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## Town of Grantham – Board of Selectmen Dismissal Order – Public Hearing June 28, 2010

The Public Hearing on the dismissal order of Raymond Francis Chaisson, Jr. was called to order at 5PM by Chairman Harold Haddock, Jr. on Monday, June 28, 2010. The meeting was held in the Grantham Town Building, Lower Level at 300 Route 10 South.

Present: Selectman Harold Haddock Jr.; Selectman Alden Pillsbury; Selectman Kimball; Town Administrator Becky Newton, Town Counsel Barton Mayer, Esq.; Administrative Assistant Melissa White; Raymond Francis Chaisson, Jr.; Fred Jaskolka; Don Noordsy; Russell Lary; Chris Lary; Bob Lewis; Dan Foster; Joann Trietsch; Edith Willis; Robert Graffum; Anne Stoops; Bob Champagne; F. Robert Osgood; Kimberly Kuebler; Wayne Small; Cindy Towle; Martha Menard; Greg Grigsby; Jim Mullen; and others

**Opening Remarks:** Chairman Haddock explained that this meeting is not a Selectmen's meeting but rather a public hearing requested by Frank Chaisson regarding his dismissal from the Town of Grantham.

**Preliminary matters of procedure and order:**

Chairman Haddock informed that Selectman Jones has disqualified herself from sitting on this dismissal hearing. Pursuant to NH RSA 43:7, the remaining Selectmen have appointed a former Selectman to sit in Selectman Jones' place. An appointment of office for Alden "Chick" Pillsbury has been filed at the Office of the Town Clerk. Mr. Pillsbury is hereby appointed as a selectman for the evening. State law requires a former selectman to sit in the place of a disqualified selectman.

Selectman Kimball said the following:

This is an administrative hearing before the Board of Selectmen of the Town of Grantham with respect to a public hearing concerning the charges against Frank Chaisson.

This is not a court of law and these proceedings will not be governed by the Rules of Evidence.

The Board will accept all evidence offered and attach such weight as it is due.

Becky Newton, Town Administrator, with the assistance of Barton Mayer, Town Counsel, will proceed first and offer evidence.

Mr. Chaisson will proceed when the Town's presentation is complete.

Each participant will have the opportunity for rebuttal.

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Each participant will have the right to ask questions of one another and the other's witnesses, if any are produced.

Mr. Chaisson was served with a Notice of Charges on April 29<sup>th</sup> and this hearing is being held to determine what punishment is appropriate, if any, if the charges are found to be true.

Because of the nature of the charges and Mr. Chaisson's interest in resolving these charges as quickly as possible, the Board scheduled an immediate hearing.

Mr. Chaisson, do you have any objection to proceeding today? Mr. Chaisson replied, "Not yet".

Town Counsel Barton Mayer informed that since there would be testimony, the witnesses, Ms. Newton and Mr. Chaisson would have to be sworn in. Mr. Mayer asked the witnesses the following:

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?

Newton answered "I do". Chaisson answered "I do".

## **Presentation of facts and documents surrounding dismissal order RSA 43:2 by Town Administrator Becky Newton:**

**On Monday, April 26,** the Town Administrator was advised of situation at the Transfer Station where an employee felt "uncomfortable" that a cash sale of recyclable materials had taken place between Dave Conkey and Supervisor Frank Chaisson.

- a. Newton stated she phoned Dave Conkey and left a message for him to call return her call.
- b. Dave Conkey returned my call and asked him if there had been a cash payment made at the Transfer Station. Mr. Conkey indicated to Newton that there was and faxed a copy of the receipt for the cash payment. The receipt indicated Mr. Chaisson had been paid \$383.50 in cash for extruded aluminum, batteries and old aluminum. **See exhibit 1**
- c. Consulted personnel manual and consult with Town Counsel.
- d. Newton stated she phoned the Selectmen to let them know we had a criminal matter to investigate that involved an employee and suspected theft. (Did not disclose name of employee.)
- e. Newton recommended administrative leave until the police department could do a full investigation.
- f. Newton attempted to reach Mr. Chaisson at work and at home by phone. He did not return my calls. Mr. Chaisson had a regular day off Tuesday and Wednesday.

**Thursday, April 29,** Newton met with Mr. Chaisson and Selectman Kimball at Town Hall. Newton read him the letter putting him on administrative leave **see exhibit 2.** I asked him if

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he had any questions. He said no and left. At that time the matter was turned over to the Chief of Police for investigation.

**Monday, May 3** Newton received a memo from the Chief of Police. It details the circumstances of the cash payment. It includes details of motive. **See exhibit 3**

It appeared more likely than not that a theft occurred. Newton prepared a memo to the Board of Selectmen which included the information the Chief of Police had provided. **See exhibit 4**

**Wednesday, May 5**, Mr. Chaisson was placed on unpaid leave.

Newton stated a Selectmen's Meeting was scheduled for **Thursday, May 6** at 10:00 AM. Enter into non-public session to discuss a personnel matter. In public session, a motion was made by Selectman Haddock to discharge the employee in question, seconded by Selectman Kimball. Minutes were sealed. **See exhibit 5**

Dismissal Order and final paycheck are prepared. The check was picked up by hand delivery that same day. **See exhibit 6**

**Tuesday, May 18** A Supplemental dismissal order issued for theft AND for "chronic violations of the Town of Grantham...rules, regulations, policies or procedures for multiple infractions pursuant to a progressive disciplinary procedure." This document memorializes the discussion of the non-public session of May 6. **See exhibit 7**

**Thursday, June 24**, Valley News Article: Relevant part reads: "I dump picked and I sold what I dump picked. I'm not going to sit here and lie to you and tell you I didn't. Chaisson said in an interview at his Springfield, NH home yesterday. To be honest with you, I've been doing that for the last five and a half years." **See exhibit 8**

**Monday, June 28**, An affidavit was received from Tina Stearns. **See exhibit 9**

**Rebuttal, Raymand Francis Chaisson, Jr.:** Mr. Chaisson asked "How come we weren't told we couldn't do this?" Selectman Pillsbury asked why you would have to tell someone they can't steal from someone.

Mr. Chaisson said "I didn't steal nothing".

Pillsbury said "Frank, you took money from the Town that belonged to the Town, what do you mean you didn't steal?"

Chaisson said "It seems like other employees before me had done this". Pillsbury asked if that made it right. Chaisson said "we were never told it was wrong". Pillsbury said "no one knew you were doing it".

Chaisson reiterated that he didn't steal anything.

Chairman Haddock asked if Mr. Chaisson had anything else to say. Chaisson said "not at this point".

Mr. Mayer asked Ms. Newton and Mr. Chaisson if they had anything more to offer. Newton said

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no. Chaisson said "not at this point".

Mr. Mayer closed the hearing at 5: 20pm and stated the Board will take the matter under advisement and issue a decision in due course after they have had an opportunity to work things through.

Mr. Mayer explained that the hearing was an opportunity for Mr. Chaisson to present his case; that it was not a public forum for everyone to talk about Mr. Chaisson or about practices at the dump.

Respectfully submitted,

Melissa M. White  
Administrative Assistant