

**SELECT BOARD MEETING MINUTES  
JULY 30, 2020 AT 6:00PM  
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

**CALL TO ORDER/OPENING**

Chairwoman Provencher called the meeting to order at 6:05pm. Chair Dianna Provencher, Vice-Chair Harry Brooks, Second Vice-Chair John Shocik, Selectman Rick Antanavica, Selectman Herb Duggan Jr., Town Administrator David Genereux, Assistant to the Town Administrator Kristen Forsberg, Private Investigator Paul L'Italien, and paramedics Ruben Torres and Koury McDowell were in attendance.

**1. EXECUTIVE SESSION, MGL CHAPTER 30A, SECTION 21A**

**Exception 1 – To discuss the discipline or dismissal of, or complaints or charges brought against an employee – EMS Department**

A motion was made by Mr. Shocik and seconded by Mr. Antanavica to enter into executive session at 6:06pm under MGL Chapter 30A, Section 21A, Exception 1, to discuss the discipline or dismissal of, or complaints or charges brought against an employee (EMS Department). The Chair declared that to discuss these matters in open session would compromise the position of the Town. Roll call: 5:0:0.

The Board reconvened in open session at 6:27pm. This item was scheduled to be discussed solely during executive session but was discussed in open session at the request of paramedic Ruben Torres.

Mr. Genereux introduced investigator Paul L'Italien from L'Italien Investigation. Mr. Genereux noted the Town hired a different investigator in March when Mr. Genereux learned of the alleged incident, but he was COVID sensitive and wanted to wait until the pandemic died down. Mr. Genereux received the first formal complaint from the victim on June 24<sup>th</sup>, at which time he contacted the original investigator again and was referred to Mr. L'Italien who was hired.

Mr. L'Italien is a retired Massachusetts State Police Captain who has been hired as a private investigator by different municipalities and law firms since 2015. The investigation centered around a private, explicit personal photo of the victim that was allegedly shared by coworker Ruben Torres with two other coworkers. Mr. L'Italien proceeded to interview the parties involved, including Mr. Torres. After initially denying this occurred, Mr. Torres admitted he had accessed a photo from the victim's google account when victim inadvertently left the google account open on the public computer at the Fire & EMS Headquarters. Mr. Torres stated he scrolled through the photos, came across the photo in question, took a picture of the photo with his cell phone and showed it to two coworkers. Mr. L'Italien noted once of the witnesses indicated the photo was shown to him on two occasions. Mr. Torres stated he only showed it once then deleted it.

Mr. L'Italien interviewed the victim who admitted the goggle account was left open on the shared public comment and was very embarrassed this had occurred. The victim indicated Mr. Torres had first accessed the goggle photos in November but was mortified and decided not to say anything but to be more careful leaving the account open going forward. When the victim realized this happened again in February, they brought it to the attention of supervisor Mike Franklin who turned the matter over to Town Administrator David Genereux. As mentioned above, COVID caused a delay in investigating this matter.

Mr. L'Italien found that Mr. Torres violated the Town's sexual harassment policy on two occasions and the discriminatory harassment policy on two occasions by displaying the degrading photo twice.

Mr. Torres stated that several people can attest to the victim leaving the google account open on the public computer. He stated he did screen shot the photo and showed it to two coworkers but only on one occasion. Once his coworkers said they were uncomfortable seeing the photo, Mr. Torres stated he removed it from his phone. Mr. Torres added that the purpose of taking a picture of this photo was to show his supervisor that the victim was using a work computer for personal use.

Paramedic and coworker Koury McDowell stated he works with both parties and a deeper issue exists between them. Mr. McDowell stated he believed the photo was not as explicit as described and that both parties have been working together at the station with no incident since this occurred.

Mr. L'Italien stated that while Mr. Torres was very polite and gentlemanly, he denied taking the photo to the Town Administrator and the Assistant to the Town Administrator on March 11<sup>th</sup>, denied it to the victim when he was confronted, denied it to his Supervisor Mike Franklin, denied it to a police detective and initially denied it to Mr. L'Italien before finally admitting he took the photo. Based on this, Mr. L'Italien found the claim that the photo was taken to show a supervisor at this point in the investigation to not be credible.

The Board and Mr. Torres discussed the negative relationship between the two employees over the years and Mr. Torres stated he believed the victim was retaliating against him over previous issues. Mr. Torres also stated that showing the photo to his coworkers before going to a supervisor was a poor decision on his part. The Board discussed the Town's sexual harassment and discriminatory harassment policies as codified in the Board's Comprehensive Policy Manual.

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to terminate paramedic Ruben Torres, under discussion, the Board asked the Town Administrator to look into the possibility of issues existing in the EMS Department and expressed their appreciation for Mr. Torres' service to the Town. Mr. Brooks asked Mr. Torres if he would like to resign. Mr. Torres responded in the affirmative and proceeded to write a resignation letter. Mr. Brooks rescinded his motion and Mr. Antanavica rescinded his second.

A motion was made by Mr. Brooks and seconded by Mr. Antanavica to accept the resignation of paramedic Ruben Torres. Roll call: 5:0:0.

A motion to adjourn was made by Mr. Brooks and seconded by Mr. Shocik at 7:12pm. Roll call: 5:0:0.