



Town of Shirley

BOARD OF SELECTMEN

7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Kendra J. Dumont, Chair

Robert E. Prescott, Vice Chair

Enrico C. Cappucci, Clerk

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BOARD OF SELECTMEN

MINUTES

November 1st, 2016
6:00 pm
TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, November 28th, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Kendra J. Dumont presiding, with Selectmen Robert E. Prescott, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

CALL TO ORDER

Chair Dumont called to Order the Board of Selectmen's Meeting at 6:00 pm.

Selectmen Cappucci announced that he would be recording the meeting on his own personal voice recorder.

Executive Session

Chair Dumont states that when the Board last met they had asked the chief for more information regarding the delinquency of Sargent Alfreda Cromwell.

Attorney Brian Maser states that this is a continuation on an issue regarding Alfreda Cromwell concerning an issue that began during the renewal of her confidential license plates. Maser states that the general public has no right to participate in the meeting and any interruptions could result in being asked to leave the meeting.

Chief Goulden states that he once again asks Selectmen Cappucci to recuse himself from this issue due to a prior existing relationship with Cromwell. Goulden provides an apparent conflict of interest form filled out by Cappucci.

Goulden states he believes Cappucci should recuse himself from this issue due to his personal prejudice against Goulden as Chief of Police and his existing personal relationship with Cromwell.

Cappucci states he will not answer any questions and he has filed a disclosure. Cappucci states he will vote on this issue the way he sees fit, and he filled the disclosure form to simply maintain transparency.

Goulden states that he interviewed a number of people in regards to Cromwell's claim that she had been threatened and needed confidential plates for safety.

The first person that was interviewed was former Chief of Police Paul Thibideau. Chief Thibideau stated that he did not have any remembrance of an issue regarding a threat to Cromwell that would result in him writing a letter to approve her confidential license plates. Chief Thibideau states that he had a blanket document to "keep the guys happy" and receive confidential license plates due to them taking their personal vehicles to details.

Chief also met with Ann Whiting who looked at the signatures from several former chiefs and admitted that on several occasions she had signed for her bosses but only with their permission. Goulden asked Whiting if she signed the Cromwell document which she stated it seemed as if someone had tried to mimic the way she would sign the Chiefs signature. Goulden asked Whiting if she was aware of Cromwell being threatened at Ayer District Court in 2007 which Whiting said she did not.

Chief met with Bob Demoura who was interim Chief right before Goulden began his tenure. Goulden asked Chief Demoura if he remembered signing a paper for Cromwell to obtain confidential license plates, and he claimed that Whiting has provided him that document and he signed it, but was unaware of any threats made to Cromwell.

The final person Goulden met with was Chief Gregory Massak and asked if the initial request for confidential plates had his signature on it. Massak stated that it was not his signature and signed something as an example. Massak states that he believed someone was trying to sign the document as if Ann Whiting was signing his signature.

Goulden states with all of this being said he believes Massak and Whiting did not sign or authorize the letter, and he believes the letter only benefits one person. At this time Goulden asked Cromwell if she had any knowledge of who signed the letter for her.

Cromwell states that she did not.

Goulden states that he provided images to the Selectmen as to why he believes Cromwell needed confidential plates. He states the images were disturbing and not something he would allow an officer under his employ to do. Goulden states none of this is to embarrass Cromwell, but it is the only thing that makes sense.

Goulden states that Cromwell said she heard of the confidential plates program from other officers and believed it would benefit her.

Goulden states he would also like to discuss the allegation that Cromwell has the confidential plates due to her participation in undercover police work. Another agency contacted the Shirley Police Department about doing work and needed a point of contact. The Sargent during the timeframe they wished was Sargent Cromwell. Cromwell was not assigned to this task force, but was a point of contact for the agency to contact the Town of Shirley. Goulden states that once he realized Cromwell and another Officer were doing more with this agency then working as a point of contact, he put a stop to it.

Goulden states that during Cromwell's interview Attorney Maser asked what the initial issue was which Cromwell said it was a threat. Goulden asked if she reported the threat to which Cromwell states no because it was not the initial reason for the request for private plates. Goulden states that this is confusing in nature.

Goulden spoke with a Mr. Ryan Gallagher from the Registry of Motor Vehicles and asked what he sought from Cromwell. Gallagher states he asked Cromwell for a letter from her Chief. Goulden states that currently Cromwell has non-renewable plates due to an issue with the Town of Weymouth. Goulden states that Cromwell is delinquent in her excise tax and as of this morning was still delinquent.

Goulden states that he believes Cromwell's actions both on and off duty have a direct impact on her and the department's reputation.

Cromwell states there are two issues, her confidential status and if her vehicle was registered. Cromwell states that driving an unregistered vehicle is an infraction and not a crime.

Goulden asked Cromwell if she has been notified by the Town of Weymouth about her excise tax.

Cromwell states she did not read anything from the Town of Weymouth.

Goulden asks if she received anything.

Cromwell states again that she did not read anything.

Goulden asked if she physically received it.

Cromwell states that she does not understand why her excise tax status is being questioned at this time.

Goulden states he would like to make a suggestion that Cromwell be terminated due to her untruthfulness that is unbecoming of a Police Officer.

Attorney Pollard states that had Cromwell been made aware that she would need to bring her registration status up to date or face issues at her place of work she most likely would have dealt with her registration. Ultimately he believes that this is an issue of no order being given and Chief Goulden only realizing what was going on when he never gave an order and realized Cromwell attempted to receive confidential license plates. Pollard believes that there has been no action taken by Cromwell to "hide the ball" and believes she had all information to believe her plates were acceptable. Pollard also believes this is discriminatory in nature and does not understand why personal photos are now being brought up professionally. Pollard states that Alfreda Cromwell would now like to make a statement.

Cromwell states she would like to address a comment made by Chief Goulden and states that she had also spoken with Ann Whiting and received information that she did remember her being threatened in 2007. Cromwell recommends bringing Whiting before the Board.

Goulden states that he spoke with Mrs. Whiting on October 27th.

Cromwell states that she spoke with Whiting last Wednesday and states that she remembered the incident in 2007.

Cromwell now read a pre-written statement to the Board of Selectmen:

"Since Chief Goulden became the Chief of Police in 2014, I have been the victim of discrimination and retaliation. In January I asked the Town to investigate issues and it was found that Chief Goulden was in violation of the Town's whistle blower policy and was found guilty of conduct unbecoming of a superior officer, and retaliated unfairly against me. I also filed a complaint with the Mass Commission against Discrimination in which they agreed to investigate, which is still on going. At this point the retaliation has not ceased and just shortly after testifying for said investigation I was placed on administrative leave pending an investigation into the renewal of my confidential license plates, the timing of this is highly suspect. I have had these license plates for approximately eight years and qualify as I was previously threatened. Chief Goulden said he did not believe I was qualified without asking of any reasoning. Although a letter from your

chief is needed an Officer of the RMV made the decision to renew my plates without, and was ultimately their decision. Tonight I am standing up for me and all women who have been subject of discrimination and retaliation in the workplace. At this time it is in your hands to stop the discrimination that I am enduring.”

Chief Goulden states that he had no knowledge of a specific date or time as to when Cromwell was going to get her license renewed, and did not procrastinate for 30 days. Goulden states he was unable to locate the documentation due to changes in staff and vacation. Cromwell has a blanket letter and didn't tell any former chief the reasoning she was requesting confidential plates. Goulden states Cromwell made an eloquent speech but it has no bearing on what we are here to do this evening. If Cromwell would have followed the proper protocol, we would not be here tonight. Goulden states he is not here to belittle Cromwell and she has made a conscious decision to butt heads with him every step of the way. He believes Cromwell has been untruthful during this process and once again suggests termination.

Goulden asks Cromwell how he is supposed to believe an instance happened almost 10 years ago when there is no documented proof and not one of the three police chiefs or their administrative staff employees remember the incident.

Cromwell states she was threatened and does not know exactly when, at a later date she learned of the program and believed it would benefit her. Cromwell states she is also aware that someone in the drug ring made a comment to someone that was providing information to her that “Cromwell better watch her back”

Goulden asks if this threat is documented anywhere.

Cromwell said no.

Goulden asks if during Cromwell's car switch who she asked to get the form.

Cromwell said she is unaware of who sent the letter to the RMV as it is always sent from the department and she has no knowledge of who drafted or sent the letter.

Goulden states that he has made his point and cannot believe a word that Cromwell says.

Attorney Maser asks Cromwell if she mentioned any information about these threats during the investigation.

Cromwell states that she did not.

Maser asks if she went to Chief Goulden about being threatened or replied to his email about the matter.

Cromwell states she did not respond at all.

Cromwell states in hindsight it probably would have been beneficial to respond.

Goulden states again that he requests Cromwell be terminated based on untruthfulness, and finds it necessary due to progressive discipline and minimalizing discipline in the past.

Selectmen Prescott states there are several troubling things going on. The story here changes from one moment to the next and it is very uncomfortable. Prescott is bothered by untruthfulness and the fact that an officer feels comfortable driving around in an unregistered vehicle thus endangering the public.

Selectmen Cappucci states that he has been a Police Officer for 27 years. Chief Goulden wanted him to recuse himself due to having a preexisting relationship with Sergeant Cromwell. Cappucci states that he worked in

Boston with Cromwell's partners' father for three years during what he describes as hell on earth. This gentleman was a good cop and one hell of a guy and that is why Cromwell has eaten at his home. Cappucci states that Cromwell is a good cop that has done good work and it is a disgrace that we are even considering removal of this officer. Cappucci states that the confidential plate program does nothing but provide an extra layer of comfort to the registered individual.

Goulden states he never said Cromwell did not bring any positives to the community and is aware of the positives of this employee.

Chair Dumont states that to her this is not about a plate, but is about the ability to follow an order. Dumont states that she remembers a day when Chief Goulden told her that he believes with help and guidance Cromwell would be a Chief someday, so she does not believe this is an issue of hatred. Dumont asks if Cromwell believes the Patrolmen will follow her orders if she cannot follow orders from the chief.

Cromwell states she has already answered that question.

Selectmen Prescott states that he does not believe this is a dismissible offense but employees of the Police Department do need to listen to the Chief.

Goulden states that Cromwell can either follow this program or not and we can continue to have problems. That is up to Cromwell.

Town Administrator Garvin states that if the Board wishes she can seek additional training for Cromwell once the demotion is put in place.

Goulden states he does not want to have a relationship where every time there is an issue Cromwell is claiming retaliatory actions. She will need to regain his trust.

Selectman Prescott Motions that Alfreda Cromwell has violated Shirley Police Department Rule and Regulation 4.1 – Conduct Unbecoming an Officer. Selectmen Dumont, Seconds. Enrico C. Cappucci vote No, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions that Alfreda Cromwell has violated Shirley Police Department Rule and Regulation 7.0 – Orders. Selectmen Dumont, Seconds. Enrico C. Cappucci vote No, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectmen Cappucci states that no orders were made in his opinion.

Goulden states that he was unaware that Cromwell had these plates until October 2nd, So he could not make an order to undo what she had done.

Atty. Pollard states that there was no order made within the email where Chief Goulden states that he does not believe Cromwell qualifies for the confidential plates program.

TA Garvin states that she does not understand how this was not an order. The email from the chief was denying a request. Ordering Cromwell to not move forward.

Goulden states that Ryan Gallagher was explicitly clear that they wanted a letter from the Chief.

Cromwell states that she was not disobeying the chief and the decision was solely made by an officer of the RMV. Gallagher did not care about the letter all the Chief said was that he did not believe I qualified.

Selectman Prescott Motions that Alfreda Cromwell has violated Shirley Police Department Rule and Regulation 7.1 – Insubordination. Selectmen Dumont, Seconds. Enrico C. Cappucci vote No, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Cappucci again states that he does not see an order that was given.

Dumont states that she does see an order or an instruction but is not in favor of termination. Her concern with a demotion is wondering if this will put even more strain on an already weakened working relationship. Dumont states there will need to be additional training done, but she believes it can be done.

Selectmen Cappucci states that he believes this has a lot to do with the MCAD complaint and he hopes the Town does not get burnt down the road. Just based on the facts this is all about a private plate and he did not see an order made. Cappucci says he respects the Chief as a Chief but thinks he is off base and does not see any decision made tonight held up in any other venue.

Selectmen Prescott states that he is here to make the best decision for the town. Popular or not.

Chair Dumont asks Cromwell if she believes she would be able to work with the Chief.

Cromwell states that she does believe she could because she took an oath to serve and protect.

Selectman Prescott Motions that Alfreda Cromwell has violated Shirley Police Department Rule and Regulation 7.0 – Orders. Selectmen Dumont, Seconds. Enrico C. Cappucci vote No, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to demote Alfreda Cromwell from Sargent to Patrolman with mandatory training being added at a later date after professional conference. Selectmen Dumont, Seconds. Enrico C. Cappucci vote No, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

TOWN ADMINISTRATOR REPORT

Town Administrator Patrice Garvin gave her weekly report:

In order for the Town to spend out the remaining 2015 CDBG Housing Rehab funding, the Town will need to request an extension of the CDBG funds into 2017. The program contract expires 12/31/2016, therefore the Town would ask for an extension to 6/30/2017, or maybe 3/31/2017. In order for us to do this we will need to bring the request to public hearing. We will place this on your upcoming agenda.

I am beginning preparations for FY2018. Budget sheets will go to Department Heads in December and budgets will be due mid-January. Capital requests will also be due at the end of January 2017, per the bylaw. Sometime after Fall Town meeting I will present to you a five year forecast based on *current* budget information.

The Fall Town meeting warrant is being signed by you on Tuesday; now that the warrant is complete I will be working with the Finance Team on motions for Town meeting. At your 11/14/16 meeting I will recommend to the Board funding options for Free Cash.

Veteran's Day ceremonies will be on Friday, November 11th at 11am.

TREASURY WARRANTS

Selectman Cappucci *Motioned to accept the Treasury Warrants as presented. Selectman Dumont Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.*

APPROVAL OF MINUTES

OLD BUSINESS

1. Energy Committee Update

NEW BUSINESS

2. Recall, Vote(s) may be taken

(1)Discussion and possible vote to provide notice to Selectman Kendra Dumont of receipt of the Certificate of Sufficiency with respect to recall petition, and authorize Selectman Enrico Cappucci to sign such notice;

Chair Dumont announced that Selectmen Cappucci would preside as Chair for this process since she is involved.

Acting Chair Cappucci asked Mrs. Dumont to leave the desk and read the recall petition to Selectmen Prescott regarding Selectmen Dumont.

Selectman Prescott Motioned to notify Selectmen Dumont of her certificate of recall petition as well as authorize Selectmen Cappucci to sign the document. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passed.

(2) *Discussion and possible vote to provide notice to Selectman Robert Prescott of receipt of the Certificate of Sufficiency with respect to recall petition, and authorize Selectman Enrico Cappucci to sign such notice;*

Acting Chair Cappucci asked Mr. Prescott to leave the desk and read the recall petition to Selectmen Dumont regarding Selectmen Prescott.

Selectman Dumont Motioned to notify Selectmen Prescott of his certificate of recall petition as well as authorize Selectmen Cappucci to sign the document. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye and Kendra J. Dumont vote Aye. Motion Passed.

(3) *In the event that Selectman Dumont and/or Selectmen Prescott notify Board at the meeting that they do not intend to resign:*

Acting Chair Cappucci asked Selectmen Dumont and Prescott if they choose to resign this evening.

Both Selectmen turn down resignation and waive their 5 day period to respond.

a. *Discussion and possible vote to place recall question on the ballot and schedule election in connection with recall of Selectman Dumont; and/or*

Selectmen Cappucci asked Selectmen Prescott to make a motion to hold a recall election on January 17th 2017. Selectmen Prescott said he would not motion for that date.

Selectman Prescott Motioned to hold an election on the recall of Kendra Dumont on January 30th 2017. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passed.

b. *Discussion and possible vote to place recall question on the ballot and schedule recall election in connection with recall of Selectman Prescott; and*

Selectman Dumont Motioned to hold an election on the recall of Robert Prescott on January 30th 2017. Selectman Cappucci Seconded. Enrico C. Cappucci vote Aye Kendra Dumont vote Aye. Motion Passed.

3. Appointment of EMT

Selectman Prescott Motions to appoint Kenji Ikeda as Per Diem EMT with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

4. Election Worker Appointments

Selectman Prescott Motions to appoint Theresa Richards as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Leslie Cady as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Stewart Cady as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Mary Cooper as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Linda Cournoyer as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Melissa Dentino as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Holly Haase as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Linda Blackwell as Election Worker – Unenrolled with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Sinead O’Sullivan as Student Election Worker with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to appoint Juliana Walsh as Student Election Worker with a term to expire 6/30/2017. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

5. Parking at Town Meeting

Chair Dumont requested special senior parking for Town Meeting, everyone agrees and will talk with the school about location.

6. Sign Warrant For Special Town Meeting

Selectman Prescott Motions to sign the Warrant for the Saturday November 19th 2016 Special Town Meeting. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

7. Road Crossing and Pavement Cut Permits

Selectman Prescott Motions to approve the Road Cut Permit for 25 Main Street. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

Selectman Prescott Motions to approve the Road Cut Permit for 4 Davis Street. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

8. Driveway Permits

Selectman Prescott Motions to approve the Driveway Permit for 8 Benjamin Road per attached conditions from the DPW Foreman. Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes.

9. Confidential Document Discussion

Chair Dumont states that she believes the confidential Selectmen documents should never leave the Selectmen's Office.

Selectmen Cappucci states that he is okay with that as long as the documents can be part of general and executive session discussions. All agree. Selectmen Cappucci states that he would like to know who is making things "confidential".

TA Garvin states that most things are labeled confidential involve personnel or pending legal matters.

Selectmen Prescott states that recently there has been confidential information floating around on a soccer field in Devens, and he would like this tightened up.

Selectmen Cappucci would like to that Town Counsel for their role in tonight's meeting.

Frank Esielionis states that he believes they should not limit info to only this building. What if you need to go to a court case.

TA Garvin points out that most of that information travels with her.

Selectman Prescott Motions to keep all confidential documents given to the Selectmen as part of their books in the office for viewing . Selectmen Cappucci, Seconds. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye, Robert E. Prescott votes Aye. Motion Passes

10. Department of Housing and Economic Development Grant Update

TA Garvin announced that the Town of Shirley has received a MassWorks Grant to fix the Main Street Bridge. Garvin states she has applied for this grant twice in the past and denied both times and is very pleased to have received \$725,000 to fix the bridge. Garvin thanks the Highway Department for their assistance in this application.

Chair Dumont states that she is pleased that this grant was received as Paul Farrar has been putting monies away from Chapter 90 funds that can now be used to fix the roads next summer.

PUBLIC COMMENTS

ANNOUNCEMENTS

1. Next Meeting: Monday 11/9/16 at 7:00 p.m.

ADJOURNMENT

With no further business to discuss, *Selectmen Prescott motioned to adjourn at 8:32pm. Selectmen Cappucci Seconded ., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.*

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: Jan 3, 2017


Kendra J. Dumont, Chair


Robert E. Prescott, Jr., Vice Chair


Enrico C. Cappucci, Clerk

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.