

Ashfield, Massachusetts
March 30, 2011

Select Board Minutes:

Roll Call vote taken to convene into Executive Session:

Dave DeHerdt, Yes
Norm Russell, Yes
Doug Field, Yes

Meeting to discuss: To discuss Town's Position in ongoing and potential litigation.

Present:

Dave DeHerdt, Select Board (chairman); Doug Field, Select Board; Norm Russell, Select Board

After roll call vote, the meeting was convened in executive session at approximately 10:05 p.m., in the administrative offices of the Town Hall, Ashfield, MA.

1. Norm presented the status of the pending unemployment appeal filed by the Town relating to the claim made by the former Town Administrator Maryellen Cranston.
2. The Board discussed the value of the claim and Norm's research indicating that, because the Town is self-insured, if the Town was successful it would be required to seek reimbursement directly from the former Town Administrator. It was agreed that it would not be in the best interests of the Town to pursue the former Town Administrator for reimbursement. Thereafter, Norm presented a possible approach to resolving this claim: agree not to pursue the appeal any further in consideration for the former employee agreeing not to use the facts surrounding the unemployment claim as proof of fact in Cranston's pending MCAD claim. Dave recommended that this be run by Town's defense counsel in the MCAD claim to make sure this could be enforced. Motion was made and seconded that Norm propose this resolution to Jennifer Cox, Esq. and have her negotiate the settlement on the Town's behalf. Roll-call vote: Dave, Yes; Doug, Yes; Norm, Yes.
3. Board discussed the claims for reimbursement made by the Mass. Dept. of Employment Services regarding present town employees who are receiving unemployment based upon the loss of a job with a third-party employer. It was moved and seconded that Norm prepare a letter to the Department challenging the claims. Roll Call Vote: Dave, Yes; Doug, Yes; Norm, Yes.

Roll Call Vote to adjourn was taken by the Select Board: Dave DeHerdt, Yes; Doug Field, Yes; Norm Russell, Yes.

The meeting was adjourned at approximately 10:23 p.m.

Minutes taken by Dave DeHerdt