



Stevens Memorial Library
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Board of Trustees Meeting
Executive Session
March 11, 2013

These minutes are the minutes revised by Town Counsel from Mary Kate Romano's original minutes.

On Monday March 11, 2013, at 4:05 p.m., the Stevens Memorial Library Board of Trustees convened in open session.

Present were Board of Trustee members Cheryl Audino, Debra Mercier, Mary Kate Romano, Joseph von Deck, Board Chair Paula Dowd, Library Director Cheryl Paul Bradley, Town Administrator Douglas Briggs, and Special Counsel Corey F. Higgins.

Special Counsel advised the Board Chair of the need to state the purpose under which the Board could move to executive session – Chapter 30A, Section 21, Subsection (a) (1) of the Massachusetts General Laws to discuss potential charges against a library employee and of the need for the Board to have a roll call vote whether to enter into executive session and to declare whether the Board intended to return to open session at the conclusion of the executive session.

The Board Chair adopted Special Counsel's advice and called for an executive session, pursuant to Chapter 30A, Section 21, Subsection (a) (1) of the Massachusetts General Laws. Board member Debra Mercier seconded the motion.
Roll call vote unanimous to go into executive session.

Paula reviewed letter that was delivered to Cheryl Paul Bradley on March 6, 2013.

Representing the Town of Ashburnham: Corey Higgins, Esquire and Douglas Briggs, Town Administrator.

Mr. Higgins reiterated the need for confidentiality, stating that the purpose for an executive session was to make it confidential. He continued by stating that there were allegations relating to travel expenses of the Library Director, Ms. Paul Bradley. The

point of this meeting was to protect the integrity of the process and to preserve the integrity of the Library Director as well as the Town of Ashburnham. Everything in executive session stays in executive session.

The Town is her to recommend approval by the Board of Trustees of an investigation into travel and any other reimbursements made by Ms. Paul Bradley from the Town of Ashburnham or the Stevens Memorial Library.

Joseph von Deck questioned the source of the allegations.

Mr. Higgins said he could not reveal the source at this time, so as not to impact the decision today. It was premature to reveal such information at this point. If after the investigation, wrong doing is determined, then the requested information would be given. There is a need to authorize an investigation today. The Town is asking the Board to authorize permission to investigate.

Cheryl Paul Bradley asked if she could make a statement. She stated that Mark Purple (past Town Administrator) had given her verbal permission to submit travel reimbursement from her home to any meeting she was attending. On 3/5/13, at 10:47, Tanya the Town Accountant of Ashburnham told her that she needed to record mileage from Ashburnham to the meeting (not from home).

Paula Dowd discussed the 4 votes needed to be placed today. (see attached) Allegations are discrepancies in travel reimbursements submitted by the Director. Specifics of allegations need to be investigated.

Joseph von Deck asked again for specifics of all allegations.

Cheryl Audino asked if they were going back all years and asked how many years Ms. Paul Bradley was director. Ms. Paul Bradley said 25 years. She then asked what would happen if the Board voted no on the investigation.

Mr. Higgins said the Town Administrator would have to take allegations to the Board of Selectmen to see if they would like to proceed with them with its own investigation.

Paula Dowd suggested it would be better to go through us.

Mr. Higgins commented again that the investigation should be conducted in as confidential a way as possible. Joe von Deck asked if we did not vote to investigate would someone else?

Mr. Higgins reiterated his previous statement, saying that recent Library expense reimbursement request have had inconsistencies lately.

Debra Mercier asked if it could simply be a miscommunication. What was the policy on mileage approval?

Paula Dowd stated there may be other things besides mileage. Mr. Higgins turned to Mr. Briggs who said that mileage was the issue. Mr. Higgins stated that the Town was recommending other reimbursement as well to be more comprehensive and for efficiency sake (if there was a need for it) for not only the Town but also the Director.

Joseph von Deck asked again what would happen if we did not vote to investigate. Mr. Higgins stated that if the money was more than \$250.00 that there could be felonious conduct and possibly be brought to the police or Board of Selectmen.

Joe von Deck wanted to know how far the investigation would go. Paula Dowd suggested it was a possible can of worms the Board of Trustees could be opening if it didn't allow the investigation. She also noted that protection of confidentiality would be taken away. Paula also commented that we could choose to put the Director on paid leave, instead of leaving it up to someone else.

Cheryl Audino asked that if there are no problems, if the allegations were unfounded, would everything end there. Mr. Higgins said yes, absolutely. Paula Dowd said that she would rather this be kept in house then go out.

Joseph von Deck said he didn't like it. How could the Board vote with not knowing the allegations. Attorney Higgins restated that the allegations had to do with travel and discrepancies with mileage reimbursements.

Paula Dowd said that knowing the allegations doesn't change what the Board needs to vote on. Attorney Higgins said that if there was an explanation to the discrepancies the investigation would end there.

Cheryl Audino and Debra Mercier stated this was the Board's duty this was going to happen either way.

Joe stated the concerned parties should have talked to Cheryl Paul Bradley to ask her for an explanation.

Attorney Higgins stated that the Town could not talk to her since they are not the appointing authority. Mr. Briggs could sit down with an employee he appointed and discuss allegations, but not the Library.

Mary Kate Romano clarified that since the Board of Trustees is the appointing authority we have to vote to have investigations. Attorney Higgins confirmed that the Board of Trustees was the appointing authority.

Paula Dowd stated that the Board will not be able to protect anyone let the Board be the one to investigate.

Cheryl Paul Bradley said that she had nothing to hide.

Joseph von Deck said we should be discussing this with Cheryl , sitting down and talking like stated earlier. Attorney Higgins and Mr. Briggs stated that they would still have to hire an investigator even if they sat down with the town employee.

Attorney Higgins stated that the votes needed to be cast individually.

Debra Mercier said if the Board votes against the investigation and someone else approves, it is out of the hands of the Board. If the Board does vote the investigation then the information will come back to the Board.

Attorney Higgins stated that if there is an allegation then it is the responsibility of any employer to investigate.

Vote #1 Vote to authorize the investigation into travel reimbursement requests submitted by the Director, any other reimbursement requests submitted by the Director, and other transactions involving payments made to the Director by the Town or Library, including authorization (subject to the Town Administrator's approval) to access and review the Director's Town or Library issued computer email.

Yes	No
Paula Dowd, Cheryl Audino, Debra Mercier, Mary Kate Romano	Joseph von Deck

*Joseph von Deck wanted a note in the minutes stating his no was based on lack of specifics concerning charges. Attorney Higgins corrected him stating that they were allegations not charges. Mr. von Deck stated there were not enough specific information to warrant an investigation. If there was, then we should be provided specific on the authority that provided notice.

Debra Mercier agreed but stated that is not how it works. Paula Dowd stated that it wouldn't open other items but Mr. von Deck disagreed. He felt it would lead to an open campaign in public. It was agreed that minutes were kept confidential. Attorney Higgins reiterated confidentiality. As a general rule minutes are to be kept confidential until the matter is over.

Vote #2: Vote to place the Director on paid leave pending the outcome of the investigation.

Paula Dowd said the investigation would last 2-3 weeks. There is a conflict with Ms. Paul Bradley being at work. Attorney Higgins stated there should be a leave of absence. There was concern that a leave of absence would be made public with Ms. Paul Bradley's absence. Cheryl Audino asked if Ms. Paul Bradley could work. Attorney Higgins stated that the Town recommends that due to the potential for the subject to impact the investigation they recommend that the subject be put on paid leave.

The Board would have to meet to designate a person to oversee the investigation (the Chairwoman).

Vote #2

Yes	No
Paula Dowd, Cheryl Audino, Debra Mercier, Mary Kate Romano, Joseph von Deck	

Vote #3 Vote to authorize the Town as part of the investigation to monitor the Director's usage of the Library's communication systems, including but not without limitation all Library computers, computer systems, and any Town or Library issued email account, subject to the approval of the Town Administrator.

Vote #3

Yes	No
Paula Dowd, Cheryl Audino, Debra Mercier, Mary Kate Romano, Joseph von Deck	

Debra Mercier asked if reimbursements were done online and why electronic permission would be given. Attorney Higgins stated to monitor employee's online activities generally you need the Director's approval but since Ms. Paul Bradley is the Director, there needs to be Board approval to check online activity.

Vote #4 Vote to authorize the Chair of the Board of Trustees to take administrative action necessary to implement the Trustees vote to authorize the investigation, including the authority to:

- (a) Appoint an investigating officer to investigate the travel reimbursement requests submitted by the Director and any other transactions involving payments made to the Director by the Town or Library
- (b) Oversee the investigation
- (c) Send out any necessary notices
- (d) Once that investigation is complete receive from the investigating officer a written report summarizing the investigation, noting his/her findings of the facts, and conclusions checking that this report is in proper legal form for submission to the Board of Trustees as appointing authority for the Library Director for review
- (e) Take other administrative action as may be necessary

Paula Dowd stated that the investigator should be someone with a background in numbers. Atty. Higgins indicated that it could be the Town Accountant or Treasurer.

Vote # 4

Yes	No
Paula Dowd, Cheryl Audino, Debra Mercier, Mary Kate Romano, Joseph von Deck	

Paula Dowd gave her word it would be the Town Treasurer.

Vote #5 Vote to authorize the Chair of the Library Board of Trustees to make a appointment of an acting Library Director pending the outcome of the investigation.

Vote for acting Library Director (Paula) did not have a suggestion.

Vote #5

Yes	No
Paula Dowd, Cheryl Audino, Debra Mercier, Mary Kate Romano, Joseph von Deck	

Paula Dowd gave Cheryl Paul Bradley a letter placing her on paid administrative leave. At this point Paula left to make a copy of letter for minutes.

When Paula returned Cheryl Audino made a motion to adjourn. Debra Mercier seconded the motion. The Board by roll call vote adjourned the executive session.

Meeting ended at 4:50.

These minutes were amended and approved by the Board of Trustees on 6/4/13.