

REDACTED

SELECT BOARD--TOWN OF NATICK

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**EXECUTIVE SESSION MINUTES**  
**Meeting Conducted Via Virtual Meeting**  
**(Zoom Meeting) January 5, 2022**

**PRESENT:** Paul R. Joseph; Karen Adelman-Foster; Michael J. Hickey, Jr.; Richard P. Jennett, Jr.; Susan G. Salamoff

**ALSO PRESENT:** Patrick Grady, Union Representative from Patrol Officers' Association, Local 496; James Hicks, Chief of Police; Karis L. North, Town Counsel; Rachel Millette, Office of Town Counsel; Joan McNamara, Executive Assistant

Karen Adelman-Foster called the meeting to order at 6:33 PM and requested a motion to enter Executive Session via roll call vote. Motion offered by Mr. Hickey, seconded by Ms. Salamoff.

Mr. Freedman: Yes

Ms. Adelman-Foster: Yes

Mr. Hickey: Yes

Mr. Jennett: Yes

Ms. Salamoff: Yes

Ms. Adelman-Foster announced that the Select Board would adjourn from Executive Session.

B. Pursuant to M.G.L. c. 30A, s. 21(a)(3) - To discuss strategy with respect to litigation where an open meeting will have a detrimental effect on the litigating position of the public body - Linda Valentin, et al v. Town of Natick, et al, Docket No. 21- CV-10830 (D. Mass.)

Attorney Simms is present from Pierce Perritano, counsel for the Town. Attorney Simms asks

[REDACTED]

January 18th is the settlement conference at 10:00 am via Zoom. On a motion by Mr. Hickey and seconded by Mr. Jennett, the Board moved to authorize the framework as discussed this evening by Attorney Simms. The vote was 5-0-0.

C. Pursuant to M.G.L. c. 30A, section 21(a)(1), to discuss the discipline or dismissal

of, or complaints or charges brought against, a public officer, employee, staff member or individual – Officer James Quilty, Natick Police Department

Mr. Hickey asked whether the Board had given Officer Quilty 48 hours notice for a hearing and was the notice hand-delivered. Yes. Ms. North said that if Officer Quilty wanted to have an open session for the hearing, he could request it; otherwise the hearing would be in Executive Session.

Officer James Quilty and his Union representative Patrick Grady joined at 8:35 p.m. Chief Hicks was informed by Middlesex District Attorney that three felony indictments by the grand jury have been handed down against Officer Quilty: indecent assault and battery of persons over 14 years old. The Chief is obliged to inform the Select Board. Officer Quilty has now been put on paid administrative leave.

Ms. North informed the Board that the question before it tonight is whether to suspend the officer without pay under M.G.L. Chapter 268A. Mr. Hickey asked whether the grand jury would file findings with the Superior Court. Chief Hicks answered Yes, eventually at arraignment. Question: Does a grand jury indictment mean probable cause. Yes. Even though grand jury proceedings are secret, an indictment is indicative of probable cause.

Ms. North said that under the General Laws, if Officer Quilty is found guilty, he cannot serve as a police officer in Massachusetts. If he is found not guilty, he will be reimbursed back pay and re-installed. Ms. North told the Board that it could consider other discipline.

Ms. Salamoff asked for examples of alternative discipline. Ms. Millette said that the Board could leave him on paid administrative leave, as that was considered non-disciplinary. Mr. Hickey: the reason I voted against suspension was because I wanted to have a hearing to determine whether the facts supported the allegations and if so, he wanted to terminate the officer and move on. The Board is faced with making a decision that could postpone resolution by years.

Pension question was raised. Ms. North said that if the Board votes to suspend without pay under M.G.L. 268A, section 25, there may be no pension. It's up to the Retirement Board.

Ms. North said that if the Board votes to suspend the officer without pay, the Post Commission needs to be informed. (Unpaid administrative leave is disciplinary). Ms. North outlined a third option: The Board could agree to suspend Officer Quilty without pay voluntarily without invoking M.G.L. 268A, section 25 that may have a different impact on his pension.

Ms. Adelman-Foster suggested that the Board suspend Officer Quilty without pay as of Friday at noon to allow him time to assess what he wants: whether to accept suspension or resign.

Ms. Joseph said that three indictments are serious and what the Board decides telegraphs a message; with regard to Ms. Adelman-Foster's suggestion, Mr. Joseph does not want a delay.

Ms. North reiterated: the statute does say "may" suspend, but case law supports suspension under these circumstances.

Officer Quilty said that he does not have counsel present with him because of the short notice period. "Honestly do not know what to say." He asked for a moment to speak with Officer Grady. Upon return, he asked if Officer Grady could address the Board on his behalf.

Ms. North said that the Board has the discretion to allow this.

Officer Grady stated two things: When taking into account what has happened, nothing has changed "facts-wise." There was an investigation and "we landed where we landed." Secondly, they need a little more time to confer with counsel. Ms. Adelman-Foster asked Officer Quilty whether he had anything to add. Mr. Hickey asked Officer Grady to explain what he means by "more time." How much more time? Officer Grady asked for at least a couple of days; "a week would be better."

Mr. Joseph asked Officer Quilty whether he had retained counsel. Officer Grady said that there was some confusion as to whose responsibility this is: Superior Officers union or Patrol. Mr. Joseph asked if the Board suspended immediately, could it revoke the suspension if it learned new information. His concern was with pension strategy and wanted to give one week for Officer Quilty to secure counsel's advice.

Motion discussed: vote to suspend without pay effective Wednesday, January 12, 2022. Mr. Jennett asked to delay the vote. Ms. Adelman-Foster vote to suspend without pay effective Monday, but would accept Wednesday. Mr. Joseph moved to suspend without pay under M.G.L. Chapter 268A, s. 25 as of noon on January 14, 2022. Mr. Hickey seconded.

Mr. Freedman: Yes

Ms. Adelman-Foster: Yes

Mr. Hickey: Yes

Mr. Jennett: Yes

Ms. Salamoff: Yes

D. Pursuant to M.G.L. c. 30A, section 21(a)(3), to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – MCAD No. 20BEM02451, EEOC No. 16C-2020-02135

Not discussed.

The Board adjourned the meeting at 9:38 p.m. by roll call vote 5-0-0.

Mr. Freedman: Yes

Ms. Adelman-Foster: Yes

Mr. Hickey: Yes

Mr. Jennett: Yes

Ms. Salamoff: Yes

Executive Session minutes of January 5, 2022, approved by the Select Board on February 27, 2023.

A handwritten signature in blue ink that reads "Bruce T. Evans". The signature is written in a cursive style and is positioned above a solid horizontal line.

Clerk