

BOARD OF PUBLIC WORKS
MEETING MINUTES

DATE: February 7, 2018

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Members Present: Thomas Haluch, Stephen Santos, Alex Simao, Bill Rodrigues

Absent: Barry Linton

Also Present: Steven Frederick-Director of Public Works, Carrie Ribeiro-HR, Amy Priest, Attorney Thomas Rooke, Julie Shankar-Ludlow Town Council

At 2:00 P.M. Mr. Santos called meeting to order and Pledge of Allegiance.

APPOINTMENTS: None

CORRESPONDENCE: None

PROJECTS: None

Mr. Frederick said 2 sewer jobs are out to bid on the Central Register. Bid opening for Center Street project pushed to March 13, 2018.

NOTES AND COMMENTS: None.

At 2:05 P.M. Mr. Santos said Board to enter into Executive Session to discuss disciplinary action against Amy Priest, Business Administrator. Mr. Santos believes it has been waived. Attorney Rooke said that is correct. We are requesting an open meeting. Attorney Rooke introduced himself. His office is @ 73 Chestnut Street, Springfield, MA. Ms. Shankar from Pillsbury and Murphy on behalf of the Town introduced herself. Ms. Ribeiro, Town Human Resource Manager, introduced herself. Board members identified themselves. Mr. Frederick introduced himself. Mr. Santos referred to pages 20 & 21 of the Personnel Policy. Mr. Rooke would first like to go on the record referring to the letter of January 25, 2018. It is extremely vague and from a procedural point of view, we are at an extreme disadvantage because of lack of specificity in regards to the alleged violations. Ms. Shankar said all documents pertaining to the allegations were sent prior to the hearing. Mr. Rooke said there is no specific mention of the violations in the Personnel Policy, chapters, sections or pages. Ms. Shankar said there is

mention in the letter of the violations. Mr. Rooke said nothing was provided to him. Ms. Shankar said whatever you have in your notice is what is going to be discussed today. Mr. Santos read Pages 20 & 21 from the Personnel Policy. He's going to refer to the last part of it. "Failure of an employee to observe the policies and regulations of the Town may result in disciplinary action up to and including termination. The Town will address the employee conduct that it determines at its sole discretion requires corrective discipline. Discipline may be oral, written warnings, investigative or disciplinary suspension or termination and disciplinary actions will not necessarily be progressive. The Town reserves the right in its sole discretion to decide whether and what corrective or disciplinary action will be taken." Mr. Santos will now go on to read part 4 about telecommunications, also in Personnel Policy. Attorney said going back to what Mr. Santos just read, is he suggesting that he is a department head or supervisor. Mr. Santos said Yes, he is a supervisor. Attorney Rooke asked in what capacity is he a supervisor for Amy Priest. Mr. Santos said under Business Administration. Under her job description it says she "works under the administrative direction of the Board of Public Works Chair, following department rules and regulations and policies requiring the ability to plan and perform operations to independently complete assigned tasks according to the time schedule". Attorney Rooke said Mr. Santos is reading from a job description that is outdated and has been superseded by another one. Mr. Santos did not know that. He said he was reading from the one that was given to him by Mrs. Priest. Attorney Rooke said he has the current job description for the position she holds and Mr. Santos is holding her in violation for something that is outdated. Mr. Santos said the Board and HR is going by the job description he has. Mr. Simao asked when either job description was accepted by the Town. Mrs. Priest said the one that supersedes Mr. Santos' is the one she was given when she began employment. Mr. Santos said he was going by the one that Mrs. Priest gave him and Alex when they asked for all the job descriptions. Ms. Ribeiro does not have a copy of either job description. Attorney Rooke said you do not have a copy of either job description, Ms. Ribeiro said she does not. He said are you the HR director. She said she is. Mr. Santos continued with reading Telecommunications System Use Policy on page 23. He also read under "Rules for the System", page 24. Mr. Santos asked Attorney Rooke if he was all set with that. He responded Yes. Mr. Santos referred to page 25. He said it gives a very long list of things. He is going to page 26 and 27. Mr. Santos asked if Attorney Rooke was all set. He said

Yes. Mr. Santos said as far as job performance and job descriptions under department rules and regulations, on numerous occasion, in the course of talking with Mrs. Priest including meetings that were public and in executive session, he has asked for copies of minutes so they could be read into the record and signed in order to keep in compliance with public meeting laws. He read the public body checklist for creating minutes. Down at the very bottom it reads "The minutes must be approved in a timely manner which will generally be considered to be within the next 3 public body meetings or within 30 days, whichever is later. Unless the public body can show good cause for further delay. 940CMR2911(2)" This was updated by the Attorney General, Division of Open Government, September 25, 2017. Mr. Santos said they went to the Town Clerk and pulled all the records for date beginning calendar year 2017. We had 33 meetings that have agendas. We have 13 sets of minutes. In 2017, we are missing 20 sets of minutes, which is in violation of open meeting laws. There has been some attempt in the past to get caught up with these. The Board did make a decision to bring in a part time employee in for full time to try to catch up and it has never been done. Mr. Haluch said that as a Board they did make a decision to bring additional help in to help with the additional responsibilities that were incurred by Amy since January 1, 2017 until Mr. Frederick was hired in the middle of June 2017. We went through 6 months with no Director of Public Works. A lot of the daily responsibilities that would have been handled by the director were being handled by Amy as the Business Administrator. She was faced with numerous additional responsibilities that if we had a director, that would not have occurred. Especially when the Board had taken a vote to bring on additional personnel understanding the situation, I don't think we can blame her. The Board has already taken action on that. Mr. Santos is going back to the job description of the Business Administrator. Attorney Rooke asked if it was the outdated one. Mr. Santos said Yes, outdated by your standards, but not by the Board and the Town. "Business Administrator serves as a secretary to the Board of Public Works, prepares agendas, submits background information on agenda items, takes and transcribes minutes, ensures appropriate action is taken in response to the Board directives by itself or others, including drafting correspondence coordination with the department managers and staff." Attorney Rooke asked if Mr. Santos would acknowledge that he did send a letter to the office of the Attorney General as a private citizen. Mr. Santos said Yes he did. Attorney Rooke asked if he ever

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recognized or identified himself as a member of the Board. Mr. Santos said at the time he sent the letter he was not a Board member and when he did become a Board member he did contact the Attorney General again because they still did not have updated minutes. He has a letter dated January 12, 2017 from Barry Linton indicating what the Board had done and they were bringing in senior citizens to act as volunteers to assist in the operation. Mr. Santos said that is correct. Attorney Rooke asked if that has been ongoing with the permission of this Board. Mr. Santos said Yes. The concern that this Board had was that when the senior abatement people were doing minutes of the meeting, they weren't privy to the ins and outs of transcribing minutes. In their review of the minutes, there was stuff missing, people that were taking votes and making motions that were absent from the meeting. So the Board had asked that if the senior abatement people do it then Amy would have to review it before she brought it to the Board for legal signature. That was not being done so the Board members were taking it upon them to read the minutes and do corrective action and then give them back so they could be corrected and then bring them back for signature. Attorney Rooke asked Mr. Santos and members of the Board to acknowledge that for approximately 16-18 months when there was no Director of Public Works, Amy Priest was assuming many of the responsibilities of the Director and at least since January 2017, which is the subject of this hearing, she was also assuming the same responsibilities. An increase above and beyond her job description. Mr. Santos said No. Not at any time was it above and beyond her job description. The rest of the department, including additional Board members, did fill in in order to facilitate. A lot of that was because decisions had to be made recommended by the Board in the absence of the director, along with the assistant engineer and the director of operations. Attorney Rooke asked if he assisted Amy Priest in preparing minutes of the meetings. He acknowledged they were making administrative decisions, but there was no one assisting her with the clerical operations above and beyond the responsibilities that she was taking on in the absence of a director. Mr. Santos said part of that letter that Mr. Linton had done was to bring our part time person in that had Friday's off would come in on Friday's to catch up with the minutes along with senior abatement people. And they still could not catch up. That was just for the 2017 period. There are also minutes from 2016 & 2015 that still haven't been caught up. Mr. Haluch asked about Mr. Santos referring to the problem the Board had, he said that is not very

accurate. It is the problem he had. Mr. Haluch does not remember any discussions or a vote that they had a problem or that somebody spoke specifically that they had a problem. When they sat down and discussed that they were short-handed and we were going to bring on additional people to help get these things up to speed, I don't think we can continue in referring to the Board because we don't know what actual discussions had taken place. On many occasions, it certainly wasn't me. Much of the disciplinary action including the "phone call" vote, where Mr. Haluch was never involved and people were given mis-information. To say that it was the Board is inaccurate. Attorney Rooke asked Chairman to ask Mr. Haluch what he is referring to in the "phone call" vote. Mr. Santos said No, he wants to stay on track with the minutes. He has brief notes that he along with Mr. Simao had asked about the minutes on April 11, 2017 and they asked for them to be brought up to date. Attorney Rooke said under due process, how is he to properly represent his client with respect to specific dates that he has on pieces of paper when he has not been provided with them. Mr. Santos said he gave him documentation that they were not done in a timely fashion. If we had the minutes this conversation wouldn't be happening. Mr. Santos said that as Mr. Haluch has said the Board has taken votes and actions that were not done so when the Board members want to refer back to what actions were taken, there is no back up. On September 25, the Attorney General gave a specific outline about the timeline of minutes. Since September 25, very few minutes have been done. The other problem the Board has is that sometimes they are inaccurate. Mr. Haluch asked which Board Members. Mr. Santos said he is not at liberty to say that. Mr. Simao said he has requested minutes of the meetings many times. Do we have any for 2018 so far? Mr. Santos does not believe so. Mr. Simao said there have not been a lot of meetings since Mr. Frederick has been here. Mr. Haluch said that the Chairman is responsible for the fact that we did not have a Director for almost 7 months. Because once the previous Director was fired at a Board meeting without ever having a hearing or having the chance to represent himself, he refused to advertise the position so the work load could be minimized. Amy Priest responded. She believes we have been adhering to the vote that the Board made. One of the administrative assistants has been working an extra day. She has a copy of all of the sets of minutes that have been completed since that vote. There is too many to count. To say that we are not making an effort is false. Mr. Simao asked if they have all been

signed. Mrs. Priest said she has a list of minutes that are done and says some are not done, but it's a matter of time in the office. If Mr. Santos wants to put aside other tasks, then they can certainly do that and focus on the minutes. Attorney Rooke asked if any of the clerical staff has recently resigned within the last 2 weeks. Mrs. Priest said one of the administrative assistants did resign. Attorney Rooke asked if she would agree with him that as helpful and as much as they appreciate the senior citizens volunteering their time that it's tough for them to get caught up to speed and be as efficient as one of the full time administrative assistants. Mrs. Priest said that is correct. It takes a little bit longer for them. Mr. Simao asked how many minutes are missing. Attorney Rooke said 13. Mr. Santos said these are only 2017. Mrs. Priest said they have been doing several sets of minutes weekly and are still in process. Mr. Simao said he has asked in the past if they needed help and they would try to get summer help @ the counter. Mrs. Priest said that is not in the budget. Mr. Santos said at the end of this conversation, this department as a public body is not meeting Open Meeting Laws from the Attorney General.

Mr. Santos is referring to problem with Comp Time & Payroll. Under Mrs. Priest's job description it says "reviews weekly time cards ensuring benefits are in compliance with union contracts. Make and play records and accrue use of benefits. Maintains personnel and confidential files". Mr. Santos said Mrs. Priest has brought to the Board's attention the problem with the time card system. It has made it tough for the other administrative assistant to enter payroll. Last year's budget had enough money for office upgrades. He approached Mrs. Priest and asked her if she could get something she needed in order to facilitate payroll in a timely fashion. On numerous occasions he and Mr. Simao came in to discuss with Amy the problems with payroll. Since Mr. Frederick came in he has worked on it and gotten payroll in a much better place. Attorney Rooke said it would have been nice to have been informed of that prior to this hearing. He is hearing of that specific allegation for the first time. Due process is being violated for lack of notice. Mrs. Priest said she has already been reprimanded for that recently so it is double jeopardy. Mr. Santos said that on June 8, 2017 it was a first verbal reprimand for both looking into a new time clock and lack of meeting minutes. Mr. Haluch asked for the date the Board met and voted on the verbal reprimand. Mr. Santos said that at the time there was no Director so there was no reason for a vote. Mr. Frederick said he was in the room for the September 20 meeting.

Attorney Rooke asked if there was a vote of the Board to give a verbal reprimand on June 8, 2017. Mr. Santos said there is no reason the Board had to vote. Attorney Rooke asked Mr. Santos if he unilaterally imposed a verbal reprimand. Mr. Santos said No it was he and Mr. Simao. Mr. Haluch said he was never informed that it was going to be done. Mr. Santos said he sent an email to all Board members. Attorney Rooke asked if it was on public record that he received a response on that. Mr. Santos said No. Attorney Rooke asked if there was a vote on the September 20 decision for suspension with pay. Mr. Santos said he believes so but he does not have the minutes to back it up. Mr. Santos said it was discussed at a meeting where they let the City of Chicopee come before the Board to discuss a sewer connection. It was conveyed to the business administrator that they would have a meeting September 11 and it was to be posted. Mrs. Priest said that she was out on medical leave at the time the meeting was to be posted. As in the past, if she was out the day an agenda was to be posted, there are several other employers that are capable. All of the agendas posted for these meetings were done without Mrs. Priests' assistance. Attorney Rooke asked if she delegated the responsibility to someone else to post the agenda in her medical absence, how was she responsible? Mr. Santos said that it is in her job description to make sure it's done. Mr. Haluch asked about the 2 reprimands. He said it appears there are 2 reprimands in the absence of any vote or communication. Mr. Santos said all the reprimands were run through HR. Mr. Haluch said that as an elected official they are there to vote on reprimands. If Mr. Frederick wanted to reprimand Amy, he would come to the Board and they would vote on it. Mr. Santos said that is not true. Mr. Frederick has reprimanded employees since beginning and has not come before the Board. Mr. Frederick said that is correct. Attorney Rooke said that a reprimand can be done, but not suspension. Attorney Rooke asked if there was a vote for the September 20 suspension. Mr. Santos said No. Mr. Haluch said both reprimands should be removed from her file. Attorney Rooke asked Mr. Santos asked if he ever directed anyone to impose a 1 day suspension. Mr. Santos said No. Attorney Rooke asked if Mr. Santos was denying imposing or directing anyone else to impose a 1 day suspension with pay or 3 days suspension without pay. He said Yes. He did not mandate anyone to do anything. Both disciplinary actions were through HR to ensure they were done correctly.

Next inquiry is about procurement. Mrs. Priest is the Chief Procurement Officer for the department. He is still waiting for validity on some Procurement questions. Attorney Rooke asked for supporting documentation to properly represent his client. Mr. Santos said he does not have the minutes to refer to. Mrs. Priest said she has not seen the paperwork but if you are asking about where the recycling checks are deposited, it goes to the general fund. And further, how does that relate to procurement. Mr. Santos said they have had issues in the past with procurement in relation to purchasing of trucks. Mrs. Priest asked what her involvement in that was. Mr. Santos said they have had trucks sit because procurement was not done correctly. Mrs. Priest clarified she is the procurement specialist for the department, Ellie is the Chief Procurement Officer. Attorney Rooke asked why he was not given documentation to be given due process to defend his client. Mr. Santos said everything went through Town Council. Mrs. Priest said Mr. Frederick could vouch that she and the other administrative assistants were not aware that there was a truck purchased until an invoice came in. Mr. Frederick had to scramble to find financing. Mr. Frederick said there were 2 trucks in question. Mr. Santos is referring to the one ton (the smaller dump truck). Mr. Santos there was an article filed a year in advance. Mrs. Priest asked what the procurement issue was with purchasing the truck. Mr. Santos said he and Mr. Rodrigues notified Mrs. Priest that they were buying the truck under that article. Mrs. Priest said she was not notified. Ms. Shankar said there is information from the procurement office sent to Attorney Rooke. Mrs. Priest again asked what procurement was not done with regards to the purchase of the truck. Mr. Santos is not sure. He just knows the truck was ordered, the order form was put on Mrs. Priest's desk by both Mr. Santos and Kenny. Mrs. Priest commented. When a vehicle is purchased it is done through the State contract list. There is no procurement obtained for that. She wants to know what paperwork was not done. There is a truck here, paid for, registered and utilized, then what paperwork is not done. Mr. Santos said paperwork was not done, but does not know what. Mr. Rodrigues said truck 69 was appropriated before he became a member. It was purchased when he was a member. Attorney Rooke again asked for documentation that paperwork was not done. Mr. Haluch asked Mr. Santos if he was not on the Board, how could he have extensive documentation about something he clearly does not understand and that Amy was in error. Who provided that information? Mr. Santos said the vendor. Mr. Haluch asked if it was

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the vendor or the Chief Procurement Officer. Mr. Haluch asked if the Chief Procurement Officer was colluding with Mr. Santos. Mr. Santos said the vendor was concerned about not having the correct documentation in the past to release the trucks. Mrs. Priest asked again what procurement was done incorrectly. Mr. Santos does not know. Attorney Rooke said Mr. Santos is on the record as telling several people that the purpose of this meeting today is to terminate and fire Amy Priest. He had been asked to postpone due to inclement weather, but he refused. Does he want to base that determination upon documents you don't have in your possession and never shared with Attorney Rooke. Mr. Santos said he never conveyed to anyone that he would fire anyone. Attorney Rooke again asked if he ever made any comment to anyone that it was his intention to fire Mrs. Priest today. Mr. Santos said it is not his decision, it is a Board decision. Mr. Santos said he did not tell anyone that he intended to fire Mrs. Priest today. Mrs. Priest again said she is still unclear as to what was done wrong regarding the purchase of the vehicle. Mr. Santos does not know specifically. We did not get some paperwork to Town Hall. Mrs. Priest asked how we have the truck if the paperwork was not completed. Mr. Santos said now we have the truck but paperwork was not completed at the time. Mr. Frederick wanted to clear it up. This was regarding a vehicle on the State Bid list. It doesn't necessarily follow the same procurement as a seal bid process. Buying it off the State Bid list, we don't need to go advertise for bids and the like. You reference a certain number truck. We had the money in an article. Mr. Frederick believes the issue was with the payment. So in terms of procurement, there was no bid for the truck. Mr. Rodrigues said that happened before with another truck. Another director purchased a truck and it sat in the yard for 3-4 months because there was a misunderstanding between the vendor and Director of Public Works at the time. Mr. Frederick said it takes time to process the paperwork for payment. Mr. Santos is saying "procurement" because that's how he understands it. He cannot find exact paperwork to show that it was not filled out. Attorney Rooke asked how the paperwork he has in hand was brought to him. Mr. Santos said the vendor, MHQ, a municipal truck supplier.

Mr. Santos now referred to the inability to complete Chapter 90 funds and reimbursements, which is not solely Mrs. Priest's responsibility. Her job descriptions say she is to prepare and administer operating capital improvement budgets, Chapter 90 highway programs and reviews invoices for payment. Mr.

Santos asked Mr. Simao to speak of the many issues he had with the Chapter 90 funds. He said he went back to 2012 for Chapter 90 reimbursements and we lost out on some money because we did some of the projects before it was approved by the state. We had to pay interest on that money. Attorney Rooke asked for the documentation. Mr. Simao said to ask the Town Clerk or Treasurer or Accountant. Attorney Rooke said it's the Chairman's responsibility to bring that information forward. Mr. Santos confirmed with Ms. Ribeiro that the outline was conveyed to Attorney Rooke. Mr. Haluch asked where the background information going back years is. And where is the documentation of the reprimands. How could we accumulate such a massive list of flaws when we've already reprimanded the individual? Mr. Haluch said that when he was Chairman of the Board, there was not a Director of Public Works, but there were capable employees to handle Chapter 90 reimbursements and the like. If there was a lack of Chapter 90 reimbursement, we cannot attribute it to be Mrs. Priest's fault because there was no director. The lapses of supervision are of a magnitude that could create a lot of chaos. Especially with comments like "I put a document on your desk". Mrs. Priest said that as of right now, all of the Chapter 90 paperwork is up to date. Both she and the Director have been in touch with MADOT this week and everything is up to date. The only involvement she has had with Chapter 90 over the years is when the Director of Public Works asks her to prepare paperwork to submit to MASSDOT for reimbursement requests. She puts the invoices together and lists them. Referring back to Mr. Simao's comments that some of this goes back to 2012. Mrs. Priest said she was not employed with the Town in that capacity at that time. The things he discussed were the responsibility of the director at the time. Mrs. Priest asked how she was being charged with wrong doing when they don't know what her capacity regarding Chapter 90 was. She also asked specifically what Chapter 90 reimbursements were not done, as we are all caught up to date. Mr. Frederick chimed in with some of the problems he found when he came on board. One of the problems was that once a project was done and closed out, we submitted requests for reimbursements and that can't be done. Mrs. Priest asked who closed the projects. She is being charged for something the previous director did years ago. Mr. Simao said "Right". Mrs. Priest once again stated that her only involvement in Chapter 90 funding was when a Director asked her to prepare a form for reimbursement. She stated when there was no director she would process some, but when there was a director she did not

process any paperwork. Attorney Rooke clarified that only the director has the authority to sign off on completed projects, not Mrs. Priest. Mr. Santos said there are too numerous examples of Board members going to Mrs. Priest for information and she tells them she's too busy with Chapter 90 to help. Mrs. Priest asked for examples. Mr. Santos said he has none specifically. Mr. Santos read the Mass General Law for Open Meetings. Mrs. Priest again asked what specific example he is referring to. Mr. Santos said the allegation is the ability to complete Chapter 90 in a timely manner. Mrs. Priest again said Chapter 90 is up to date. Mr. Santos said it is now. Mrs. Priest questioned the reimbursements that were behind back to 2012. Mrs. Priest asked how she was being charged if the Board did not know how they were done and closed out. Mr. Frederick clarified that Mrs. Priest had no involvement with closing out the projects. Attorney Rooke again noted that Mr. Santos had not specific documentation to the allegations he has brought forward. Mr. Santos said "Correct". Attorney Rooke said those documents are essential to this hearing.

Mr. Santos referring to an incident at the end of December regarding a conflict of interest law. He read the memo that went out to all employees dated December 14. Mr. Santos said he spoke w/ the Town Clerk regarding the acknowledgement receipt. He received a letter from Mrs. Batista stating letters were put in the DPW mailbox @ Town Hall. Mr. Santos read letter. Mr. Santos said he did not receive the letter until a meeting on February 2. Attorney Rooke asked Mr. Santos when the last time was that he took the State Ethics test. Mr. Santos said last year. He did not have to take it this year. Mr. Santos does not have the date he took the test for the first time. Attorney Rooke asked to bring up the elephant in the room. Asked if this whole disciplinary process has to do with the fact that Mr. Santos was paid over \$450,000 from the Town of Ludlow for work performed that was a conflict of interest. Mr. Santos said No. Mr. Santos said any ethics concerns should be handled by the ethics commission. Attorney Rooke asked if Mr. Santos denies he has received over \$450,000 from the Town for work performed. Mr. Santos declined to answer. Mrs. Priest responded. She did pick up the Ethics paperwork @ Town Hall and one of the other administrative assistants in the office did hand out the packets to each of the Board members. She has attested to that. She also put it on the agenda for the next meeting. The administrative assistant put it on the agenda in Amy's absence and she was told by the Chairman, Mr. Santos, to remove it, which she did. When Mrs. Priest returned

from vacation, she asked about it and was told the above. She put on the agenda for the next meeting. Mrs. Priest referred back to Mr. Santos' comment about walking by her in the office daily waiting to be handed the paperwork in question. She asked why he did not ask for it when he knew she had it. Mr. Santos replied that everyday he walks in the office asking if anyone needs anything from him. Mrs. Priest replied he has never asked her that. Mrs. Priest reminded Mr. Santos that she was on vacation and that was the reason Florence prepared the agenda and all supporting documentation. How did he walk by her daily when she was not in the office?

Mr. Santos referred to documentation from Tree City USA. James Goodreau requested paperwork and numbers from Amy. Then asked Steve Frederick and Steve Santos.

Mr. Santos now referring to issues of non-cooperation from Town Hall. Not following proper procedure with work comp claims.

Mrs. Priest responded to Tree City USA charges. She said she did receive an email from Jim Goodreau. All the information was prepared and given to him by Linda Dias, Administrative Assistant. Both administrative assistants in the office can attest to that. Mr. Santos said that is hearsay. Mr. Frederick confirmed that Linda prepared everything and gave to Mr. Frederick, who in turn gave to Mr. Goodreau. Mrs. Priest said at the time she originally received the request for information she was out of the office. Mrs. Priest confirmed she spoke w/ both office assistants who told her information was given to Jim. They will attest that the paperwork requested was completed.

Mr. Haluch referred back to Mr. Santos' Board Member mailbox system in the office. Says it is an antiquated way to get information. He wants to know if the Board voted on having mailboxes. In his 25 years as a Board member he has never had any individuals have 1 day suspension, and with Mr. Santos on Board, in a 2 year time frame we have had 1 individual targeted at least 3 times. The first 2 times it was not done properly.

Mr. Santos again referred back to job performance and job description. States Mrs. Priest is not following procedure for time off requests, but he has no supporting documentation. He says there are times when she's not in the office and no one knows where she is. She, as well as other members of the department, are not filling slips out. Attorney Rooke asked Mr. Santos to clarify who has disciplined Mrs. Priest in the past. Mr. Santos said Mr. Frederick did not

discipline her, but other employees. Attorney Rooke asked for the written policy that an employee must request written permission for a day off prior to the date. Mr. Santos said he has no idea. Someone has it somewhere. Mrs. Priest responded that she has a copy of every slip from as far back as when Mr. Frederick was hired. And even a little further to show that when there was no director she was still following the process and they were signed by Mr. Santos. Mr. Santos said he does remember signing those. Mrs. Priest asked how she is being charged when she has copies of slips. Mr. Santos said there are many slips that are not there. Mrs. Priest said there are no slips for sick leave. Mr. Frederick confirmed there are no slips for sick leave. Mr. Rodrigues also confirmed there are no slips for sick leave. Attorney Rooke stated Mrs. Priest's earned comp time from 9/1/15-12/17/17 is 94 hours. She has utilized 51 hours. Mr. Santos said the comp time is incorrect. He said he will have to dig into a little more. Mr. Santos referenced April 4, 2017. Mrs. Priest earned 1.5 hours for BPW meeting. Mr. Santos referenced minutes of meeting from that date. Mrs. Priest absent from meeting. Mr. Santos referenced June 20, 2017. Mrs. Priest earned 1.5 hours for BPW meeting. Mrs. Priest absent from meeting. Mrs. Ribeiro said Mrs. Priest is considered an exempt level employee. There is no comp time. It does not apply to Mrs. Priest. Paperwork Mr. Santos is providing was not provided to Attorney Rooke before meeting so he has not had adequate time to confer with Mrs. Priest. Mr. Santos now referring to the telecommunications and system use policy violations. Mr. Santos brought forward a list of documents that were created and or modified on town time. All to which Attorney Rooke noted was less than 1 minute. Mr. Santos agreed that the time frame for all documents presented was less than 1 minute each. IT Department representative was @ the hearing to confirm information but left because he could not stay any longer. Attorney Rooke asked if there was ever an FOIA request for these documents. Mr. Haluch said there was not. Ms. Shankar verified with Mr. Santos that IT verified that these documents were on Mrs. Priest's computer. Mrs. Ribeiro said the documents were brought to her from IT. Mr. Haluch asked why they were brought to her if she did not request them. Mrs. Ribeiro cannot answer who asked for the documents. Mr. Haluch said the request for documents through the FOIA should have been done by the director. Mr. Santos said he knows who requested the information be obtained, but he is not releasing it. Mrs. Priest read personnel policy that reads personal use of system shall be kept to a minimum.

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She states all of the documents Mr. Santos has were a minute or less. States she did not sit @ her desk and create the documents, she has poor internet service @ home and just accessed it @ her work computer and emailed it out. For being an employee for almost 20 years, it is not an astonishing amount. Mrs. Priest asked how the records were accessed. Mr. Santos said it doesn't matter. She then asked if her computer was the only one in the department that was searched. Mr. Santos said he is not ready to answer that question. It doesn't matter. Attorney Rooke asked who else in the department has been investigated as extensively as Mrs. Priest. He said there is another employee but he'd rather not get into it. Attorney Rooke referred back to the posting of the agenda for today's meeting. He asked when was the last time any employees name was publically listed with respect to any executive session matter. Mr. Santos said agenda was posted through the Town Administrator. Attorney Rooke asked if Mr. Santos explicitly ordered someone to include Amy Priest's name on the agenda? Mr. Santos said No. Mr. Simao wanted to clarify time frames of documents. Were they all really less than 1 minute. Mrs. Priest clarified all documents were created @ home on Google Docs and sent from work computer. Mr. Rodrigues has no comments or questions. Attorney Rooke asked how long Mr. Santos has been Chairman. Mr. Santos said since last March. Attorney Rooke asked Mrs. Ribeiro if there have been any other complaints or charges against Mrs. Priest by any other board member since her employment over 17 years ago. Mrs. Ribeiro said not since she has been employed with the Town. There was nothing in her file to indicate that. Attorney Rooke asked Mr. Frederick what his assessment of Mrs. Priests' performance since he's been employed. He said he has a great working relationship with her and every time he needs her for something, she is able to get it. He has no issues with Amy. Attorney Rooke stated he believes the charge against Amy is personally motivated because she filed a complaint with the State Ethics Commission. Mr. Santos said he doesn't want to get into the ethics questions. Attorney Rooke said that is the underlying motivation. Mr. Santos said No. Ms. Shankar asked if Attorney Rooke had any evidence of improper motivation besides speculation? Attorney Rooke said Yes. There are records that show Mr. Santos was paid over \$450,000 over the course of 3 years. Ms. Shankar asked if there was evidence to that effect. Mr. Simao laughed and said it works both ways. Mrs. Priest said that she has been an employee for many years and has never had any conflict with any board members until Mr. Santos joined the

Board. She states she was contacted a couple times by the State Ethics Commission to provide information for an investigation they had open for Mr. Santos. She provided information requested and each time was reprimanded. She then went to speak with HR and Town Administrator because she thought she was being retaliated against and also sent a letter indicating that. Mr. Santos had a meeting in which he told people he had found the letter she wrote. In the meeting was Mr. Santos, Mr. Simao, Mrs. Ribeiro and Mr. Frederick. Amy said in April 2017 Mr. Santos, along with another Board member, told her that he knew she was providing information to the Ethics Commission. He asked her to call the Board member and tell him to stop reporting him to the Ethics Commission. Mrs. Priest said there were several times Mr. Santos was alone with her in the office for several hours and it will show on the surveillance camera. Mr. Santos says that is hearsay. Mr. Santos says he's never had a one on one conversation with Amy. Attorney Rooke said they have nothing further.

Mr. Simao said he will wait to hear from other Board members and make his decision. Mr. Rodrigues said he would have let it go this time. He said he would like to drop all charges against her and start over. Mr. Haluch asked Mr. Rodrigues how long he was employed @ the DPW prior to his retirement as a foreman in 2015. He replied 15 years. He asked if during that time if he had any problems with Amy. He replied No. She always provided any information he needed. He said if we wanted to be correct, we should check everyone else's computer not just Amy's. You will find the same examples. He thinks we're just picking on one person. Mr. Rodrigues said we're not being consistent. Mr. Haluch asked Mr. Rodrigues if he knows of anyone in a supervisor position whose shortcomings are much greater than Amy's? Mr. Santos said he cannot finish his questions to Mr. Rodrigues.

Attorney Rooke making his final statement. He sees this as a lack of leadership due to the vacancies in the Director's position. It was at least 7 months before Mr. Frederick came on board. And the time frame before 12-15 months. As some of the complaints about Amy go back to 2012, he would suggest there was a lack of Director on board. Things fell behind. Amy had too much responsibility with no additional income. She did fall behind on some of the tasks, but that was because lack of leadership. You now have an excellent director and if he's allowed to do his work, you'll see him get things back to a more constructive basis. This is not an occasion to terminate Amy for your perceived lack of productivity or

responsiveness to your every request. The 6 or 7 minutes she sent emails are miniscule given the amount of time she's put in. She was under the belief she was entitled to comp time for the Board meetings she attended. The 95 hours she's accrued in comp time versus the 6 or 7 minutes of personal time on the computer does not warrant termination. He urged the Board not to terminate Amy, as she has 19 years with the Town and there has never been a previous complaint against her and she is capable of doing her job with the right leadership. You cannot blame Amy solely for the problems in the office when there is no leadership.

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Mr. Simao said he doesn't want to see her fired, but he wants to see her suspended.

No comments from Town Council. No comments from HR.

Mr. Simao motion to suspend Amy for 1 week without pay with criteria that she sit down with Mr. Frederick and a Board member with job duties and get a report from Mr. Frederick in 60 days. If Board is not happy at that point, then termination. No second. Mr. Rodrigues cannot support the motion. He thinks she should sit down with Mr. Frederick and go over her duties and report back to the Board in 45-60 days. Mr. Rodrigues motion to give 60 says. If she is not performing, 1 week suspension. Mr. Simao second. Mr. Haluch made amendment to motion. At the end of the 60 days, the evaluation would come from the Director. If at the end of the 60 days he is not happy he will report to the Board and they will take action. If he's happy with the performance, the charges will be removed from her file. Mr. Rodrigues second the amendment. All in favor.

Mr. Simao motion to adjourn at 5:07 P.M. Mr. Rodrigues second. All in favor.

Tom Haluch

Bill Rodrigues

DATE

Amy Kuntz
ADMINISTRATIVE ASSISTANT