

BOARD OF PUBLIC WORKS
DPW Conference Room
198 Sportsman's Road, Ludlow, MA 01056
MEETING MINUTES
September 10, 2020

***Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, MGL c. 30A Section 18, and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ludlow Board of Public Works will be conducted via remote participation to the greatest extent possible.**

Members Present: Steve Santos, John Davis, Barry Linton, Dan Soares

Members Absent: Alex Simao

Also Present: Mike Suprenant, Amy Priest, Attorney Robert Hennigan, Jim Goodreau

Mr. Santos called the meeting to order at 6:00 P.M. All present stood for the Pledge of Allegiance.

EXECUTIVE SESSION: To discuss a complaint brought against Michael Suprenant, Director of Public Works and possible discipline or dismissal. **Mr. Linton motion to enter into executive session with roll call. Attorney Hennigan states they are to enter into open session.** Attorney Hennigan read the complaint. On September 8, Mr. Suprenant received a letter from Department of Public Works signed by Chairman Steve Santos indicating there would be a hearing this evening on a complaint that was filed with the Town of Ludlow. The complaint is in a nature of a harassment complaint. The nature of the complaint is a formal complaint filed with the Town. It was delivered to Ms. Carrie Ribeiro, Human Resources Manager dated August 31, 2020. The policy of the Town, in terms of harassment policies requires that there be a procedure followed for a harassment complaint. Complaint procedures are that if any employee believes that he or she has been subject to harassment, the employee may file a complaint with the Town. This may be done in writing or verbally, in this case it was done in writing. The complaint may be filed with the Director of Human Resources or the Town Administrator. This was filed with the Town Administrator. The complaint filed pursuant

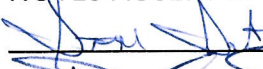
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to this policy will be promptly and thoroughly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practical under the circumstances. All circumstances of the situation shall be considered in the investigation of possible harassment. In determining whether the alleged constitutes harassment consideration shall be given to the totality of the circumstances, including the context in which the alleged incident occurred. The investigation will include an interview with the person alleged to have committed the harassment. No such interview of Mr. Suprenant took place in this particular case. Upon completion of the investigation, the investigator may prepare a report of the investigation and his or her findings, which will be provided to the appropriate Board or appointed authority. To the extent appropriate, the person who filed the complaint and the person alleged to have committed the conduct will be informed of the results of the investigation. No such investigation has taken place. This complaint was filed on August 31 based on incidents that occurred on August 22. The letter you served on my client was September 8. There was no time for an investigation. The notice of this particular hearing was posted with the Town Clerk at 11:00 the morning of September 8. The policy has not been followed by the Board. The policy in this case was used and followed 6 years ago in October 2014 when the involved complainant, who is here tonight, had a complaint about the following of procedures in terms of whether or not something should be placed into his personnel file. Mr. Linton was a member of the Board and he made a motion that night that if there was a personnel policy that says it has to go to a Town Administrator and it has to have an arresting officer inform of hearing for investigation that it is the policy for harassment complaint, that is the policy the Board has to follow. In the past, the Board has by precedent chosen to follow the harassment policy, but it has not done so in this particular case. He is going to demand that this matter be continued until an appropriate investigation be continued and be prepared in accordance with the policy and that this investigation be completed, Mr. Suprenant be interviewed pursuant to that policy and provisions of the investigation be provided. Mr. Santos said they are going to move forward anyway. Attorney Hennigan said under protest he would like to leave. Mr. Goodreau said this complaint is for violating confidentiality. Mr. Hennigan objected. Attorney Hennigan said this is for harassment, discrimination and retaliation. He said Mr. Suprenant deserves the right under his contract and under the statute and under the policy to be given a fair hearing. A fair hearing requires the Chairman to make sure he has a fair hearing. That means an investigation. The Board and the Town has not done an investigation. Mr. Santos said we are talking about confidentiality. Mr. Santos read the complaint. It says the Board of Public Works has scheduled an executive session meeting on Thursday September 10,

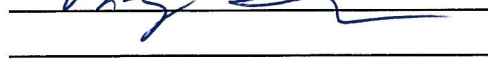
2020 at 6:00 p.m. at the Department of Public Works conference room located at 198 Sportsman's Road, Ludlow. The purpose of this meeting is to discuss another complaint brought against you and possible dismissal or discipline. The complaint is attached to you in this letter for review. Your rights are outlined below. MGL 38, Section 21a. The individual discussed in such executive shall be notified in writing by the public body at least 48 hours prior to the proposed executive session provided; however, the notification may be waived upon written agreement of both parties. You have the right to have this meeting held in open session or executive; therefore, please be advised you have the following rights pursuant to open meeting law MGL Chapter 38, Section 21a, to have counsel represent you for the purpose of advising you and not for the purpose of active participation, to speak on your behalf and make independent record of the executive session created by audio recording for transcription at your expense. Mr. Hennigan said the complaint is attached to this letter. That complaint is filed with the Human Resources Director, not with this department. Mr. Santos said they are dealing with the first issue in the complaint, confidentiality. Mr. Suprenant is under the direct supervision of the Board of Public Works. Attorney Hennigan said that the complaint says his behavior is harassment and discrimination. He says Mr. Goodreau has a history of filing discrimination complaints against the Board and members of executive directors. You should find out if there is an independent investigator who will verify if this is harassment and discrimination and stop playing games with this man's life. Mr. Santos said we are here to figure out if he violated confidentiality. Attorney Hennigan said for the record they are objecting to this and are going to bring action against the Town for failure to follow procedure. Attorney Hennigan and Mr. Suprenant left the meeting. Mr. Goodreau asked for discussion about confidentiality be in executive session. **Mr. Linton motion to adjourn meeting. Mr. Davis second. Vote 2-2. Mr. Soares and Mr. Santos against.** Mr. Linton left the meeting. Mr. Davis left the meeting. **Mr. Santos said rule of necessity adjourns the meeting.**

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