom. Tom voiced the Board's concerns over the pending law suits and wants to be sure that Jaran will be truthful and testifies on behalf of the Town of Provincetown.

Darren stated that as a witness he is obligated to tell the truth. He believes Jaran will cooperate in these law suits.

Tom wants to make sure that the FinCom knows this is the best option for the town legally and fiscally.

David stated that the time to win has passed; we have limited time to appeal and this is Kopelman & Paige's advice to the town to accept this agreement.

Tom is comfortable with the advice Kopelman & Paige has given, if the BOS agrees. The BOS agreed and recommended that only the facts be given in all Press Releases.

Motion to adjourn at 8:30pm by: Raphael Richter Seconded: Erik Yingling
(Roll Call Vote)

Tom Donegan: Yes

Erik Yingling: Yes

Raphael Richter: Yes

Robert Anthony: Yes

Chery Andrews: Yes

Yea: 5 Nay: 0 Motion passed

Minutes transcribed by: Loretta Dougherty