



Board of Health

Public Meeting Minutes

Monday, September 28, 2020 at 4:00 pm
Town Hall, 40 Center Street
Fairhaven, MA

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FAIRHAVEN,
MASS.

1) Call to Order:

Chairman Peter Deterra called meeting to order @ 4:00pm

2) Welcome and Media Notification

Mr. Deterra welcomed and read the media information. During this time he notified a member of the public they needed to leave until called into the room per Covid-19 policy. Roll call attendance was taken all members in attendance.

Attendance:

Peter Deterra
Geoffrey Haworth
Michael Risuccia – call in
Sarah Dupont
Attorney Thomas Crotty

3) Minutes of Meetings:

- a) Open Session- May 28, 2020
- b) Open Session- June 11, 2020
- c) Open Session- June 18, 2020
- d) Open Session- July 9, 2020
- e) Open Session- July 10, 2020
- f) Open Session- July 16, 2020

Geoffrey Haworth advised the chairman he was not a member of the board at that time so he would have to recuse himself. Mr. Ristuccia motioned to approve, Mr. Deterra seconded motion. Roll call vote, all in favor

- g) Open Session- July 28, 2020
- h) Open Session- July 30, 2020
- i) Open Session- September 10, 2020
- j) Executive Session- September 10, 2020

Mr. Haworth advised the Board the issue not resolved yet for the Executive session 9/10/2020 to hold to next meeting. Mr. Haworth motioned to approve all minute's g-i and hold j for next meeting. Mr. Ristuccia seconded the motion. Roll call vote all in favor.

4) Health Agent Report/COVID-19 Update:

Case count risen to 10 cases in 14 days new count is 270 year to date. Reviewed what public can do to keep safe and where testing can be done. Homepage added link to survey on behalf of Mass dept. of health to determine community needs during the pandemic. As of 9/28 New COVID guidance for restaurants 10-person max allow bar seating as long as establishment is following certain rules per state guidelines.

Retail setting self-serve beverage stations are able to be brought back in convenience stores only at this time not in fast food.

Halloween festivities will be in according to the state CDC guidance posted on the website. Mr. Haworth said he did not recommend the NFIA cancel parade was misquoted in an article. The NFIA have cancelled and will resume 2021

EEE we are still considered low risk. Reviewed safety guidelines to lower risk

Office did have to issue a cease and desist order on a pool

5) Septic Plan Review:

- a) 16 Wilbur's Point Dr.

Mr. Deterra began to discuss this next agenda item and someone who didn't identify themselves began to speak advising the Board they need to stop bullying and harassing and need to be accountable for their actions. Mr. Deterra advised them they were not on the agenda and resumed with the next item. Mr. Haworth advised the individual that she is disrupting the meeting. Mr. Haworth motioned to disconnect the individual from Zoom, Mr. Ristuccia seconded the motion. Mr. Frates was asked per the motion to disconnect the connection.

16 Wilbur's Point Dr. 2000-gallon tank expired needs to be approved. Mr. Haworth motion to approve, Mr. Ristuccia seconded the motion. Roll call vote taken, all in favor.

Food Establishment Plan Review:

- b) The Bitter End, 409 Huttleston Ave.

Mr. Johnson and Ann Francis own the Bitter End and applied for license in 2014 to have option to serve food when they wanted. Had met requirements over last 5 years per Board and Building dept. and now not allowed to. Ms. Dupont said herself and Mr. Haworth checked out the Bitter End and found the seating was not the issue it was the menu not in compliance. Need to get menu up to COVID-19 standards, new menu in packets for review. Mr. Haworth said on application the only issue was he was selected as a bar wasn't selected bar restaurant so we are

trying to get him compliant to get him open as fast as they can. Mr. Haworth motion to approve permit, Mr. Ristuccia seconded motion. Roll call vote, all in favor. New permit will be issued

6) Subdivision Review:

a) Hiller Ave. & Timothy St., Assessors Lot #71 and #71A on Map 28C

David Davignon was introduced as speaking on this item. Mr. Haworth disclosed he is member of planning board and there is no conflict on him being able to make decision on this. Mr. Davignon represents Robert Rodriques is the applicant and developer Jimmy Papas and Nicholas Papas owner. This project going on for some time. January of 2020 it went before the Board as to whether they had jurisdiction on the subdivision each member of BOH said they didn't feel they had jurisdiction because it was going to be sewer and no health concerns at that time. After that hearing we were under impression that was the stance of the Board the Health agent. The next day the Health agent wrote a letter that stated she disapproved of the sub division. They would like the Board to supersede that memo with what actually happened in the meeting per the minutes. It is very important to have an accurate record of what happened during the hearing and they are asking to have the Board draft a memorandum to reflect that. Mr. Davignon stated again the memo by the Health agent gives an inaccurate record of what was determined at the meeting.

Mr. Deterra advised the BOH has no jurisdiction over this matter. Mr. Ristuccia said he agreed the proper letter should be issued. Mr. Haworth asked Attorney Crotty if he thought if the agent had proper authority to issue this letter after the BOH already made their comments known. Mr. Crotty inquired if a vote had been taken at that time and Mr. Deterra advised no vote was taken. Mr. Crotty said the Health agent has the authority to weigh in on a plan, on the other hand the BOH has the authority to vote if they want to take no action. Mr. Haworth agreed if the Board felt there was no issue then he motioned that we rescind a letter that the Board will take no action on this matter, Mr. Ristuccia seconded the motion. Roll call vote, all in favor vote unanimous.

7) Personnel Discussion: Mary Freire-Kellogg

Mr. Deterra notified the Board he will be abstaining from this item. The option of an open session or closed session was given and open session was approved. Attorney Crotty advised there is a conflict of interest. Two of the Board members Peter Deterra and Mike Ristuccia have been named in the MCAD complaint by Mary Freire-Kellogg so as a result that might originally seem to be a conflict for either of them or one of them to participate but since the two of them are named that would reduce the Board to below a quorum. Under the rule of necessity both can participate so that is a choice both would have to make but both are eligible to participate. Ms. Kellogg's attorney questioned how they would like feedback to be given and was advised by Town counsel his suggestion is the Board will present and then counsel can respond. It is an informal process so objections would not need to be made that counsel can comment.

An individual from the public on Zoom asked to address Mr. Deterra and Mr. Haworth asked members of the public to remain on mute and not disrupt the meeting or they may be removed from Zoom. She said she will willingly mute herself when she can clearly hear all members of the Board. Attorney Crotty advised Zoom does have a feature to raise a hand if they have any questions.

Attorney Crotty advised this discussion of hearing was sent in a letter to Ms. Freire-Kellogg last week and indicates 7 topics that can be gone through one at a time. Copies of the letter sent to Ms. Freire-Kellogg were made and provided to all members of the Board. Mr. Deterra read the topics.

1. Failed to obtain a soil evaluators license within 12 months of hire as required by job acceptance letter.

This was in her contract, Mr. Deterra said she took it and did not pass test has not gone back to retake the test. Mr. Haworth indicated he reviewed her contract when she began her employment with the Town on 08/07/17. One of the requirements is the have or able to obtain the license and maintain one during employment. Cannot find anything in the health office that shows she has obtained one. Mr. Ristuccia added he checked to see if the prior agent had one and she did and Ms. Freire-Kellogg not having obtained one is an issue.

The Board agreed to read all topics and then have Ms. Freire-Kellogg respond at once.

2. Demonstrated a lack of oversight of personnel in the department by allowing personnel to leave at 3:00pm and remain paid until 4:00pm. Allowing personnel to work without your direction or knowledge. Allowing personnel to act without accounting for hours worked.

Mr. Ristuccia found very objectionable that allowing person to work and continue to get paid when not working feels that person needs to repay the Town due to that being tax payer's money. Mr. Haworth said item was brought to him while person was still working in the department, she advised the interim agent that she was allowed to leave and be paid until 4:30pm. Think it is important that allowing personnel to act without accountability for hours worked also falls into what I found with the food inspector. He found a continuous inability to find a schedule but continuous putting in hours but no time worked. Food inspector admitted He worked whenever he wanted and wanted to surprise the restaurants the health agent did not schedule him he scheduled himself.

Anybody can say they worked hours without working hours it's important that a schedule is followed and that we have a health agent who knows where personnel is at all times and all hours worked are actual hours worked and we don't have personnel leaving early and paid till end of day. Mr. Deterra stated he checked with the union it is not allowed per the contract and he never knew about this.

3. Not issuing Marina permits to most Marinas for the 2020 season

Mr. Ristuccia cannot understand why that situation exists. There are not enough food establishments in town that would make it that not everyone is permitted. That would mean the food establishments at the Marinas were not permitted and that is not serving the public health. Mr. Haworth said it came up because a marina needed a permit to

operate and reached out. Marina permits expire at the end of the calendar year issued, COVID did not start until he believes 3rd week of March no reason permits were not issued by 12/31/2019 to these marinas. Can understand for COVID reasons why some were not inspected but cannot understand why permits and fees were not handled by 12/31/19 like a food establishment permit. If they are operating its important BOH protects the public health interest.

Heard through the press the agent feels due to COVID the permits did not need to be issued. Permits expire December of the calendar year so they should have been issued. I have a spreadsheet that does show in the past ex: Earls Marina/ West Island Marina had permit issued 12/29/2019 but did not have inspection until 5/29/20. That was done during her tenure before her leave. My question is then why was the permit issued and other places were not handled. In the event the agent or inspector could not do inspections or issue permits can't find a record the Board was informed they were not done for any reason. Attorney Crotty advised the Board to clarify legislature passed Chapter 53 Act 2020 it addressed the COVID emergency that permits in effect as of 3/10/2020 were extended through the end of the governor's emergency declaration. Would not apply to any that were not in effect or expired. Mr. Deterra stated still have Jan-Mar to get the permits in.

4. Failed to issue bathing permits for 2020 season for public beaches

Mr. Haworth said cannot find where the Board or public was not notified this was not done. Mr. Ristuccia said it is unacceptable not followed regulation and not thought of public health.

5. Demonstrated the inability to work with Board members and a pattern of follow directive and failed to produce payroll and bills for review

Mr. Haworth said he has never interacted with Ms. Kellogg what he finds is a pattern of not following directives by the Board that are concerning. See requests from the Board going unanswered regularly. Its important staff work together and find a common ground and I can't see that happening. Ms. Kellogg has not even reached out to me since I joined the Board and I don't feel it is his responsibility to reach out to her she is the paid staff and as in any Board I have ever joined the staff of the offices have reached out and welcomed him and brought him up to speed. Mr. Deterra stated he has not received bills, payroll, permits or signed permits, budgets, and set up an agenda in over 2 years and that's not right.

6. Failed to communicate in a professional manner with Board members

Mr. Ristuccia stated since coming on the Board felt there were road blocks and when he tried to investigate or have interactions. Her inability to get along with Board members seemed to trickle down to others and it is an issue. Mr. Haworth stated he has only been a member of Board for short time and has had zero communication with her and he would love to have had a conversation with her, feels it's important they have a person who wants to meet and work with Board members. It's important everyone work together and communicate in a professional adult like matter no matter what our personality. Mr. Deterra said no one has ever asked if I want to put anything on the agenda, don't see bills, payroll, permits or budgets very unprofessional behavior.

7. Failure to comply with Town regulations you are responsible for enforcing by keeping chickens on your property without a Board of Health permit

Mr. Ristuccia stated you should lead the people the way you expect them to follow the rules. It is unacceptable. Mr. Haworth said there was an application but permit was never issued this speaks to professional character. Hard when you entrust someone to enforce the Town and that person themselves do not comply. The other thing mentioned was the condition of her home. Doors falling off and garage has holes and that doesn't follow the Fairhaven by-laws for structures. It makes it a very difficult, unprofessional situation and the fact is a permit cannot be found and there are chickens on the property. We need a Health agent who is going to follow the laws of the Town. Mr. Deterra said only time would not need a permit would be if you are a farm and have a 61A permit. Mr. Haworth clarified she is not a 61A.

Mr. Haworth advised they have reviewed all of the 7 reasons and what are next steps. Attorney Crotty advised at this time Ms. Freire-Kellogg can respond. Mr. Haworth asked she address each issue one at a time as they were provided to her.

In reference to #1; Ms. Freire-Kellogg advised the Board it is a job acceptance letter not a contract to make that clear. She stated if they watch the 4/24/18 meeting there was an extensive meeting with the Board this license is not a requirement in the state of Massachusetts. It's very expensive and about 20 days out of work and the Board said she did not have to retake the class. She asked can she play the meeting. Mr. Haworth asked if there was a vote taken and was advised no there was not a vote it was a discussion. She did take state of Massachusetts BOH inspector certification, passed it and that was something that was prevalent to the BOH agent position. Mr. Haworth again asked no vote was taken and they did not officially tell Ms. Kellogg she did not have to take a class. The BOH said she did not have to take it and Mr. Deterra was there.

Attorney Crotty stated per the chairman Mary will go through each item at a time and then questions can be asked of her. One at a time. Mr. Ristuccia indicated when she took the job she signed the letter that she would get the license and she didn't. Members of the public started speaking without permission and Mr. Haworth asked to motion any public member who interrupts the meeting be turned off from Zoom due to disrupting a public assembly. Mr. Ristuccia seconded the motion, roll call vote all in favor. Mr. Haworth reiterated that she took the course and did not pass and Ms. Freire-Kellogg said all members of the BOH agreed she did not have to retake due to the time away from work and the cost as it is not required for the job. Ms. Freire-Kellogg stated she does feel it is unfair the video of the meeting was not played as she requested.

In reference to question #2; Ms. Freire-Kellogg does not find it to be true and accurate. First Amanda Blais was taking college course and her leaving early was taken to the Chairman of the Board. At that time it was Ms. Lopes, I had authorization to let her leave half an hour early using her lunch it was 2 semesters. She stated she had emails and she would cover the office when she left. Mr. Haworth asked if she had the emails and Ms. Freire-Kellogg said per IT dept. said someone on the Board has her email. She was advised no one has been given her email access.

When I first came to work in Fairhaven Peter Deterra was the Chairman at that time and I was a Part Time inspector my roster consisted of Jan -Feb list of establishments that was my directive and I was free to inspect whenever I wanted as long as inspections were done in the month there was no problem with that.

Mr. Haworth and Mr. Deterra stated they had questions regarding Ms. Blais asking if she was part of the union. Ms. Freire-Kellogg answered yes and Mr. Deterra asked if she checked with the union. Ms. Freire-Kellogg said she checked with her supervisor and was told by Mr. Rees that if it was ok with her supervisor it was ok with him. Mr. Deterra said she would have needed to check with the union as well. Ms. Freire-Kellogg said this must be something new that no one is aware of including Mark Rees. Mr. Deterra informed her he spoke with the union and it is not. Mr. Haworth asked that she allowed Ms. Blais left early by using a 30 minute lunch not a full hour and is that a practice observed by members of the union. Generally no it does not happen but it was asked and it was granted by Chairman of the Board as well as Mark Rees, we are to encourage employees to pursue their education. Mr. Haworth stated he feels education is important but feels a possible violation allowing an employee to do something outside of the union contract. He asked Ms. Freire-Kellogg if she consulted the union contract, he wanted to make sure we don't have a breach of the contract. Ms. Freire-Kellogg said she really didn't know. She knows it was discussed with the management of the town and at a time it wasn't a problem and now it is being seen as a problem. If there were any issues with it no one including union members ever said anything. Ms. Jeannine Lopes via Zoom asked the chairman that since she was brought up before she would like to be able to speak to this. Mr. Haworth requested to mute all members of the public

Mr. Ristuccia said it is not ok to leave to get paid and not work and the money should be due back to the town that is his opinion and feels as the superior in the office it is not ok not to do. Ms. Freire-Kellogg said the spreadsheets for the inspectors have every establishment dates inspected and all of the applicable requirements. Shared drive that was shared by all so she would know where the inspectors were dates and times. The iPad is time stamped cannot be changed, dates and times match up to the sheets. There was accountability we tried to share the information with Mr. Deterra brought the sheets to the meetings. Mr. Deterra stated he never received all the sheets only one. Ms. Freire-Kellogg said the Board only wanted to know if there were any complaints and why the establishments were shut down not on day to day workings. Mr. Haworth asked what drive the sheet was on and was told Google drive within the Town Hall. Was told would have to ask IT where it is stored. At any time the Board could have the sheet. The inspector did not have a set schedule and was advised no. Ms. Freire-Kellogg said she did not know which establishments the inspectors were going at any time but it was like that prior to this as well. Mr. Ristuccia said a statement from the food inspector stated that he did not have to respond to any one he worked by himself and always had he inspected when he wanted to not when he was told to. It shows the Health agent had no idea what places were to be inspected or when they would be inspected. He feels in his opinion things should not be done that way. Mr. Haworth asked to ask a follow up question that while reviewing pay roll it showed every week 19 hours and Ms. Freire-Kellogg said how sometimes inspections took minutes sometimes hours. If that is the case how can it be 19 hours every week? Ms. Freire-Kellogg said he was allotted 19 hours and that is what he worked and was allowed to work. The inspection reports are time stamped and office time to fill out the reports along with travel time. He was entitled to work that amount of time.

In reference to question #3; Ms. Freire-Kellogg said when she came on board she was told the Marinas were permitted in the Spring. The marinas are not open in winter they file the permits in the Spring. This year the marinas themselves were not open do to COVID they were available to boaters to use their boats. They were not open until July 6th and per the Governors COVID plan they had 45 days to file their permits and I was not working at that time. Mr. Ristuccia asked the Chairman if the date for permitting was always December 31st. Mr. Deterra said yes it has been. The Health agent should have known the 31st of December permits should have been issued by the 1st of January. If they want a permit they need to renew it when it expires not a permit at will. Mr. Haworth asked if she informed the board that the permits would be delayed or not issued. Ms. Freire-Kellogg said she came on board and that is how she was trained. The marinas were closed and I was not working so no I did not inform the board we were working from home doing Zoom meetings and no I did not. I was taught this is the standard policy on how to permit. Mr. Haworth asked when did she notify the board this would be delayed due to COVID. When did the permits expire? Ms. Freire-Kellogg stated Dec 31st. When did the marinas reopen? Ms. Freire-Kellogg stated July 6th and she was still an employee of Town. Mr. Haworth state just so we are clear the Board was not informed of any delays and the permits expire on December 31st. Ms. Freire-Kellogg said correct.

In reference to question #4 in the Town of Fairhaven only West Island Town Beach. Sent an e-mail to Vinnie Furtado and received a response saying all other beaches in Town are not beaches and that being said the beaches were in fact permitted through 9/10/2020 we opted for a 2 year permit through 2020. Mr. Haworth said the private beaches only have 1 year permits and asked if she did the permitting for them. When did you inform the Board they were 2 year permits and 2020 permits would not be needed? Ms. Freire-Kellogg said she didn't it never was information the Board wanted to know but would always have given the information if needed.

In reference to question #5; As far as communicating with Mr. Haworth she was not to talk to anyone per Mr. Ristuccia and did what I was told to do. When I returned I attempted to reach out when I was available to. There is ongoing harassment charges with Mr. Deterra and he was not supposed to have contact with us. And having Mr. Deterra as the day to day operation person we should not have been put in that position. All my communication I provided was in email and when called I would respond. There were numerous issues with Mr. Deterra that I was uncomfortable with and I addressed them with Mr. Ristuccia when he came aboard. I did my job as I was supposed to and provided information when I needed to. I don't think the Board was working towards a common goal I feel they were working towards getting rid of me. Budgets presented in open meetings, bills had them in their hands they chose not to act on them. The agenda is set by the chairman on the board they decide what is on the agenda.

At this time Mr. Ristuccia joined the meeting room and was no longer on the phone.

Ms. Freire-Kellogg continued by saying she is challenging that she did not follow directives. It's not her job to tell the Chairman of the Board what goes on the agenda. She said Mr. Ristuccia said they need structure and policies and procedures. It is hard to know what the day to day operation is supposed to be when they change on a whim. Ms. Freire-Kellogg showed the Board her letter to appear in front of the Board. A copy was made for all members to review. These are examples of what happens with this Board and how we got here. I follow the direction I get from the Board and I am the one who gets in trouble for it. Amanda and I did not feel like valued employees that we were safe in our job. Mr. Deterra not living up to his agreement and went all the way up to the state to see how to work with Mr. Deterra and what she got it retaliation and discrimination. I was ordered by the Board to return to work and I had a medical condition we were ordered to go back to work. I expressed my concern

Mr. Haworth said due to running over on time and another meeting as far as questions 5 & 6 she can present her case and we do not have to ask any questions, we can withdraw question 6 because 5 can cover #6. The attorney for Ms. Freire-Kellogg said she does not agree to withdraw and she is here to speak to 5 & 6 both. Mr. Haworth said he withdraws his request.

Mr. Ristuccia stated the employees in the Health dept. were not to communicate with the Town Administrator and Board of Selectman. People should be working in the office answering the phones due to getting calls from people and it was important to have people in the office. We stated if there were concerns due to COVID to notify the Board and felt that was in keeping with the Governors orders. Mr. Haworth verified if he told Ms. Freire-Kellogg not to communicate with him and he stated he did not. Ms. Freire-Kellogg said she has emails saying she is on medical leave she was not to do any Board work. She stated she informed Mr. Risuccia many times of her concerns. Clarified that Mr. Ristuccia did not say directly not to communicate with Mr. Haworth. There was a miscommunication. Mr. Haworth said there has never been communication. Ms. Freire-Kellogg said she does not know what the rules are any longer they seem to be changing all the time. Mr. Haworth said his intention is to find a good resolution for all involved.

In regards to payroll the chairman of the Board has to sign off on payroll in Harpers and reviews and signs the agent report and a sheet that the chairman has to sign so that is not true. There were issues with the payroll Ms. Freire-Kellogg showed 2 separate payroll sheets one signed by Mr. Deterra. While we were out on COVID they were emailed to the Chairman. Mr. Deterra said before he was chairman he used to get all information bills, budget and agendas. Since he has been chairman he has not.

In response to #6 communicated as best she could under the circumstances and everything was communicated in writing in email. It absolutely was guarded but not unprofessional. Mr. Haworth said he received an emails that was sent by a 3rd party never as a member of the Board. Ms. Freire-Kellogg said she was under the impression she was not to communicate so she was following direction that explains why.

In response to #7 in reference to chickens on property. Previously had homeowners in Fairhaven who had over 5 acres of land and we were informed by Mr. Deterra anyone who had over 5 acres did not need a permit. I sent an email to Mr. Deterra asking if that was true did not get a response so asked the current chairman of agricultural board and was told property is exempt due to acreage. I don't need a permit for chickens. Mr. Deterra said you have to be a legal farm to not have a permit and animal control does the inspection for the farms. Mr. Haworth clarified his concern is rodents getting into the garage via the huge holes. Asked if her home 61A property? Ms. Freire-Kellogg said not that she is aware and her property has changed in zoning. Mr. Haworth asked if she was aware of chapter 7 keeping chickens without a permit is a health violation. She said yes she was aware but was told it does not apply to anything over 5 acres. Why on 4/30/2020 did she apply for a permit? I applied because I did not know if I needed one or not but was told it was not needed.

Mr. Haworth said Mr. Beauregard stay with items 1-7. Mr. Beauregard said items have been addressed by Ms. Freire-Kellogg. He provided documents as a summary of item#5 to Attorney Crotty.

On the charge faulting Ms. Kellogg for not having professional communications with the Board members. The department of Health has more or less been eliminated in the course of the last 3 months. Mr. Rees was asked months ago to look into what appeared to be a personnel situation in the BOH under town by-law he had a role in that as Town Administrator it was his job to address complaints by the Dept. of Health members to the Board members. That is why they went professionally to the Town Administrator and the problem was tried to be addressed and apparently hasn't worked. Mr. Haworth and Mr. Ristuccia came in at a time which would make it difficult to understand what is happening with this BOH. Added to that are allegations or mention of allegations that were not in any way comfortable to the Chairman regarding ethical matters that suggested to TA and Board of Selectman they be looked into. You have other employees who are not comfortable along with an MCAD complaint. The law that will protect my clients is the treatment that has been given to female employees and retaliation. They wish in some way Mary Kellogg can continue she is a credit to the Town.

Mr. Haworth said everyone does not have all of the facts and it's very unprofessional to allow the public to comment because they do not have the same facts as the Board and Town counsel. Mr. Ristuccia agreed with the statement.

Attorney Crotty stated he agreed that the Board of Health has the authority to hire and fire BOH employees are not under the jurisdiction of the Town Administrator. There has been efforts to resolve the issues between Mr. Deterra and Mary Kellogg. There were efforts to allow Mary to do her work without Mr. Deterra being present. That did not work. This is an employment at will not ongoing contract cannot discharge someone for an illegal reason ex: retaliation. Cannot fire her for discrimination claims have not heard evidence this is retaliatory. The real issue is whether you have a working relationship that can continue.

Mr. Haworth said he has not had the opportunity to have a conversation with Ms. Kellogg and has not reason to retaliate and the decision has nothing to do with the issues with Mr. Deterra or Mr. Ristuccia it is just in her ability to do the job. It is important to find common ground to work with everyone on the Board. Don't see that can happen.

Mr. Haworth does not feel Ms. Kellogg is the best fit for the job. Based on conversation doesn't feel she is a straight forward communicator with the Board members and feel at this time Ms. Kellogg is not the right fit and they should go in different directions.

Mr. Ristuccia stated he did not like how personnel issues were handled and the Health agent should follow the rules of the Town. For those reasons she feels she is not a good fit.

Mr. Deterra stated when he was called into Mark Rees office it was suggested he go to management school. Mr. Deterra said he's tried everything he could.

Mr. Crotty said 2 members have been named in the MCAD complaint but due to the rule of necessity they can vote. Mr. Deterra stated he will abstain from vote and asked for a motion.

Mr. Haworth motioned they terminate Mary Fereir-Kellogg's employment effective immediately with the evidence presented. Mr. Ristuccia seconded the motion. Roll call vote; Geoffrey Haworth in favor, Michael Ristuccia in favor, Peter Deterra abstain; vote holds

8. Invoices/Other Business

- a. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meet.

Ms. Dupont advised invoices are in the folder for them to sign

9. Next Meeting Date

Next meeting date TBD

10. Executive Session

- a. **Personnel Discussion:** Mary Freire-Kellogg Pursuant to M.G.L. Ch. 30A Section 21(a)(1)
- b. **Potential Litigation:** Pursuant to M.G.L. Ch. 30A Section 21(a)(3) to discuss strategy with respect to claim threatened by Mary Freire-Kellogg

No executive session per Town counsel

11. Adjourn

Mr. Ristuccia motioned to adjourn, motion was seconded by Mr. Haworth. Roll call vote, Mr. Ristuccia, Mr. Haworth, and Mr. Deterra all in favor

Respectfully submitted,

Mary Lou Krosschell

Recording Secretary