

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS**

**August 6, 2013  
Executive Session  
Meeting Minutes**

**MEMBERS PRESENT:** Jonathan Dickerson, Chairman  
Stephen Cushing  
**MEMBERS ABSENT:** Jonathan Henry  
**ALSO PRESENT:** Paul Dawson, Town Administrator  
Chief Miller  
David Jenkins (Kopelman & Paige)  
Debra Paiva, secretary

The Executive Session was called to order at 8:02 p.m. in the Police Station meeting room. The meeting was held to discuss strategy related to ongoing litigation and also contract negotiations with non-Union personnel.

**Ongoing litigation – MCAD Complaint**

Mr. Dawson provided an update of the MCAD complaint filed August 21, 2009. The employee claimed gender discrimination and identified a series of events that she claimed were discriminatory; the MCAD found that there was no evidence on those claims. The employee also claimed that she should have been assigned more details and although Chief Miller submitted evidence that she was assigned them or someone more senior was assigned them a probable cause was issued in 2012. The insurance company has made a business decision that the settlement demand of \$15,000 is less than the cost to defend the claim. Any settlement requires the consent of the Selectmen; if they do not agree the Town will be responsible for the cost of legal fees in excess of \$15,000. The costs associated with litigation were discussed and considered. It was agreed that consenting to a settlement agreement would be a business decision, not a reflection on Chief Miller, and also that a settlement agreement would include wording that there was no wrongdoing on the part of the department or of Chief Miller.

Moved by Mr. Cushing and seconded by Mr. Dickerson to pursue the settlement with the plaintiff not to exceed \$15,000. A roll call vote was taken with both members voting aye.

**Contract Negotiations with Non-Union personnel - Building Commissioner Scott Shippey**

Strategy related to Mr. Shippey's employment contract was discussed. It was agreed that Mr. Shippey's proposal would be taken under advisement and discussed at a future meeting with Mr. Henry present.

A roll call vote to adjourn was taken at 8:36 p.m.

Respectfully submitted,

  
Jonathan Dickerson  
Date approved: 1/3/17

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