

*SPECIAL SELECTMEN'S MEETING
EXECUTIVE SESSION
MINUTES
Thursday, October 20, 2022
Groveland Town Hall
183 Main Street, Back Hall Conference Room
Groveland, MA 01834*

Members present: Edward Watson, Jason Naves, Kathleen Kastrinelis, Daniel MacDonald, Mark Parenteau

Others present: Rebecca Oldham, Lynne Stanton, Richard Fitzgerald, Mrs. Fitzgerald

Chairman Watson opened the meeting at 6:03PM. Roll call vote: Selectman MacDonald, yes; Selectman Kastrinelis, yes; Selectmen Parenteau, yes; Selectman Naves, nay, Selectman Watson, yes

Chairman Watson made a motion to enter into executive session in accordance with M.G.L. c. 30A, sec. 21(a)(1) – to discuss the discipline or dismissal of a public employee/official and not return to Open Session. Roll call vote to enter Executive Session. Roll call vote: Selectman MacDonald, yes; Selectman Kastrinelis, yes; Selectmen Parenteau, yes; Selectman Naves, nay, Selectman Watson, yes

Chairman Watson asked Lynne Stanton to explain the recommendation for dismissal.

Lynne Stanton explained the interaction with the employee. Discussed the employee's unwillingness to follow direction. Spoke about experience with van trips. Spoke about the van maintenance and repair issues. Stated that no employee improvement program would be helpful and therefore recommended the Board vote to dismiss.

Selectman MacDonald asked, is it reasonable to inquire about routes and the height of the can in his role? Was there any unfair question that you determined unreasonable and argumentative?

Lynne responded, yes, I do believe those questions are reasonable. But to contact the dealer after the staff had taken care of the issue is excessive. Reiterated the employee also took the initiative to contact Amesbury Chevrolet about making further inspections without being given the authority to do so.

Mr. Fitzgerald read his written statement. *See written statement attached to these minutes.*

Selectman Kastrinelis stated that she hears what is being said but that we need to be mindful of the bigger picture. We have had much turnover in the COA, and we are trying to establish some stability. Maybe we wait and pause before we act. I do not believe Mr. Fitzgerald did anything awful. But there is a hierarchy and there is a level of respect, and everything must go through the Director.

Mr. Fitzgerald stated that his biggest concern was vehicle safety. But that also the rules of the town mandate that the Director cannot dismiss an employee without cause.

Selectman Kastrinelis stated as an 'employee at will' there does not need to be cause. Are you here because you want to continue in this job?

Mr. Fitzgerald answered yes.

Selectman MacDonald asked were you told not to worry about it, the van?

Mr. Fitzgerald answered no.

Selectmen MacDonald stated there is diplomacy and you should be able to disagree with the boss but there is tact. Were you concerned 100% about the van? Or was there something else?

Mr. Fitzgerald stated, is there a clash of personalities? There appears to be. I was overzealous in pushing a safety issue. But it was first and foremost the safety of the riders and my concerns were not being taken seriously.

Selectmen MacDonald asked Mr. Fitzgerald if he would you do anything differently.

Mr. Fitzgerald stated yes, I would have put it in writing to the Board of Selectmen, Town Administrator and COA Director and Chair stating the vehicle should not be driven until the safety issues were resolved. I would have established a paper trail of my concerns.

Lynne stated that once we heard there was a check engine light, we took it to get addressed. Safety is paramount. That was not pushed off or delayed.

Chairman Watson questioned why the van was brought to a local repair shop when the vehicle is under warranty. The vehicle should also have a GPS in the vehicle.

Lynne stated each driver has a phone that has GPS on it, and they use google maps. We also brought it to Dave Martin because we wanted to get the issue resolved quickly.

Selectman MacDonald made a motion to retain Richard Fitzgerald and those disagreements will remain in the past.

Selectman Kastrinelis offered a friendly amendment to retain Richard Fitzgerald and note we have documented this meeting and expect there to be a positive change.

Selectman MacDonald accepted the amendment. Selectman Kastrinelis seconded the motion. Roll call vote: Selectman MacDonald, yes; Selectman Kastrinelis, yes; Selectmen Parenteau, yes; Selectman Naves, nay, Selectman Watson, yes.

Selectman Naves stated that the personality conflict will remain and therefore cannot support reinstating Mr. Fitzgerald.

Motion to adjourn at 7:26PM. Roll call vote: Selectman MacDonald, yes; Selectman Kastrinelis, yes; Selectmen Parenteau, yes; Selectman Naves, yes, Selectman Watson, yes.

Minutes Respectfully Submitted by Rebecca Oldham

October 17, 2022

Good evening and I would like to thank the Board of Selectman for scheduling this executive session to discuss this issue before you.

My name is Richard Fitzgerald, and I am 1 of the 2 part time drivers for the C.O.A. I am a long time Groveland resident (31 years) who retired from the workforce back in 2021. Back in July of this year I was approached by my neighbor Maureen Lee-Locke about the part time position with the C.O.A. that had been open for over 6 months, that she was helping with on an as-needed basis.

I thought a part time position with my town as a C.O.A. driver would be a good way to help serve my community, as well as earn a few extra dollars.

You, the Board of Selectmen approved my hiring around the middle of July of this year. Sadly, here we are 3 months later to discuss these issues before you.

For the purpose of being concise I have written out this timeline regarding the events that have brought us all here.

As you are aware, the director who hired me resigned in August, and the position was to be temporarily filled by the former director, who then informed the staff that she would only be working part time. Because my hours are Monday and Tuesday only, I usually only saw to speak or interact with her on Tuesday's, as she was not typically in on Monday's. She was the director of the C.O.A. for more than 20 yrs. I feel that she should have been aware that some Mondays and Tuesdays had more driving appointments than others. Nonetheless she would occasionally comment that my job had a lot of downtime. I sometimes ran errands for Nisha Burke for supplies.

My job description clearly states that I am to report any issues with the C.O.A. van that might arise. Clearly that is for the safety of the passengers and to avoid any liability issues for the town. Around the 2nd week of September 2 vehicle maintenance issues appeared with the new C.O.A van. The 1st issue reported by me was regarding the windshield defrost/AC, it cycles, first it works then it doesn't. I was transporting 2 passengers back from Newburyport that day, and they expressed concern because the window was fogging up.

Then later in the week the 2nd issue was reported by the other C.O.A. driver related to a check engine light/oil pressure gauge issue.

It was over a week (Monday the 19) before I was directed to bring the vehicle to the local garage that services the Groveland town vehicles.

The garage manager called the following day Tuesday to say it needed to go to a Chevrolet garage as he had no idea how to fix the issues, and that the vehicle was under warranty. Arrangements were then made to take the van on Thursday of that same week to Commonwealth Chevrolet to be serviced, mind you prior to that scheduled appointment we were instructed to still drive passengers around with the check engine light on and the oil pressure gauge pegged.

I went with Interim Director Stanton on Monday the 26th (sometimes she was in on Monday's) to pick-up the vehicle. I waited outside with the van as she went inside do the paperwork and get the keys. The check engine/oil pressure gauge issue was gone, but I wasn't 100% sure the windshield defrost/AC issue was resolved.

The next day (Tuesday) it became clear that the defrost/AC issue had not been resolved. Once again, I reported this issue to the Director. In hindsight these issues should have been reported to the director via email as well as verbally because in all honesty I did not feel that my reporting of these issues was being heard. Then, before leaving for the day I left a note for the Wednesday/Thursday driver letting him know about the van, as was our habit.

On Monday October 3rd when I came to the office, I found a note from the other driver (Frank) informing me that a new issue had arose in the form of a fast-idle concern. You must understand that Frank has driven this vehicle since it first arrived in Groveland and knows the vehicle better than me.

That brings us to Tuesday October 4th. When I arrived, I checked the schedule to see if any rides were scheduled and there were not. It was however Brown Bag Day and I needed to go to Haverhill to pick up food to be distributed to seniors who qualify for the program. When I returned began to inquire about the 2 issues with the vehicle that had not been resolved, and as to when and where they would be scheduled for service. Once again, my concern was for the safety of the riders and the liability of the town.

It was at this point that I informed Director Stanton that I had taken it upon myself to call Commonwealth Chevrolet and inquire as to whether they had addressed the Windshield defrost/AC issue, and they stated they had not.

Director Stanton did not respond calmly to that information and informed me very loudly and sternly that I should not have done that, as that was not my job.

I apologized and stated that I had done so out of concern for the town's new vehicle (along with afore mentioned ones) and stated that I didn't think these issues were being taken seriously enough. After that discussion was over there were routine cleaning issues with the van that she requested I perform and went outside to do them.

After this heated reaction by the director, I fully anticipated that I would be brought in later to further discuss what I had done, and I found out later that she had told the Town Administrator that she intended to do just that. What happened next, I did not anticipate.

On Thursday the 6th I received a phone call from Director Stanton, at which time she informed me that my position was being terminated as a C.O.A. van driver. I then asked for what reason and was told that as I was an employee "at will" that she did not have to give me a reason. At which time I said to her, that if I had to make a guess as to the reason, it would be that she didn't like me very much, to which she responded, "that might have something to do with it". Days later I received my termination letter from Director Stanton.

I had to take a couple of days to process this, and to consult a few HR professionals and an employment law attorney. Their overall reaction was how unprofessional this action was.

I noticed at the bottom of my termination letter that Director Stanton had cc'd the Town Administrator, so I sent an email to Rebecca Oldham and requested a meeting to discuss what happened. She informed me of what proper procedure is according to the Town of Groveland Personnel Procedures Manual. That is, as you may be aware, that all disciplinary actions must be approved by the Board of Selectmen while I am within my probationary period.

I find it concerning that the C.O.A. Director, having been an employee of this town for over 20 years would attempt to circumvent the rules of the Personnel Procedures Manual. My belief is that Director Stanton didn't want this meeting to take place.

In the email I received informing me of this meeting to discuss the recommendation for discipline or dismissal 3 charges are listed.

- Inability to perform assigned duties
- Insubordination
- Service complaints from van riders

As to the 1st charge, I have never refused to perform any assigned duty the Director has requested me to do. As to the 3rd charge, I have been made aware that any complaints from riders need to be brought to my attention immediately, and that has not happened.

That brings us to item #2, insubordination. Quite clearly Director Stanton was very upset when I informed her of my contacting Commonwealth regarding the van. It should be known that I take my responsibility as a driver for the town seriously and the safety of my riders is paramount. The real issue here is that to her, I usurped her authority when I contacted the dealership. I want it to be known that I did not talk back to her when she blew up at me, and I was not insubordinate.

My question now is, how should I to be disciplined for my action? And to what extent should I be disciplined for doing my job? My only crime appears to be reporting a safety issue with the van and pushing the issue, because as far as I could tell, it was not being acted upon with any sense of urgency?

Also, for the record It should be noted that to date there are still 2 unresolved issues with the C.O.A Van. The windshield defrost/AC and the fast Idle. The 2nd visit to Commonwealth accomplished nothing, and their recommendation is to contact the company the town purchased it from or find another Chevrolet service center with Commercial vehicle experience.