

Town of Oak Bluffs – Select Board Executive Session Minutes
Tuesday, January 11, 2022 4:30 pm

Present: Chair Brian Packish, Select Persons Jason Balboni, Gail Barmakian, Emma Green-Beach, Ryan Ruley. Also present: Labor Attorney Jack Collins, Police Chief Erik Blake, Town Administrator Deborah Potter, Assistant Town Administrator Wendy Brough, and Executive Assistant Alice Ryan Butler.

Select Board member Balboni motioned to enter into Executive Session to discuss strategy re pending or threatened litigation under MGL c. 30A, s 21 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. Not to return to open session, seconded by Select Person Green-Beach.

Select Person Balboni – Aye, Select Person Green-Beach – Aye, Select Person Ruley – Aye,

With the resurfacing of the missing weapon in December, Sgt. Marchand rescinded his retirement and solicited additional counsel. The Board reviewed the process to date:

The original issues surrounding the missing weapon still existed. Sgt. Marchand failed to follow multiple prescribed General Orders for which he was aware of and responsible for adhering to. Whistleblower status was not applicable as the issues were never reported and Sgt. Marchand, who had the ability to effect change of such conditions, failed to do so and was an active participant in such violations and failures of the general orders and written procedures.

- The Board discussed multiple options of discipline, if after a hearing the facts justified it, with a consensus that a demotion and a suspension was appropriate.
- Sgt. Marchand and his counsel initiated the request for retirement which the Board was open to accepting.

With the withdrawal of the Retirement offer and a subsequent additional investigation, the board discussed various options and decided upon the following course of action.

- The original violations of various general orders and procedures was still a significant issue. Inconsistencies in Sgt. Marchand’s positions, reports, conduct and attitude during the investigation, and public comments as well as issues with accreditation submissions led the Board to have concerns with Sgt. Marchand’s credibility.
- The original offer of demotion and suspension with a February 2 retirement date stands and is valid for 24 hrs. Otherwise a hearing will be set to address the multiple violations.
- Sgt. Marchand will retract any claim to Whistleblower status.

If Sgt. Marchand and his attorneys agree, then Board counsel (Collins) is authorized to craft the separation documents for execution. Attorney Collins will keep the Board apprised of the status of any agreement.

At 7:27 pm Jason Balboni moved to adjourn the meeting, seconded by Emma Green-Beach, and so voted by roll call vote:

Select Person Balboni – Aye, Select Person Green-Beach – Aye, Select Person Ruley – Aye, Select Person Barmakian- Aye, Chair Brian Packish – Aye. (5- Aye)

Respectfully submitted

Debra Alley – Office Administrator

Approved at Select Board Meeting 02/08/2022