

BOARD OF SELECTMEN
SPECIAL MEETING
MEETING MINUTES
Thursday, January 18, 2018
Groveland Town Hall
183 Main St, Groveland, MA 01834

Present: Chair Mike Wood, Vice Chair Lisa Dube-Carpenter, Selectmen Bill Dunn, Ed Watson, and Bill O'Neil

Also Present: Finance Director, Denise Demboski, Attorney Brian Maser from KP Law, and Fire Chief Robert Lay

Chairman Wood called the meeting to order at 6:45 pm and read the Executive Session Notice: In accordance with M.G.L. c. 30A, s. 21 (a)(1), the Board will meet in executive session to discuss complaints or charges against a public officer or to discuss the discipline or dismissal of a public officer;

Chairman Wood asked Chief Robert Lay if it was still his intention to waive his right to an executive session and hold this meeting in a public setting. Chief Lay confirmed his intent to have the meeting in public.

Chairman Wood noted that a patron in the audience would be making a recording of the meeting with both audio and video.

The Chairman addressed the approximately forty people in the audience and informed them this meeting was between the Board of Selectmen and the Fire Chief Robert Lay. They were permitted to attend and watch the meeting, but they would not be recognized to speak and they were expected to sit and remain orderly, or he would instruct one of the two officers to remove the unruly patron from the room.

Chairman Wood then read the Executive Session notice aloud.

“January 12, 2018

Robert Lay

1 Georgia Street

Groveland, MA 01834

Re: RESCHEDULED MEETING

Statutory Notice Pursuant to MGL c 30A sec 21 (a) (1)

Dear Chief Lay,

Pursuant to MGL c. 30A sec. 21(a)(1), this letter is to provide notice that I have scheduled an executive session for Thursday, January 18, 2018 at 6:30 P.M., at Groveland Town Hall, 183 Main Street, Groveland, MA 01834, in the Selectmen's Meeting Room, to discuss complaints or charges against you or to discuss your possible discipline or dismissal as Fire Chief for the Town of Groveland.

The bases for the meeting are as follows:

- Mismanagement of the Fire Department budget;
- Your alleged lack of noticing an underpayment to the Town for your monthly health insurance coverage from your paychecks. Over the course of several years you were charged far less than the full premium for your health insurance coverage. The Town made overpayments to the Town's health insurance provider for your health insurance of approximately twenty-four thousand dollars during this time. Your representations to the Board that you did not notice the overpayment do not appear to be truthful.
- Complaints that your department is cherry picking calls to go on or not responding to calls for service at all;
- Your insubordinate conduct towards the Board of Selectmen, including your statement to the Board during its November 27th Executive Session that if you are not paid what you want, you will not perform your duties and responsibilities as Fire Chief;
- Your overall administration of the department and equipment, to include your delegating your responsibilities as Chief to other members of the Department.

As the subject of this executive session meeting, you have the right to:

- i. be present for the discussion which pertains to you;
- ii. have counsel or a representative of your choosing present and attending for the purpose of advising you, but not for the purpose of active participation in the executive session;
- iii. speak on you own behalf; and
- iv. cause an independent record to be created of the executive session by audio-recording or transcription, at your expense.

Be aware that as required by law the Board's meeting will first convene in open session, and the Board will thereafter vote to enter executive session. As the subject of the executive session, however, you may choose to have the meeting conducted in open session. Also, please know if you choose not to attend the meeting, the Board of Selectmen will proceed with the discussion in executive session.

Sincerely,

Michael N. Wood, Chair

Board of Selectmen"

In addition, the Chair stated that the Chief was previously informed the Board will also be discussing the fact that he had surgery and was incapacitated from performing his duties and did not notify his appointing authority.

The Chair then opened up the discussion to the Board and the Chief to address the complaints and charges. Discussion ensued.

The Chief stated that he felt these items can be addressed to clear up the issues and everyone could leave tonight having a clear path to a resolution.

Selectwoman Carpenter stated that she felt the Board was making a good faith effort to negotiate with the Chief, but several of the issues have come up since they last met at the November 27th meeting and she feels that is disrespectful.

The issue of him not informing the Board of his surgery came up, to which the Chief replied that he doesn't feel that is an issue. "He is a busy guy" and he scheduled it for his time off and other than the day in the hospital, he's been working. He stated he has had several surgeries over the last year and doesn't recall notifying the town.

Discussion on the budget took place. Selectwoman Carpenter does not feel that there is a collaborative relationship between the Board and the Chief. She asked what the Chief what he has done to be proactive with the fire department budget. The Chief stated his training money is planned for training because that is about firefighter safety and the Town's ISO rating. Chief Lay stated that he feels he does a really good job at managing the budget and the vehicle fleet. He wants to assure and reassure the Board that he is not mismanaging the budget.

The health insurance matter was brought up. Chief Lay stated that he owes the money; he has never disputed that, the matter remains where is he going to get the money. Selectman Dunn stated he believes the Chief had no intention of discussing his health insurance at the November 27th meeting. When the Chief was allowed to make an opening statement, he went right into his salary and where his pay stands in relation to all the area Chiefs. The Board had to bring up the insurance matter and that wasn't right.

Selectwoman Carpenter said she doesn't feel that the discussion about the Chief being dedicated and focused on money and his budget matches up with the health insurance matter. She feels he believes he is entitled.

Chairman Wood stated he felt there should have been some attempt to make this right since the Chief was first informed of the matter in October. The Chief stated he believed there would be further discussion on the matter. Since January 2014, he has been trying to negotiate a new contract and more money.

Chief Lay made a comment that the Board had said he was being dishonest. Selectman O'Neil stated those words never came out of his mouth and asked the Chief to retract that generalized statement; to which the Chief did.

Selectman O'Neil asked if the Chief created the job description for the position, set the salary and the qualifications, how did he not know what the job entailed? To which the Chief responded "He did not know what he did not know"

Selectwoman Carpenter feels that when the Chief doesn't get what he wants, he reacts badly. Specifically given his statements on the 27th that if he doesn't get what he wants, he's not going to put the effort into his job.

The Chief responded that he is incredibly committed to the department and incredibly frustrated. His comment on the 27th was not meant to be insubordinate, but he is frustrated. He feels the Board should incrementally increase the salary for Chief, so when he leaves, the town can attract a full-time Chief at the going rate of \$85,000 to \$90,000.

The Chief would be happy coming out of this meeting with the Board understanding how complex his job is and an understanding on what the pay should be. We “should get to an ambulance with full-time staff, but not in my tenure.”

Selectman Watson feels that if the Chief cannot differentiate the net pay and health insurance discrepancy, how can he effectively manage the fire department budget?

The Chief said he stands by the point that he did not know or notice the error on his check. He said he takes better care of his department and budget than he does his own home and finances.

Selectman Dunn feels there is a divide and the department is not involved with the town and that comes from the top with the Chief.

Selectwoman Carpenter asked the Chief if he thought it was appropriate to send the Executive Session notice about this meeting, identifying the complaints and charges against him, to the entire department. The Chief responded that he sent it out as a matter of transparency. Selectwoman Carpenter disagreed, she said it is an abuse of trust because he took it a step forward and informed the whole department that it would be an open meeting, which she sees as a demand for the members of the department to attend. The Chief stated he did not intend for that, he did not want the department to find out and not know about it.

Selectman O’Neil asked what advanced degrees, training, and certifications the Chief has. That the area Chiefs making \$85k-\$90k likely have a degree. The Chief responded that he does not have any advanced degrees, but he has the equivalent in terms of a fire chief’s credentials. The work is the work, regardless of what training or degrees someone has.

Selectwoman Carpenter asked the Chief about delegating clerical work, such as payroll and accounts payable. He stated he has not delegated anything, to which Selectwoman Carpenter read an email she was in possession of from January 9, 2018 from the Chief to the fire department reading: “All, I have decided to delegate some fire department administrative work. Work to include preparation of bills for payment, payroll, etc. Anyone interested may speak to me directly. Thanks, Robert B. Lay, Fire Chief”

The Chief stated he would never delegate that work until after he had the Board bless the idea. He said Selectman Watson told him in prior meetings that he should delegate more, and he was also previously told he could never give up the clerical work. So he was just seeing if anyone was interested before he approached the Board with this request.

The Chief asked about the complaint that calls were not being responded to. He said he is aware of one incident and that was being addressed. It involved a medical call that was not responded to, because the department was waiting on a mutual aid call to go to a fire.

The Chief stated that other than that, he was not aware of calls not being responded to. If he doesn’t know about it, he cannot address it. Selectwoman Carpenter informed the Board that the EMS Service Zone plan calls for a 90% response rate from our fire department and from what she knows, they are meeting that level.

Selectman Dunn made a motion, seconded by Selectwoman Carpenter to drop the complaint about the department cherry picking calls or not responding to calls for service at all. Approved unanimously.

Selectwoman Carpenter made a motion to place the Chief on suspension with pay to allow the Board to fully investigate the matters before the board. She motioned for the suspension to be until February 1st with a subsequent meeting that night.

Selectman Dunn asked for a friendly amendment for the suspension to be without pay, Selectman Watson seconded. Selectwoman Carpenter respectfully asked for the leave to include pay. Selectmen Dunn withdrew his amendment. Selectman Watson then stated he would not be in town on the 1st of February and respectfully asked the Board to schedule the meeting when he will be back on February 12th.

Selectwoman Carpenter withdrew her initial motion and made a new motion. Motion to place the Chief on paid administrative leave effectively immediately through February 12, 2018 to allow the Board time to investigate and substantiate, or not, these claims. Pending substantiation of these claims the Board of Selectmen will move forward with an Executive Session on the 12th of February. Selectman O'Neil seconded the motion. Motion unanimously passed.

Selectman Watson made a motion to adjourn at 8:51pm; seconded by Selectman Dunn. Vote was Unanimous.

Respectfully Submitted by: Denise M. Dembkoski

*** Unanimously Approved on February 20, 2018 ***