

Chairman Reil, Selectmen Schofield and Burke and Town Administrator Kimberly Newman are present in the Upper Town Hall, Mendon.

Chairman Reil called the meeting to order at 7:04 p.m. and led the pledge

**Selectman Schofield made and Selectman Burke seconded a motion to amend the regular session minutes of November 17, 2015 to add “, it creates inequity among staff” after “Highway Surveyor’s Salary” as discussed.** Ms. Newman explained the end of the sentence was missing in the minutes. **The motion carried unanimously.**

**Selectman Schofield made and Selectman Burke seconded a motion to approve the regular session meeting minutes of January 7, 2016. The motion carried unanimously.**

Resident Sam Yonis, 162 Blackstone Street, voiced his issues with snow and ice removal on Lovell and Park Streets. He said Alan Tetreault, Highway Surveyor, took care of the issue last year. However, this Monday he was driving on Blackstone Street and encountered black ice and snow. His \$20,000 truck was totaled after skidding almost 40 feet and hitting a tree. The street was not plowed. He asked where his taxes are going and doesn’t feel Mendon cares. He was asked by Police how fast he was going. Mr. Tetreault recommended avoiding that area of road. Selectman Schofield stated we do what is usual and customary compared to other towns. Mr. Tetreault explained police called him on Sunday at 7:00 p.m. It takes approximately four hours to sand the Town, which was done. They went out again at 12:00 p.m. Doppler showed clearing conditions. The roads looked decent at that time. The Highway Department told Dispatch they were going home around 3:00 a.m. The accident happened at 5:00 p.m. The Police Department called them to go back out at 5:30 p.m. Blackstone Street is a priority street. The others are done after those are complete. Uxbridge did not plow. He does not know what other towns did. Mr. Yonis said there were four inches of snow in the middle of the street. Selectman Schofield would like to see what is done in other towns. Selectman Burke asked what Public Safety’s assessment of the roads was that night. Mr. Tetreault said Chapter 90 S. 17 states you must drive at a speed reasonable for conditions. Some roads were old cart paths with poor water runoff. Selectman Schofield offered to explain the budget to Mr. Yonis and show him where the money is spent. Mr. Tetreault noted a road study was just done and explained the cost of maintaining roads. *Action: Chief Ernie Horn stated he will provide accident information from the storm.*

Ms. Newman distributed and presented Fiscal Year 17 department requests and draft budget. Selectmen can determine what should be funded if money is available to fund any additional items. The preliminary estimate is that the budget is \$114,000 more than available funds.

Ms. Newman reported that she will be attending the Massachusetts Municipal Association conference which starts tomorrow through Saturday.

Fire Fighter Michael Zarella said he would like to discuss his executive session item in open session. He said he asked for specifics about the complaint and was not given details. He didn’t feel that was a fair approach. Chairman Reil explained it was handled this way because they want to talk about what happened at the meeting. However, it is up to the employee as to whether it can be in open session. Attorney Maccaro said he gave the Board of Selectmen (BOS) a letter dated January 12, 2016. He received a call from Ms. Newman who was upset because she had information from several employees that Mr. Zarella requested the amendment to her contract and may have gone to other Town buildings,

perhaps the DPW and Police Department, stating she may have been having a sexual affair with the Chairman of the BOS. She asked Attorney Maccaro what she should do. He said there could be a hostile work environment. Attorney Maccaro recommended an executive session. Mr. Zarella was given proper notice according to the law. Mr. Zarella said he was brought in to the meeting on hearsay. He said there is a rumor and he is not spreading it. He discussed his right as union representative to inquire into the raise that Ms. Newman was granted and he is in the middle of union negotiations. Chief Horn said he is the appointing authority and the issue should have been brought to him so it could be addressed. Attorney Maccaro did not disagree with that; this issue involved the Board and this is an appropriate manner in which to handle it. Mr. Zarella stated that portion of the meeting for the contract amendment was not recorded and was intentional. Selectman Schofield noted that the person who did the recording was not available to record until half way through the meeting. Ms. Newman pointed out that there were multiple people who said rumors were spread the Monday after the meeting. Selectman Burke explained he took the advice of town counsel so these issues could be discussed. Attorney Maccaro recommended an investigation since Mr. Zarella is denying comments, at least in part. The results would be given to Chief Horn. Attorney Maccaro read the letter he wrote to Selectmen in response to Mr. Zarella asking details of the allegation. Selectman Burke recommended an independent investigation. Ms. Newman said she is disappointed by the way the meeting was handled tonight.

Resident Kevin Rudden asked that Chairman Reil recuse himself from any votes on this matter. All members agreed. Attorney Maccaro recommended an independent investigator from his office. The person would come in, speak with Ms. Newman and get concerns. The person would then determine who has information, i.e. sources revealed from the interview and Mr. Zarella. Chief Horn is a strong Chief and would have to analyze and discipline if necessary. Chief Horn would suggest not using someone from Attorney Maccaro's office. Attorney Maccaro said he can recommend someone who has not done work for Mendon and no one should fear retaliation as it would not be tolerated. Ms. Newman is worried that employees may not want to come to her in the future because of the way this has been handled. Chief Horn will instruct Mr. Zarella, in writing, to not speak with anyone regarding the investigation and to cooperate. He suggests Ms. Newman does the same. Selectman Burke said it is to include social media. Chief Horn agreed.

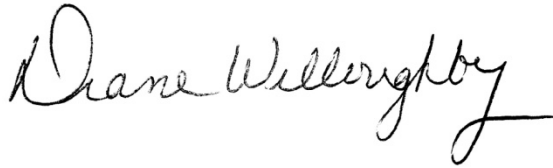
Chief Horn requested any time an issue comes up like this, the Department Head should be notified. Chief Horn said every employee should sign the sexual harassment policy every year. Selectman Schofield wanted to look into that. Attorney Maccaro recommended a vote to authorize an independent investigation. Selectman Burke said he is comfortable with Attorney Maccaro's recommendation in or out of his firm. **Selectman Burke made and Selectman Schofield stepped down to second a motion to initiate an investigation and that investigator not be someone from Town Counsel's office.** Attorney Maccaro can recommend a list. **The motion carried by majority. Chairman Reil abstained from the vote.**

Mr. Zarella said this is retaliation by the Board and Ms. Newman. As a union rep, he has the right to discuss contractual issues. If he inquired about Ms. Newman's 34-percent raise, he has the right to ask other individuals about a relationship.

**8:30 p.m. Chairman Reil made and Selectman Schofield seconded a motion under purpose 2 to conduct a strategy session with respect to collective bargaining with the Mendon Permanent Fire Fighters union. We will reconvene only to adjourn. Schofield-aye, Burke-aye, Reil-aye.**

**Selectman Burke made and Selectman Schofield seconded a motion to adjourn the meeting at 9:45 p.m. The motion carried unanimously.**

Respectfully submitted,

A handwritten signature in cursive script, reading "Diane Willoughby". The signature is written in black ink and is positioned above the printed name and title.

Diane Willoughby  
Administrative Assistant

Documents Discussed located in 'Administrative Secretary's' Office:  
Letter from Attorney Maccaro to Board of Selectmen dated January 12, 2016  
FY 17 Department Requests  
FY 17 Draft Budget