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Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Kendra J. Dumont, Chair

Robert E. Prescott, Jr, Vice Chair

Enrico C. Cappucci, Clerk

BOARD OF SELECTMEN

Executive Session MINUTES

November 9th, 2016

TOWN OFFICES

Chair Dumont moves to go into Executive Session under Massachusetts General Law Chapter 30A, Section 21, Paragraph A2. Mr. Prescott, Aye. Mrs. Dumont, Aye. Mr. Cappucci, Aye. All in favor.

Chair Dumont opened the Executive Sessions at the Town Offices with Selectmen Kendra Dumont, Selectmen Robert Prescott, Selectmen Enrico Cappucci and Town Administrator Patrice Garvin, Attorney Brian Maser, Union Attorney Nick Pollard, and Police Officer Alfreda Cromwell in attendance.

Selectmen Cappucci asked a question in regards to the fact that the documentation informing Officer Cromwell about the executive session states that it is a continuation of her previous hearing. Cappucci states that this is a new issue.

Atty. Maser states that this is a new hearing and the continuation spoken about in the letter, is Cromwell's administrative leave as she did not return to work.

Atty. Maser asked Officer Cromwell or Atty. Pollard to proclaim that they would like to hold this hearing in open session.

Atty. Pollard stated that his client would like to have this hearing in open session.

Chief Goulden stated that he had some concerns in regards to things Officer Cromwell had stated during her last hearing, mostly that Cromwell fabricated some of the facts stated by former department secretary Anne Whiting.

Atty. Maser states to Chair Dumont that it may be advisable to mark the exhibits as presented, so that they may be properly redacted and attached to the minutes, Madam Chair agreed.

Chief Goulden states that he would like to lay the groundwork for the progressive discipline involving Officer Cromwell that has led to being here today and his eventual suggestion. In 2015 Goulden retained the services of ADP Management

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to look into an issue regarding Cromwell not properly investigating a complaint that involved the endangerment of a child. Goulden states a resident went to Cromwell with an allegation regarding their child and she did nothing about it until it was brought to his attention some time later. Goulden states that Cromwell violated numerous department policies.

The investigator also determined that Officer Cromwell had broken a number of department policies with her handling of this sensitive issue. For this instance Cromwell received a five day unpaid suspension. Goulden asked that the complete ADP Management Report become a part of evidence.

Atty. Pollard stated that he does not see the need for documentation from an unrelated personnel issue to be brought up at this time. Town Administrator Garvin asked the chair for an opinion on if the document should enter evidence.

Atty. Maser stated that since the Shirley Police Officers are part of a Union, the union representation takes into consideration measures off progressive discipline when representing their members. Maser states that proof of progressive discipline is necessary and he respectfully disagrees with Union Counsel.

Chair Dumont states that she believes that Chief Goulden is simply trying to show proof of progressive discipline through the release of the documentation.

Atty. Pollard disagrees with Dumont and states that all they would need is proof of suspension and not a whole internal investigation file.

Chair Dumont states that she will allow Exhibit 1.

Goulden states the second issue regarding Cromwell came on Memorial Day 2016 when Officer Cromwell left her post to change into her military uniform and march in the Town Parade. This was unapproved and unscheduled and left the town understaffed in the event of an emergency. During this parade Cromwell also did not have her radio with her, a clear breach of policy. Cromwell never sought permission from any superior this day; if she had arrangements would have been made. Goulden states he worked with Cromwell to overcome this issue and it resulted in a verbal counseling session. Goulden asks Chair Dumont to consider documentation from this issue as Exhibit 2.

Chair accepts the recommendation.

Goulden states that the main issue here and the issue that resulted just last week in a demotion of Cromwell, the issue regarding her private plates. Goulden states Cromwell went and got private license plates without his or any department

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permission and kept them even after she was ordered to return them to the Registry of Motor Vehicles. The next issue stems from this and a statement made when Cromwell states that former department secretary Anne Whiting had remembered the threat. Goulden states that this is in direct contradiction of what he learned during his meeting with Whiting. Goulden states that he has provided a written statement from Whiting within she states that she has no recollection of any threat made to Cromwell. Goulden states that this is why he is recommending Cromwell be terminated for violating truthfulness becoming of a Shirley Police Officer.

Chair Dumont accepts Exhibits 3, 3.5, 3.6 , 4, 4.5, and 5

Atty. Pollard states that at no point was Cromwell untruthful including when she states that Mrs. Whiting remembered her threat, as Whiting had told Cromwell that during a lengthy telephone conversation. Pollard states Whiting's story changes depending on whom she is speaking to and that he has a witness to this. Pollard states Ms. Francine Winslow was in the home of Mrs. Cromwell during one of her phone conversations with Ann Whiting. Pollard states that Winslow can attest to that Whiting changed her story because she is afraid of Chief Goulden. Pollard states that Whiting's statements are not credible and should be stricken from the record as they have changed several times, based off of who she is speaking with. Pollard respectfully asks to allow Francine Winslow to be heard.

Chief Goulden asked how a third person was involved in a two person telephone conversation, Pollard states Winslow will be happy to explain that if allowed.

Selectmen Cappucci asked the Chair why Ann Whiting was not asked to appear in front of them.

Chair Dumont stated that Whiting was retired, to which Cappucci stated that she could have still attended the hearing. Cappucci states he is willing to hear what this witness states due to the seriousness of this case.

Atty. Pollard states that the notion that we do not know what this witness is going to say so we must not allow it, is absurd. We are here trying to determine an issue of untruthfulness and he is ready to bring someone forward that was a direct witness to Ann Whiting coming forward about her own untruthfulness.

Goulden states that he believes Cromwell spoke with Whiting before her last Executive Session hearing and then spoke with her again the morning after. The second of the calls was pleading with Whiting to change her story and agree with what Cromwell had stated during the hearing.

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Pollard states that Winslow heard the last 15 minutes of a phone call between Cromwell and Whiting while visiting her home in Weymouth that lasted from 10:19 – 10:58am that was on speaker phone. During this time Winslow overheard that what Whiting had communicated to the chief was inaccurate and she was going to correct it.

Atty. Maser asked what has been done by Whiting to correct that inaccuracy.

Pollard states that it seems that Mrs. Whiting did nothing to resolve this untruth.

Atty. Maser asked Chief Goulden when was last time he spoke with Ann Whiting.

Goulden states he spoke with her the day after the initial hearing (11/2/2016) on the phone. Whiting confirmed what she had stated to the chief in prior meetings. She then agreed to provide the Police Department with a written letter that was received by Goulden and Sargent Peter Violette.

Goulden asks if Mrs. Whiting was aware she was on speaker phone and that other parties were present for her conversation with Cromwell.

Pollard states that he does not believe that she was aware.

Atty. Maser asked Goulden if Mrs. Whiting had mentioned her phone conversations with Cromwell to him during his visit to her home. Goulden states he does not believe she mentioned this phone conversation.

Goulden read the statement of Ann Whiting (Attached)

Chair Dumont asked Officer Cromwell if she remembered a conversation with Ann Whiting from November 5th 2016 in which Whiting asked that Cromwell not contact her any longer.

Cromwell said that she did.

Atty. Maser asked Atty. Pollard to describe the nature of Ms. Winslow's relationship with Officer Cromwell.

Pollard states that they have a professional relationship with two or three personal interactions. They met while Officer Cromwell was working patrol as a Shirley Police Officer.

Chair Dumont states that she would like to watch the recording from the last Executive Session where Cromwell makes a statement regarding Whiting.

Video was played

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Chief Goulden asked if all calls between Whiting and herself pertained to this issue.

Cromwell states that there has only been one phone call that did not discuss this issue and it was a 5 hour phone call.

Maser states that according to her phone records Cromwell called Whiting in the morning hours on 10/25/2016. What was this phone call related to?

Cromwell states it was in regards to what had happened during the meeting on 10/24/16.

Maser asked Cromwell why she called so early on that one specific day when most of her and Mrs. Whiting's phone calls take place between 9 and 5, and if this was a circumstance where Cromwell was trying to reach her before anyone else did.

Cromwell states she knew whiting woke up early and that was not the reason.

Atty. Maser asked if during the 10/26/16 phone call Cromwell asked Whiting to write a statement. Cromwell states she did not.

Maser asked if during the conversation did Whiting ever state that she lied or was fearful of the Chief.

Cromwell states that this was stated on numerous occasions.

Atty. Maser read the notice given to Cromwell and asked if she made any effort to have Ann Whiting present today, Cromwell stated that she did not.

Pollard states that it is not the Unions burden to prove that Cromwell did not lie and that it is the Towns burden to prove that she did. So if anyone needed to get Ann Whiting here it would be the Town and that he brought their witness figuring that Whiting would also be in attendance.

Chair Dumont states that after 28 years of employment she puts a lot of weight in the written statement from Ann Whiting and will allow Ms. Winslow to speak.

Francine Winslow from Shirley took the stand.

Winslow states she was meeting with Cromwell for lunch and arrived at her home in Weymouth, MA at 10:43a.m, while Cromwell was having a phone conversation with Ann Whiting on her phones speaker. Winslow states that Whiting said she remembered everything and does not want to be in this situation any longer.

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Winslow says Whiting states she was afraid of meeting with the Chief and that she needed to fix this whole situation.

Chief Goulden asked if Winslow knew what the conversation was about when she was hearing it.

Winslow states that since she was from Shirley it didn't take a genius to put the conversation together.

Goulden states that he does not feel Whiting would ever be afraid to speak with him, as in the last week he spoke with her on the phone and in her home. He states that their entire relationship was professional and positive, and he would not understand why anyone would come to that conclusion.

Chair Dumont accepts the phone log as Exhibit 6.

Selectmen Cappucci asks a question to Chief Goulden regarding the two documents from Ann Whiting being different fonts.

Chief did not have an answer to why the fonts were different.

Selectmen Prescott states that at one point they have to take Ann Whiting's word as her word. He feels there is a pattern in Cromwell stating people are saying things that are not true, and he would like to accept her statement as an exhibit.

Chief Goulden states that he finds it odd that this threat was not mentioned in the letter to the Registry of Motor Vehicles. Goulden stated that if he had information about the threat he would have been more apt to approve Officer Cromwell's request for private license plates. Goulden states that he does not like the credibility of Ann Whiting being questioned.

Chair Dumont states that she puts a lot of credence in Mrs. Whiting and that all Exhibits will be available the day after the meeting.

Selectmen Cappucci states that he was under the belief that they had come to a conclusion in regards to the last hearing, but here they are this evening with a whole new hearing that's whole purpose is discussing the last hearing. Cappucci states he believes that this is a smokescreen and something new just to find ground before arbitration.

Chief Goulden states that this is not something new and drummed up. Officer Cromwell stated at the last hearing that Whiting knew of her threat.

Cappucci states that it was 2-1 that the Chief had given an order to Cromwell to not get the private plates. Cappucci said he doesn't believe there was an order.

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Goulden states he has never used the words "disobeying an order"

Chair Dumont states that if TA Garvin asked for her permission to do something and she asked for more time if Garvin went forward without approval there would be an issue. Cappucci states that that is how things work in Dumont's profession but not law enforcement. Law Enforcement revolves around orders.

Selectmen Prescott motions to accept the recommendation of Police Chief Thomas Goulden to terminate Alfreda Cromwell's employment with the Town of Shirley. Selectmen Cappucci seconds. Cappucci votes No. Prescott vote aye. Dumont votes aye. Motion passes.

Selectmen Prescott motions to adjourn at 4:39pm. Selectmen Cappucci seconds. Cappucci votes aye. Prescott vote aye. Dumont votes aye. Motion passes

Respectfully submitted Nathan R. Boudreau

Date accepted: _____


Kendra Dumont, Chairman


Robert Prescott, Vice-Chairman

Enrico Cappucci, Clerk