

Minutes approved and
released at
BOS meeting 7.27.2021

BOARD OF SELECTMEN
MEETING AGENDA

Tuesday, May 18, 2021

Groveland Town Hall, Back Meeting Room
183 Main St, Groveland, MA 01834

TOWN OF GROVELAND

2021 JUL 29 AM 11:07

TOWN CLERK
RECEIVED/POSTED

Attendees: Selectmen: Ed Watson (EW), Dan MacDonald (DM), Jason Naves (JN), Kathleen Kastrinelis (KK), William O'Neil (BO)

Also in attendance Katheryn Worden, Admin Coordinator;

Via Zoom: Brian Maser, KP Lawyer

5:30 P.M. Meeting opened in Open session

DM made the motion to go into executive session for the following purposes

Pursuant to M.G.L. c. 30A, §21 (a) (2) To conduct strategy sessions in preparation for contract negotiations with nonunion personnel Interim Finance Director (Votes may be taken) KK seconded.

Roll call Dan MacDonald "yes", Bill O'Neil "yes", Kathy Kastrinelis "yes" Jason Naves "yes" Ed Watson "yes"

Ed Watson says that it has come to the Chair's attention that since the last meeting on May 10th, that many items are not being completed. Kevin Paicos is only working on a contract bases, duties such as HR director are not being addressed. Jason Naves and Ed Watson ran into a situation where candidates were interviewed. And they could not answer when this person could be hired or what pay rate. Another issue is there is no one to sign the Bills and Payroll after May 31st. Capital Improvements, investments, website, grants go undone. At the last meeting there were many questions that should have answered by a finance director and the Board had no one there.

Dan MacDonald stated that he was just elected and was trying to get caught up and asked about the settlement agreement with Kevin Paicos. He is questioning if it was executed, if the settlement can be reconsidered due to the gap in coverages and potential obstacles. He stated that the process of hiring a Town Administrator will take time. He would like to bring back the interim Finance Director or get a permanent finance director. If the Board won't agree to, who is going to take on the additional work.

Ed Watson stated the Finance Director signs the budgets, warrants, the annual town report, scheduling the annual town meeting, contract negotiations. This is not the work of the Board of Selectmen. The board weighs in after only for the big decisions.

Kathy Kastrinelis asked Council if the executed separation agreement was received. Brian Maser said he only knew of the BOS signatures. Brian Maser said the Kevin agreed to the terms and the Board relied on that to make their vote. His signing is ministerial. Brian stated again, no the agreement hasn't been signed. Have the parties been operating as such? Yes. Kevin has stopped attending to duties, he was acting under the terms of the agreement. If the Board has different wishes, the contract signing doesn't mean it cannot be undone. In terms of the agreement, its only been signed by the Board. He will need to sign it so the board can vote to rescind.

Kathy Kastrinelis states the reasons she voted against. We have other avenues to get these services. She stated "We are deficit spending with is illegal and makes us criminally liable and this was done without my knowledge." She discussed all the ways she felt she was prevented from accessing information and the errors on the Town Meeting Warrant. She wants the board to agree on a financial consultant to carry us thru until a Town Administrator. She stated "The auditors have a list of companies we can go to and bring in a financial person to keep us going. She has spoken to Greg Lebracque, The Department of Revenue, Denise Dembkoski."

She agrees there should be a person in that role, but it needs to be the right person. She voted in good conscience. She did not see the documents ahead of time and they made sense to her.

Dan MacDonald asked Town Council if Deficit spending was criminal. Brian Maser said there isn't not criminal liability there, but agreed that funds shouldn't be spent in excess of appropriation of Town Meeting. overspending is misappropriation, but it there isn't criminal liability.

Dan MacDonald stated that at the last meeting there were line transfers. Question to Council: Why can't there be a transfer or an amendment to transfer into this line at Town Meeting?

Brian Maser said that transfers are made. Kathy Kastrinelis said that Town meeting can't be changed. Dan asked Council again if it is possible, and Brian responded that yes, assuming you have the funds to transfer.

Kathy Kastrinelis stated that while monies can be taken out of other departments for this year, she doesn't want to start the next fiscal year overspending. There's no budget for \$185 dollars an hour.

The board deliberates at long length the possibility of extending the settlement agreement for another thirty days, discusses contracts that need to be negotiated and the collection of back taxes.

Kathy Kastrinelis said that the Board was losing focus of Executive session which was strategy. She wants to hire a Financial person to do the work in a controlled situation where she can task the contractor. She's not opposed to going another 30 days, but prefers to bring in a team immediately.

Dan asked for a Point of Clarity and asked if its Kathy Kastrinelis assertion that all tasks are being delegated out and not performed by the individual? She said yes. She said they hired a treasurer and then a contractor was hired to do the treasurer work. KP Law gave the Board temporary power to procure a treasurer. She would prefer to hire locally and to stay within budget. She wants a consultant that can be controlled. They cannot do anything without the Chairman's approval and Board knowledge.

The Board discussed the role of the interim Finance Director. Kathy Kastrinelis stated that the treasurer was one of the biggest roles in the Town. The old Finance Director did Treasurer, procurement and Personnel. She stated that Personnel was now with Chief Gillen. It was stated that no one appointed him as such, it was not voted. Kathy Kastrinelis wants to Vote. Ed Watson asked if Chief Gillen was qualified. Kathy Kastrinelis said that the board was off strategy and topic.

Dan asked for clarification of why one role became 2 positions. Kathy Kastrinelis stated that the Finance Director said the Board was told he hadn't done it in so long, they needed to bring someone in. Dan noted that the Finance Director couldn't do it and that was different than not doing it. Kathy Kastrinelis also mentioned that the Treasury Clerk was new and promoted to the Assistant clerk and could benefit from training.

Bill O'Neil agrees with Dan that there needs to be a person in that seat, but Kevin is the wrong person for that seat. Anyone that contemplates bringing Kevin back even for a day should have a session with a psychotherapist because they aren't paying attention or don't care. In Bill's professional opinion, the current administration for the last 9 months has been a fiasco.

Dan asked about what is being presented to Town Meeting. Board discussion the Town Meeting Warrant and changes that needed to be made. The Board went off topic discussing the Town Meeting warrant and the Chair notified them that then were outside the scope of Executive session.

Dan asked why Kevin didn't request amendments to his contract. The Chair stated that he did and Kevin referred to the job description he was hired under as supporting evidence The Board discussed Kevin's Contract and the ways board members felt he overstepped the boundaries of that contract. Kathy Kastrinelis asked if Dan was proposing to extend the agreement for 30 days and in that 30 days find a consultant we can agree on. Dan says to extend it 30 days and ask for an agenda item to explorer other alternatives.

The board discusses priorities of the Interim Finance Director and behavior felt toward Board members during meetings.

Jason Naves mentioned that Sara, the current Treasurer Collector is doing a phenomenal job according to the Accountant. He would recommend keeping her, as she has been very helpful to Michele. She has knowledge of the Vadar systems. She understands the position of the Town and the monies we don't have. She is trying to accommodate. Jason aggress we need someone in that seat, but it should not be Kevin.

Dan asked if Kevin was concerned about the job description under state law for the Treasurer. If that comes with regulatory requirements, was he concerned about things beyond the scope of what the Board wanted him to do. If he has a state mandate, the licensure comes before the client. Was the regulatory mandate what required him to be spread too thin? Ed Watson said yes. Was Kevin asked to do finite tasks and he said he was regulated? Jason Naves said "No, it's not a state regulation. It would have been tasks taken on by a Town administrator, but not the Finance Director. He was working on noncritical items." Dan asked if the bulk of the work was not getting done. Kathy said yes, the bulk of what we put to the list.

Kathy said priorities were for the contracts to be negotiated, the Budget done. The Board is now negotiating the contracts and we are in over our head. We are fixing the budget. I put in a full day of work and come home and do more work.

The Board discusses alternative options to be put in place: Kathy stated: A treasurer can procure, sign payroll, a treasurer can do everything we need. Ed asked her to repeat. She said the town can be run on a treasurer and an accountant. A Treasurer can sign payroll. A treasurer can procure.

Kathy Kastrinelis noted the brand new assistant Treasurer that has been "working her butt off and learning under a great deal of fire and I'm tremendously impressed to hear that from more than one source that she really stepped up and never complained. It couldn't have been easy because she walked in here with no municipal training at all. In five months she was told doo what you can and she's doing it. My guess is she will catch up by leaps and bounds. But we do need to stabilize and not have a circus. We cannot have defiance. We are the Board of Selectmen. We run this town."

Dan asked if it was a personality clash. Kathy said no.

Discussion on whether Sara can sign the payroll and the Bill Warrants. Jason agrees. Ed disagrees as Sara is a contracted employee. Discussion of the Board as to Sara's roll in the company.

Dan asked if Kevin resigned. Bill yes "yes, according to the letter". Dan asked if he resigned of his own volition or was he asked to resign. The Board discusses the hiring and resignation of Kevin Paicos. Ed read the letter of resignation. Ed asked how did a majority of the Board prior to when we met in executive session? This letter was dated after the meeting of April 21. Kathy stated that it was Kevin's belief that a majority of the Board field this way. Ed asked where did Kevin get the belief? The Chair questioned an illegal polling of the members. Kathy says she was not polled. Ed asked where the prior Chairman of the Board would get the idea of the majority of the Board. Kathy says "we cant discuss the Chairman if he's not here". Ed stated that he asked in the second executive session when the vote would take place and Council said "tonight", the letter was submitted before we took the vote. Dan stated that it appears there were deliberations prior to the executive session. Dan stated that he feels it's a valid question, the letter starts off saying 'following our conversation last evening.' The question is very direct: was there deliberation amongst the board of selectmen outside Open Meeting or executive session to determine the status of the interim Finance director. Kathy says No.

Brian Maser wanted to clarify that it was his belief that the day before Executive session, the Former Chair, Michael Wood, communicated to Kevin, that if he put it on agenda for termination of contract effective immediately that he would have the votes to do it. Neither wanted to go thru that. Kevin is an interim and often and is well known to KP office as far as interim service. Based off the representation of the Board from Mike, Kevin signed that agreement. Brian redirected the conversation back to the subject at hand. Kevin has been

operating under the new agreement, the board voted in favor of it, 4 to 1 to basically expire on the 21st. The Board can vote to extend out to June 30th or the Board can take no action and a majority of the Board can direct me to go back to Kevin's attorney who I was dealing with, and let him know that the Board is expecting the agreement be executed to finalize, or if he doesn't the Board can convene a subsequent meeting where you can consider terminating him under the terms of the original agreement if he is vacillating and not wanting to sing the deal. Thirdly a total rewrite to the agreement that he signed for contractual services performed.

Jason doesn't have anything further to say. Bill has nothing further to say. Dan would like Kevin to sign the agreement. Dan makes a motion to offer to extend until June 30th and in the interim to what has to be done to make changes. Ed seconds. Discussion: Bill O'Neil wants to discuss the comments made about the work involved "in coming down to sign grants and whatnot." Bill knew what he signed up for when he was elected. "If someone isn't prepared for it, there's the door, leave." Ed responded that this is about the Finance Director and not the members of the Board. Dan and Bill discussed attitude to the work of the Board. Kathy Kastrinelis called a Point of Order that the Board is supposed to be discussing strategy.

The Chair calls for a vote: Dan "yes" Bill "opposed" Kathy "no" Jason "opposed" Ed "yes" 2 -3 motion not carried. Kathy Kastrinelis asked if another strategy can be voted on. Kathy makes a motion to authorize a member to sit down with Sara Hunter to see if the critical services could be managed thru her company. Bill asked if she could fulfill the duties we currently need. Bill seconded it. The Chair stated that it is beyond the scope of this meeting and she can bring it up in the Open Session. Town Council stated the vote to not extend Kevin's Contract means the Board needs to course correct and determine how to proceed going forward. It is a subject for Open session. It can be loosely discussed in executive session, the purpose of this executive session is to discuss strategies with respect to the interim finance director Kevin Paicos. The motion failed 3 to 2, so unless there is another proposal to change this individual's contract or that settlement agreement, for the purposed of Open Meeting law and not running afoul of it, keep it focused on the contract with that individual. Ed said thank you and will bring it up in open session.

Brian Maser asked if there was any direction for him in regards to going back to the Kevin's lawyer and asking for the signed separation agreement. Kathy stated that the Board had it and then incorrectly stated that the Admin coordinator hadn't sent it yet. Brian Maser corrected her that he received the scanned partially executed contract from the admin coordinator and Brian had forwarded it to Kevin. Ed responded that the Board voted 3 to 2 not to extend his contract and Brian should request a fully executed contract be sent to the Board.

Bill O'Neil motion to rollcall out of executive session 6:54 PM, seconded by Kathy Kastrinelis.

Rollcall: Bill O'Neil "yes" Kathy Kastrinelis "yes" Jason Naves "yes" Dan MacDonald "yes" Ed Watson "yes"

ADJOURNMENT