HALIFAX BOARD OF SELECTMEN

SELECTMEN MEETING

THURSDAY, MAY 27, 2021 – 9:00 A.M.

GREAT HALL

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Meeting came to order at 9:00 a.m. with Selectmen, Gordon C. Andrews, Troy E. Garron and Ashley A. DiSesa present.

The following business was discussed:

**PLEDGE OF ALLEGIANCE**

The Board as well as those attending tonight’s meeting stood to recite the Pledge of Allegiance.

**DISCUSSION**

Andrews stated that this Board of Selectmen meeting is being held under the allowance for Emergency Meetings in Massachusetts Open Meeting Law, for the purpose to have a discussion and possible reconsideration of decisions made at the May 25, 2021, Board of Selectmen meeting concerning the decision on the process of annual appointments.

Andrews read the following:

* whether to interview one or more current office holders.
* whether to eliminate any preference for reappointment of current office holders.
* whether to vote on reappointments of one or more current office holders, and if no appointment is made then review the applications for these positions.
* whether to interview all applicants for one or more offices along with interviewing current office holders.
* whether to advertise, recruit and pay for all appointed positions of terms expiring on June 30th, 2021, including but not limited to Building Commissioner, Inspector of Buildings, Assistant Building Inspector, Police Chief, Sealer of Weights and Measures, Town Accountant, Town Counsel, Veterans Agent, Wiring Inspector, Wiring Inspector Assistant, and to vote as to whether to appoint the following individuals for the following positions and terms:

Robert Piccirilli

Building Commissioner/Inspector Buildings – term to expire June 30, 2024

William Kelly

Building Inspector Assistant – term to expire June 30, 2022

Joao Chaves

Police Chief – term to expire June 30, 2024

David Moore

Sealer of Weights and Measures – term to expire June 30, 2022

Sandra Nolan

Town Accountant – term to expire June 30, 2024

Larry Mayo

Town Counsel – term to expire June 30, 2022

Wilford Corey

Veterans Agent – term to expire June 30, 2022

Stephen Peterson

Wire Inspector – term to expire June 30, 2022

Selectmen Meeting – May 27, 2021 Page 2

Dennis McManus

Wiring Inspector Assistant – term to expire June 30, 2022

Moved by Garron and seconded by DiSesa, the Board unanimously voted to reconsider the vote taken on May 25, 2021.

Andrews asked the Board if they wanted to nominate one-by-one? He also said that there are letters from the current appointees stating they want to be reappointed.

Garron voted that they rescind the vote that was taken on May 25, 2021 and that they appoint them. None of the people have shown that they acknowledge any problems in not being able to do their jobs over the past years that he has been here. They have never had a problem with individuals and there have been no complaints or written evidence that any of these individuals are not doing their jobs, so he voted that they appoint them as listed.

There was no second so Andrews asked if there was another motion.

Moved by DiSesa and seconded by Andrews the Board voted as follows to go individually down the list:

|  |  |  |
| --- | --- | --- |
| Gordon C. Andrews | - | Yes |
| Troy E. Garron  | - | No |
| Ashley A. DiSesa | - | Yes |

Motion passed 2/1

Seelig informed Andrews that there are letters from a number of individuals indicating their interest in being reappointed and said he did not know if he wanted to enter them into the record or not.

Andrews asked if there was a motion to do so?

Something was said but it was inaudible due to poor acoustics and masks being worn.

Seelig pointed out to Andrews that there is someone in the audience who wanted to speak.

Phillip Tringali – 98 Walnut Street

He had a question about the Board’s *emergency meeting*. He said we just had an election in town, we’ve got some new selectmen on board, and is trying to understand – within a week of the election an ‘emergency meeting’ is called by the Selectmen for a discussion about this. But my question becomes – this is a school and workday. How are people supposed to come to give their opinions to the Selectmen in this town when this is all we have representing us.

Andrews said the *emergency meeting* was called because the way the motion was done on Tuesday night it was requested that all of these positions be posted and advertised. We have a contract with the Police Chief, so the only way to stop that process was to hold this ‘emergency meeting’ because we asked the Town Administrator to post these positions by tomorrow, so he would have to have it done today.

Tringali asked why not have the *emergency meeting* on a Saturday when people are more available to discuss it. This is an important thing for this town.

Andrews said in order to stop the deadline from happening, they had to call the meeting.

Tringali said they mentioned the Police Chief – what about all these other people you’ve listed.

Andrews said all the other positions that are up for appointment there is no contract with them, but there is with the Police Chief.

Tringali asked why they are not addressing the Police Chief in an emergency meeting or doing it at Town Meeting where everyone can come in or on a weekend.

Selectmen Meeting – May 27, 2021 Page 3

Andrews explained that the BOS took a vote on Tuesday night (May 25th) to post all the positions, but the Town Administrator suggested they have an emergency meeting to talk about it.

Tringali asked how do the people in town who have to work voice their opinion on the changes you are making ? This town has had a problem for a long time with the in-fighting – it is worse than the government between the Democrats and the Republicans. It needs to stop – we are a community, a town, we work together. He has never seen anything like this or heard the things he has been hearing around this town. Now we have people we are putting in who want to have a say in the town – what about the people who have to work having a say in the town.

Andrews said the people did have a say in the town, the people elected the Selectmen to make the decision on the appointments and the process had a *hiccup,* so they are trying to fix it.

Tringali said in his mind they are doing it in ‘secrecy’ because people of the town were not there. He asked how many residents are in town and Andrews said around eight thousand and Tringali said there are about 30 here today so you as a Board are making decisions for this town with 30 people out of 8,000. He objected to that. Andrews said that appointments are made by the Board of Selectmen and there does not have to be any public input and Tringali said then maybe there are other changes that need to happen.

Andrews said it is an an *emergency meeting* because the Board put a deadline on the action that the Town Administrator had to take so the Board can just rescind that motion and the deadline is gone, and that is what happens.

Linda Cole – Assistant Treasurer

She wanted to speak to the fact of the ramifications of this decision, because it could be very costly to the Town and the residents, without proper documentation to not reappoint somebody, you risk lawsuits as well as for sure if we just don’t reappoint them because we’re claiming that they don’t do their job well enough. She added that they are going to get unemployment that is un-fightable.

Andrews said he talked to Counsel about this – the appointment ends on that date and there is no guarantee of continued employment for those positions. Cole said that is correct, but the person can come back/could come back and have the right to choose to fight it on the basis that there were no grounds not to reappoint and that they have done their job.

Andrews said there is no requirement that the Board reappoint. Cole agreed that there is no requirement, but she is just saying the possibility of what they are opening the town up to as well. She knows for a fact that the individuals will automatically get unemployment because this something you cannot fight. She wanted to make sure that everybody is aware of the cost to the town and the residents of paying unemployment let alone the advertising for this amount of people and what you have to include in the advertisement and how long you have to advertise for.

Amy Troup

She asked how long this has been the process – that Selectmen appoint people to positions in the town. How long – is it new? And Garron said at least 31 years. She stated that they are now just finding out about it and maybe that is what is so alarming to everybody that it has been going on for 31 years.

Troup then asked which one of the board members called the meeting and Andrews said he did.

Andrews said with that motion to reconsider that vote, and they reconsidered the vote, he asked if there was a deadline for them to act.

Selectmen Meeting – May 27, 2021 Page 4

Seelig gave the Board an analysis for the following three groups of people (he also read it):

* paid positions with terms expiring on June 30th,
* several open seats on Boards and Commissions (Halifax Elementary School Committee, Board of Health and the Finance Committee)

 does the Board want to give Seelig a schedule to follow for that?

* unpaid positions on Boards and Commissions who terms are up, but we have people on there, and you also had told me what you wanted to follow in terms of a schedule for advertising, notifications, things like that, setting up the interviews.

Seelig expects by the end of this meeting the Board will give him some direction in which they want him to proceed.

Andrews said the Board is going one-by-one and he recused himself from the first one, which is the reappointment of the Building Commissioner/Inspector of Buildings.

Garron asked DiSesa is if she had any question regarding the Building Commissioner/Inspector of Buildings and DiSesa said she did not.

Garron asked the Building Inspector why does he feel he should be reappointed?

Robert Piccirilli

He felt that he has always done his job to the best of his ability. If it is the Board’s decision, he would like to know where they feel he has not done his job. He loves the community in which he lives. It is a thankless job as well as the police because it is enforcement. So, no matter what decision he makes, 50% is going to be wrong in the eyes of the public. Unfortunately, in the environment we live in, that 50% has become much more. So again, he does the do the job to the best of his ability and show him where he has not done it. He would like to keep the position.

Attorney John Day

He stated that he serves as counsel for Mr. Piccirilli with regards to the matter of his reappointment. Just as a threshold matter, he would raise an objection to Selectwoman’s involvement in this particular part of the proceeding. The reason he says this is she just won election to her position after waging a campaign that was full of personal accusations against Mr. Piccirilli, both personally and in his capacity as a Building Inspector. Now obviously those were, that was protected speech within the context of a political campaign, but now she is an elected town official, and he would respectfully suggest that she has a conflict of interest given the manner in which she just raised her campaign by attacking Mr. Piccirilli with coming in now and voting on whether or not he should be reappointed. He further noted that Section 35-14 of this town’s plan for employment and compensation and personnel says that the Board of Selectmen are obligated to engage in employment procedures with [quote] “uniform interpretation and application.” And the reason that he pointed that out is, as noted a few moments ago this process of reappointing employees has been going on for at least 31 years. His understanding is this is the first time that a decision such as was made the other night by the Board of Selectmen was made. So, it’s a new set of circumstances. Again, given what he would suggest are the impermissible conflicts of interest, he cannot imagine a Massachusetts Ethics Commission allowing Miss. DiSesa to vote on Mr. Piccirilli’s reappointment given the campaign that was just mounted. He would respectfully suggest that it is virtually impossible for the Board of Selectmen to have been found that they were engaging in a uniform interpretation and application of their own rules and own by-laws as pertains to Mr. Piccirilli. He further said that he has been advised that Town Counsel has rendered a general opinion that employees at the end of their term are entitled or not to be reappointed. That is a general principle which he does not necessarily contest, but there are specifics engaged in this particular proceeding, again, the nature in which Miss. DiSesa mounted a large part of her recent campaign by attacking Mr. Piccirilli raises serious legal concerns as to whether or not she can fairly and impartially and with uniform interpretation and application rule on this case.

Selectmen Meeting – May 27, 2021 Page 5

So, for that reason as a threshold matter, he would respectfully request that she recuse herself from this proceeding because she cannot be fair and impartial. Moving more substantively to the qualifications of Mr. Piccirilli, he was unanimously appointed to his position in 2015 and unanimously reappointed in 2018. There is no record of disciplinary history against him, he has performed his duties faithfully, dutifully and without any documentation or any record of malfeasance or misfeasance, he is fully qualified for the position that’s been noted in his last two appointments, and there are no grounds not to reappoint him. So again, applying the town’s own obligations to uniformly interpret and apply its rules with regard to appointment of town officials and town employees, he respectfully urge the town through the Board of Selectmen to reappoint Mr. Piccirilli pursuant to the email he sent this morning and the request he sent yesterday afternoon.

Garron said the only problem we have is if the individual spoken about recuses themselves from the vote then the vote cannot be taken.

Attorney Day said that creates a problem and recognizes that but thinks that the practical concerns of the Board’s problem with regard to having only having one person, Garron, who can fairly and impartially resolve this matter. That problem has to be secondary to Mr. Piccirilli’s right to be reappointed. He has done nothing to not be reappointed. This is a political vendetta and a move to try to take his job away from him even though he has dutifully performed his job for the past six years. He would defer to town counsel as to what the town’s official position would be, but from his perspective, under the circumstances which are unique, Garron could be qualified to render the only vote on this matter because he is the only one who is not conflicted out by any ethical considerations with regard to Mr. Piccirilli. He respectfully suggests that Miss. DiSesa does have a conflict of interest that would not pass muster with the Massachusetts Ethics Commission or any of the applicable statutes that are applied by that commission. He would argue that she has not only have an actual conflict of interest given the campaign she just waged, but she also prohibited from engaging in activity that leads to an appearance of a conflict of interest and is confident the Ethics Commission would find an actual conflict of interest, again given the things that she said on social media and elsewhere during the course of her campaign. It is beyond anybody’s reasonable interpretation and raises the appearance of a conflict of interest. There is no way the people of Halifax can believe that she can rule/vote on this matter impartially and fairly given the manner in which she spent a recent campaign repeatedly attacking Mr. Piccirilli.

Burt Gaynor

He has had experience working with Mr. Piccirilli for the last six years and wanted to say his knowledge of the field, his attention to detail, dealing with contractors and people applying for petitions and whatnot is impeccable. He has never heard a bad word said about him and when deal with people/applicants who may be aggrieved with a decision or misinterpreted, Mr. Piccirilli will do his homework - find out about the code and interpret it and his follow-up in sending letters off and keeping the Zoning Board of Appeals aware of the decision-making. He has witnessed him personally dealing with not only the applicants and the contractors but also with attorneys and has sat down to explain each step that he has taken and how he interprets it. he is not saying he is infallible or that he knows everything, he has not always been right, but he is open to hear the interpretations from different people and extremely professional. He has enjoyed working with him in the past and thinks it would be a loss to the Town if we did not reappoint Mr. Piccirilli. This is his own personal opinion.

Garron asked if there was a motion.

DiSesa asked Seelig if she recused herself from this out of necessity …

Seelig said there is a rule of necessity, obviously Attorney Day feels that Garron is the only person who can vote on this.

Selectmen Meeting – May 27, 2021 Page 6

He (Seelig) is not an attorney, but his understanding is it requires a quorum of the Board to vote. If DiSesa is not voting the Board no longer has a quorum, that is why the rule of necessity is in place.

DiSesa motioned to hold the Building Inspector until they speak with town counsel.

Garron asked that she wanted to hold the decision on the reappointment until she speaks to town counsel, and she said yes.

Garron said they have sufficient evidence before them that the person is doing their job and has done the job and he understands that some people may be upset, even irate, because decisions weren’t made in their direction, but the fact is that he made numerous decisions and very few have come back as a lawsuit or any complaints.

DiSesa said after Attorney Day just sat up here and said all he had to say about her, she was not voting on this today.

Garron said so moved.

Seelig clarified that Garron was moving the motion and DiSesa is seconding (inaudible).

Seelig asked if they were setting a date to bring this back at another week, do they intend to talk to town counsel between now and June 1st or another date. He asked if DiSesa is talking to town counsel or is the Board?

DiSesa said to move it to Tuesday’s meeting, and she will talk to Larry Mayo.

Seelig clarified that the Board has a moved and second to table this until the meeting on June 1st, in the meantime DiSesa will talk to Town Counsel about …

Me (DiSesa) recusing herself.

Seelig and then if she does have to recuse herself, town counsel should be asked if two members of the Board are recusing themselves, how does the rule of necessity work in that and whether Garron can be the only person voting on it.

DiSesa said correct.

Troup asked is everybody just being up to be appointed, are we just looking for applications to interview people and have a choice on all of them.

Garron said he has never gone through this process since being on the Board and they have appointed without information from the audience or anything of that nature. It is based on evaluations, determinations and not whether there is anything legal going on with that individual at the time.

Troup

So isn’t it just about interviews, because for instance on the Beautification Committee, we had a landscaping contractor – wasn’t anything against CMAC, but we went out to get bids just to be ethical and honest and give everybody a shot at sponsoring the Peg Fitzgerald Garden. So, they ended up being the only bidder, but we put it out there to the community to see if anybody else would be interested in it. And that is merely opening it up in democracy and transparency and saying ‘hey, listen – here’s all these positions that are available in the Town of Halifax – anybody who is looking for a job, who might be interested in one of these jobs, can throw in their name, throw in an application and then have an interview.’ She would actually say that would be proper process for anything to make sure that we are being open and honest with the Halifax residents and taxpayers.

Garron asked if she was saying that they have not been open and honest about what is going on and Troup said no, and it would be great.

Selectmen Meeting – May 27, 2021 Page 7

Garron then said she is talking about is a contractor, someone outside of the town that is doing work because of a bid.

Troup asked isn’t it a good thing to have choice and that it is not personal, just thinks that it should be done every year – that is her opinion. She said this is the first time she knew about all these appointments, so it is an enlightening thing.

Garron said unfortunately there are individuals who do not show up at Town Meeting or Selectmen’s Meetings that makes themselves aware of what is going on ‘behind the scenes’.

Seelig confirmed that DiSesa moved and Garron seconded to table this to June 1st with the expectation that DiSesa will be consulting with Larry Mayo on the questions of her voting on this, and if she is not able to vote how the ‘rule of necessity’ applies on this. This is for the appointment of Robert Piccirilli to Building Inspector for a term, for three years.

Moved by DiSesa and second by Garron, the Board voted as follows to table this to June 1st with the expectation that DiSesa will be consulting with Larry Mayo on the questions of her voting on this, and if she is not able to vote how the ‘rule of necessity’ applies on this. This is for the appointment of Robert Piccirilli to Building Inspector for a term, for three years.

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| --- | --- | --- |
| Gordon C. Andrews | - | Recused himself from the discussion |
| Troy E. Garron  | - | Yes |
| Ashley A. DiSesa | - | Yes |

Andrews asked if the Board wanted to table all the discussions until June 1st otherwise, they are not going to hit the deadline to post on Friday.

Moved by DiSesa and second by Garron, the Board unanimously voted to reappoint Police Chief Joao Chaves, term to expire June 30, 2024.

Andrews asked if there were any others that they wanted to do today, or did they want to hold all of them off until …

Garron thought they should vote on Town Accountant, Town Counsel, Veterans Agent, Fire Inspector – unless there is some conflict.

Andrews asked if there was a motion for Assistant Building Inspector, Building Inspector Assistant.

Garron said he move it.

Seelig asked Garron if he was moving that William Kelly be appointed as Building Inspector Assistant for a term to expire on June 30, 2022. Garron said as was stated.

Moved by Garron and second by DiSesa, the Board unanimously voted to reappoint William Kelly as Building Inspector Assistant, term to expire June 30, 2022.

Andrews asked if there was there a motion for Sealer of Weights and Measures.

Moved by Garron and second by DiSesa, the Board unanimously voted to reappoint David Moore as the Sealer of Weights and Measures , term to expire June 30, 2022.

Moved by Garron and second by DiSesa, the Board unanimously voted to reappoint Sandra Nolan as the Town Accountant , term to expire June 30, 2024.

Andrews asked if there was a motion to reappoint Larry Mayo as Town Counsel.

Garron moved to reappoint Larry Mayo as Town Counsel but there was no second.

Hearing no second Andrews moved on.

Moved by Garron and second by DiSesa, the Board unanimously voted to reappoint Wilford Corey as the Veteran’s Agent , term to expire June 30, 2022.

Selectmen Meeting – May 27, 2021 Page 8

Moved by Garron and second by DiSesa, the Board unanimously voted to reappoint Steve Peterson, as the Wire Inspector, term to expire June 30, 2022.

Moved by Garron and second by DiSesa, the Board unanimously voted to reappoint Dennis McInnis as the Wiring Inspector Assistant, term to expire June 30, 2022.

Seelig said in terms of Town Counsel and the Building Commissioner Andrews has indicated how they want to handle which is tabling it to June 1st, but he asked what procedures does he want him to do regarding to Town Counsel? In the past the Board issued a request for proposals for legal services. If they wanted to do the same when would be the deadline for the response and how did they want to handle it from that point.

Andrews asked Seelig if he posts it next week he will not be getting it in today, right and Seelig said legal services falls outside the state procurement law, so he does not have to advertise in the local paper or in CommBuys or Goods and Services. He would post in the MMA Bulletin and the Town Website. If the Board wanted it could be posted in the *Express* which would run next Friday and usually for anything like an RFP or a job application we try and wait two weeks until after it shows up in the *Express* (June 4th, 11th and 18th).

Garron asked how is DiSesa going to consult with town counsel if we did not have one.

Andrews said he is still appointed until June 30th and going out and getting bids on legal services.

Garron asked will they interview these individuals and Andrews said he thinks that is what Seelig was asking.

Andrews suggested June 22nd and Seelig said he could do that and asked how much time do you want to leave for each interview?

Andrews said the last time the Board interviewed legal firms it held a special meeting, so they could do that and do a half an hour for each one.

Seelig asked what date and Andrews suggested the 24th of June and asked the Board what worked for them. DiSesa suggested doing it at night so more people can come and listen.

Andrews asked if there was anything else on the agenda and Seelig said he provided/mentioned the schedule for the other two groups of people – there are the seats on the Board of Health, School Committee and Finance Committee. The expectation was that we were going to be schedule all the interviews for June 8th with a deadline date of June 2nd for submission of the Talent Bank Forms. He did not know how long they wanted to devote for each candidate and in some cases, there may be one person who is interested in serving on one or more boards/committees. He will ask the Board of Health and the Elementary School Committee to attend the interviews that night with the possibility voting on filing the vacancies that night. Seelig said if we get a Talent Bank Forms from anybody in between he will schedule an interview even if the Finance Committee has not done so. As for the all the other unpaid volunteer positions Seelig will begin the process of notifying those individuals telling them that they can reapply for their positions on the board, committee or commissions they are on. The deadline date for submitting Talent Bank Forms will be June 9th and then scheduled interviews with these people on June 15th. Seelig asked the Board of how long they want to set aside for each interview on the 8th and the 15th. He pointed out the list of the unpaid positions is lengthy, so let him or McSherry know if there are any positions they do not need people to come in to interview for.

Andrews thought they already voted those and Seelig said they did but he would like the Board to give him some direction on how they would like to proceed on reappointments. DiSesa asked if he needed to know right now if they are not going to call these people and he said yes because the next meeting is June 8th.

Selectmen Meeting – May 27, 2021 Page 9

He added that if you are not going to ask the Police Officers to come in, then the schedule changes and he want to set up the agenda accordingly. He wanted to note that should they interview the Police Officers, they would probably consider that to be on the job, so it would be a 3-hour minimum, which would be overtime.

Seelig will follow what he has written out for the Board for today’s meeting.

Police Officers & Matrons

Moved by DiSesa and seconded by Garron, the Board unanimously voted that there is no need to interview the Police Officers and Matrons.

 **MEETING ADJOURNED**

There being no further business, moved by DiSesa and seconded by Garron, the Board unanimously voted to adjourn the meeting at 9:43 a.m.

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Ashley A. DiSesa

Clerk

/pjm