



LANCASTER BOARD OF SELECTMEN
Special Meeting Minutes
Of February 14, 2019

I. CALL TO ORDER

Chairman Stanley B. Starr, Jr. called the Regular Meeting of the Board of Selectmen to Order at 6:00 P.M. in the Auditorium, located in the Town Hall, 695 Main Street, Lancaster, Massachusetts. Present were Selectmen Walter F. Sendrowski, Mark A. Grasso, Jr., Town Administrator Orlando Pacheco and Executive Assistant Kathleen Rocco.

II. OLD BUSINESS

Chairman Starr asked Alexandra Turner if she would like to hold this meeting in Open Session or Executive Session. Ms. Turner asked to continue this meeting in Open Session.

Chairman Starr read the following into the minutes: (see attached)

This meeting is a continuation and intended to be the culmination of the employment hearing held last Tuesday, February 5.

At that meeting, evidence was introduced by Town Counsel, and the town Administrator regarding a complaint brought against Alix Turn in her role as the Director of the Lancaster Council on Aging.

These charges were resultant from the chronic lack of departmental financial oversight.

Per the advice of Lancaster's Town Council, there will not be any public comment today. Anyone wishing to offer their public comments, on any topic, may do so at any regularly scheduled selectmen meeting as it remains a regular agenda item.

The Board of Selectmen has heard testimony and received the recommendations and input from our Town Administrator, Mr. Pacheco, Alix's Direct Supervisor, Lancaster Town Counsel, and the Town's Finance Director.

We have heard testimony from Alix and her Attorney, along with substantial public input over the course of the past 9 weeks to individual members of the board.

As the result of the Town not having a functional Personnel Board, the BOS is charged with the responsibility to act as the Appeal Board in this matter.

It is not an undertaking that any Selectmen here volunteered for, or takes lightly.

A key concern is this discovery process has been the ambiguity of the Town's Personnel Bylaws. They have been described as "woefully lax" and "deficient" by our Town Counsel.

The Bylaws need and will be updated to eliminate that problem.

It is the ambiguity of the Bylaws that has moved this process from a consideration of termination to that of warning #2. Evidence has been presented of a history of noncompliance of Town Policies by Alix.

This is the most difficult issue that I've had to deal with in my six years on this volunteer board.

I sincerely appreciate the time, expertise, and effort the two gentlemen aside of me have provided our town during this process.

It's a thankless position yet we persist and remain committed to do what we believe is in the best interest of our community.

Among the duties of the Selectboard is our responsibility to act as fiduciaries in overseeing the established policies and procedures of Town Government. That duty includes insuring that all town assets received are properly accounted for, securely held, and deposited in a timely manner.

This has been a long and arduous process for all the individuals involved. We need to move forward to allow the important work of the Council on Aging to proceed without any further disruption and delay.

I now ask my colleagues for a Motion to proceed that will allow us to further discuss and deliberate this matter to conclusion.

Gentlemen I welcome a Motion to begin deliberations.

Selectman Grasso read the following into the Meeting Minutes: (see attached)

I've given tremendous thought over the last week to the evidence presented- both by the town and by Ms. Turner. The town had previously argued that her actions were a violation of 140I and warranted an immediate termination. I rejected this idea then, and I do now.

When arriving at my decision- I took into account many different factors. I considered Ms. Turners body of work, the infractions the town alleges, her intent, and, most importantly, the personnel bylaw.

Ultimately- our board's decision needs to be guided exclusively by the provisions of the personnel bylaw. This bylaw was adopted by the town- and needs to be the singular document by which we arrive at our decision.

Consistent with my rejection of the town's argument that her infractions warrant an immediate dismissal, I've accepted the responsibility of the town to satisfy the obligations under the progressive discipline statute. As such, it becomes clear that the town has a valid argument that Ms. Turner's inability to follow the town's financial policy, regardless of intent, constituted insubordination. Ms. Turner was advised on December 11, 2013 and September 18, 2018 that her practices were erroneous and needed to be adjusted. She acknowledged her shortcomings in an e-mail "I'm a two time loser." In the opinion of this selectman- these communications constituted an oral warning to Ms. Turner that her behavior had to change.

Further, Ms. Turner received a formal written warning on August 14, 2018 regarding a violation of the animal policy. This document clearly satisfies the second step of the progressive discipline statute of a

written warning.

Consistent with the progressive discipline policy- it is my opinion that this most recent incident satisfies the obligations of the town to suspend the employee.

Selectman Grasso made a motion to, after much deliberation and introspection, and out of a respect for the established bylaws of our community- to suspend Alix Turner, consistent with the policy of progressive discipline as outlined in the personnel bylaw, from her position effective January 30th, for a period of 10 working days, with pay. Her return to work date will be February 19th. I further move that Ms. Turner undergo retraining on all policies and procedures which affect her employment, with a signed acknowledgment to be produced to the Board of Selectmen by the Town Administrator by March 25th. Selectman Sendrowski Seconded. Walter F. Sendrowski vote Aye, Mark A. Grasso, Jr. vote Aye and Stanley B. Starr, Jr. vote Aye. [3-0-0]

III. ADJOURNMENT

Seeing no further business, on Motion by Selectman Sendrowski, seconded by Selectman Grasso, it was unanimously voted the Board of Selectmen adjourned at 12:20 P.M.

Respectfully submitted

Kathleen Rocco
Executive Assistant



Walter F. Sendrowski, Clerk

Approved and accepted: 5.6.19

BOS SPECIAL MEETING - FEBRUARY 14, 2019

CALL TO ORDER

ALIX, DO YOU WISH THIS MEETING TO CONTINUE TO BE HELD IN OPEN SESSION?

THIS MEETING IS A CONTINUATION AND INTENDED TO BE THE CULMINATION OF THE EMPLOYMENT HEARING HELD LAST TUESDAY, FEBRUARY 5.

AT THAT MEETING, EVIDENCE WAS INTRODUCED BY TOWN COUNSEL, AND THE TOWN ADMINISTRATOR REGARDING A COMPLAINT BROUGHT AGAINST ALIX TURNER IN HER ROLE AS THE DIRECTOR OF THE LANCASTER COUNCIL ON AGING.

THESE CHARGES WERE RESULTANT FROM THE CHRONIC LACK OF DEPARTMENTAL FINANCIAL OVERSIGHT.

PER THE ADVICE OF LANCASTER'S TOWN COUNSEL THERE WILL NOT BE ANY PUBLIC COMMENT TODAY. ANYONE WISHING TO OFFER THEIR PUBLIC COMMENTS, ON ANY TOPIC, MAY DO SO AT ANY REGULARLY SCHEDULED SELECTMEN MEETING AS IT REMAINS A REGULAR AGENDA ITEM.

THE BOS HAS HEARD TESTIMONY AND RECEIVED THE RECOMMENDATIONS AND INPUT FROM OUR TOWN ADMINISTRATOR, MR. PACHECO, ALIX'S DIRECT SUPERVISOR, LANCASTER TOWN COUNSEL, AND THE TOWN'S FINANCE DIRECTOR.

WE HAVE HEARD TESTIMONY FROM ALIX AND HER ATTORNEY, ALONG WITH SUBSTANTIAL PUBLIC INPUT OVER THE COURSE OF THE PAST 9 WEEKS TO INDIVIDUAL MEMBERS OF THIS BOARD.

AS THE RESULT OF THE TOWN NOT HAVING A FUNCTIONAL PERSONNEL BOARD, THE BOS IS CHARGED WITH THE RESPONSIBILITY TO ACT AS THE APPEAL BOARD IN THIS MATTER.

IT IS NOT AN UNDERTAKING THAT ANY SELECTMEN HERE VOLUNTEERED FOR, OR TAKES LIGHTLY.

A KEY CONCERN IS THIS DISCOVERY PROCESS HAS BEEN THE AMBIGUITY OF THE TOWN'S PERSONNEL BYLAWS. THEY HAVE BEEN DESCRIBED AS "WOEFULLY LAX" AND "DEFICIENT" BY OUR TOWN COUNSEL

THE BYLAWS NEED AND WILL BE UPDATED TO ELIMINATE THAT PROBLEM

IT IS THE AMBIGUITY OF THE BYLAWS THAT HAS MOVED THIS PROCESS FROM A CONSIDERATION OF TERMINATION TO THAT OF WARNING #2. EVIDENCE HAS BEEN PRESENTED OF A HISTORY OF NONCOMPLIANCE OF TOWN POLICIES BY ALIX.

THIS IS THE MOST DIFFICULT ISSUE THAT I'VE HAD TO DEAL WITH IN MY SIX YEARS ON THIS VOLUNTEER BOARD.

I SINCERELY APPRECIATE THE TIME, EXPERTISE, AND EFFORT THE TWO GENTLEMEN ASIDE OF ME HAVE PROVIDED OUR TOWN DURING THIS PROCESS.

IT'S A THANKLESS POSITION YET WE PERSIST AND REMAIN COMMITTED TO DO WHAT WE BELIEVE IS IN THE BEST INTEREST OF OUR COMMUNITY.

AMONG THE DUTIES OF THE SELECTBOARD IS OUR RESPONSIBILITY TO ACT AS FIDUCIARIES IN OVERSEEING THE ESTABLISHED POLICIES AND PROCEDURES OF TOWN GOVERNMENT. THAT DUTY INCLUDES INSURING THAT ALL TOWN ASSETS RECEIVED ARE PROPERLY ACCOUNTED FOR, SECURELY HELD, AND DEPOSITED IN A TIMELY MANNER.

THIS HAS BEEN A LONG AND ARDUOUS PROCESS FOR ALL THE INDIVIDUALS INVOLVED. WE NEED TO MOVE FORWARD TO

ALLOW THE IMPORTANT WORK OF THE COUNCIL ON AGING TO PROCEED WITHOUT ANY FURTHER DISRUPTION AND DELAY.

I NOW ASK MY COLLEAGUES FOR A MOTION TO PROCEED THAT WILL ALLOW US TO FURTHER DISCUSS AND DELIBERATE THIS MATTER TO A CONCLUSION.

GENTLEMEN I WELCOME A MOTION TO BEGIN DELIBERATIONS.

AS A RESULT OF THIS DECISION, WE WELCOME YOU BACK TO YOUR JOB, AS SOON AS TOMORROW, OR THE FOLLOWING TUESDAY AFTER PRESIDENT'S DAY, WHICH IS FEBRUARY 19TH.

PLEASE CONTACT ORLANDO PRIOR TO FEBRUARY 19TH AS TO YOUR INTENT.

IF THERE IS NO OTHER BUSINESS BEFORE THIS BOARD I ASK FOR A MOTION TO ADJOURN



Town of Lancaster
Office of the Board of Selectmen
701 Main Street, Suite 1
Lancaster, MA 01523

Stanley B. Starr, Jr., Chairman
Walter F. Sendrowski, Clerk
Mark A. Grasso, Jr., Member

Orlando Pacheco, Town Administrator
Kathleen A. Rocco, Executive Assistant

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The contents of this email and any attachments are the property of the Town of Lancaster Massachusetts and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Massachusetts Secretary of State's Office has determined that email is a public record and not confidential.

