



Board of Selectmen

Ware Town Hall, Meeting Room, 126 Main Street
Regular Meeting Minutes – November 29, 2019, Friday, 8:00 a.m.

Present: Selectman Alan G. Whitney, Selectman John E. Carroll, Selectman Keith J. Kruckas, Town Manager Stuart B. Beckley.

Absent/Recused: Selectman Tracy R. Opalinski, Selectman Nancy J. Talbot, Clerk Mary L. Midura

Chairman read the following statement: It was brought to the attention of the Board that members of the public did not understand that as a disciplinary suspension meant to be punitive under MGL c 31 s 41 it was intended to be unpaid and the start date of the suspension and demotion was confusing because Mr. Carroll misspoke and accidentally said November 3 instead of December 3. The purpose is not to change the vote but to answer these questions and correct the misstated date because staffing impacts public safety and clarification appears to be needed to ensure staffing levels are maintained as expected for the month of December. Because these questions raised a staffing concern involving public safety employees that would impact December staffing if the Board's intent was not carried out, because a quorum is needed to make this clarification and the other two Board members have recused themselves from this matter, and because Mr. Carroll has been scheduled to be out of state for a work related matted the entirety of December, 48 hours' notice was not possible and this was posted as an emergency motion.

Chairman Whitney made the motion: Move to clarify the Motion made relative to the Fire Chief's discipline on November 26, 2019, that consistent with a disciplinary suspension under MGL c 31 s 41 I, this is a 30 day calendar day unpaid suspension and a demotion to Lieutenant, with the demotion and 30 day calendar day suspension commencing on December 3, 2019. The reference to November 3, 2019 instead of December 3, 2019 was an inadvertent error. The Chief's return to work date following the 30 day suspension will be January 2, 2020.

Selectman Carroll seconded the motion. The motion passed on a vote of 2 Yes, 1 No (Selectman Kruckas).

Chairman Whitney noted that the Chief is to stay away from the fire station. Selectman Kruckas stated there should be no retaliation. Chairman Whitney noted that was correct.

Resident Kim Mongeau asked if the Chief was notified of the meeting; Mr. Beckley stated yes. (Attached).

Selectman Whitney made the motion to Adjourn at 8:04 a.m. Selectman Carroll seconded the motion. The motion passed on a vote of 3 Yes, 0 No.

Attest: _____

Mary L. Midura
Mary L. Midura, Executive Assistant to
Town Manager, via videotape 11/29/2019



TOWN OF WARE, MASSACHUSETTS

Town Manager
126 Main Street
Ware, MA 01082
Tel. 413-967-9648

November 29, 2019

FEDERAL EXPRESS AND REGULAR MAIL

Or

VIA MAIL & E-MAIL: warefdx1@comcast.net

. Thomas Coulombe,
Fire Chief
116 Church Street
Ware, MA 01082

Re: Notice of Appointing Authority's Decision

Dear Chief Coulombe:

A hearing was held on November 4, 2019 and November 26, 2019 concerning a notice of contemplated discipline that was delivered to you on October 30, 2019. The hearing was held in open session per your request. Your attorney attended the first day of hearing and you chose not to have your attorney attend the second day of hearing as the purpose was for deliberation and decision making. Two members of the Board of Selectmen, Nancy Talbot and Tracy Opalinski, recused themselves from the proceeding.

Based on the evidence, the Board concluded that just cause exists to impose a 30-day suspension and demotion from your position of Fire Chief to Lieutenant. The suspension, which is unpaid, and the demotion will commence on December 3, 2019. This means that you will be on an unpaid suspension for 30-days commencing on December 3, 2019 and expected to return to your position of Lieutenant on January 2, 2020.

While the Board did withdraw the charges that you failed to ensure that the proper maintenance of the elevator and failed to put the Town on notice of the need to follow the NFPA standards, including but not limited to NFPA 1500, it did not withdraw the other charges set forth in the October 30, 2019 letter.

After deliberation, it found that the following conduct as described in the previous correspondence (See the Town's October 30, 2019 Notice letter and its attachments to you) violated the reasonable rules of the Town/Fire Department and expectations of the Board of Selectmen, including but not limited to the following:

1. Failure to comply with the Fire Department's Code of Ethics/Canons of Fire Ethics Policy and the expectations of the Town as explained and outlined in the attached Exhibit A Administrative Investigation of Fire Lieutenant Brian Coulombe and Chief Thomas Coulombe.
2. Failure to attend to your job duties as Fire Chief, including but not limited to the following:
 - Failure to ensure that equipment and facility were properly maintained and/or to place Town on notice of maintenance needs, including but not limited to: (a) fire safety equipment such as SCBA air fill station, air compressor, air packs and air bottles, hose testing and ladder testing; and (b) building issues including water damage at front entrance and from boiler overflowing, and a/c unit failure due to lack of service.
3. Insubordination. Specifically, the failure to abide by the requirements of your paid administrative leave by going to the Fire Station without permission after being placed on leave.
4. Conduct unbecoming to a Fire Chief, including but not limited to lack of truthfulness and candor to the public and during a workplace investigation and violation of the obligations set forth in the Code of Ethics/Canons of Fire Ethics Policy for same, including but not limited to:
 - Your reporting to the press that you did not threaten litigation against the Town when, in fact, you had done so through your Attorney; and,
 - Your false reporting during the workplace investigation that the morning after you were placed on a paid administrative leave that you went to the Fire Department with the Police Chief to arrange for the pickup of your things and that Selectman Kruckas impermissibly confronted you, including your allegation that "Selectman Kr[ucka]s had his meltdown, and started yelling at us about being there, and it turned into a shit show, and we never did a... We both just left."
5. Violations of the Fire Department's Code of Ethics/Canons of Fire Ethics and prohibitions on nepotism outlined in M.G.L c. 268, the conflict of interest laws, by failing to ensure proper procedural protocols consistent with State Ethics Commission advisories were in place regarding the day-to-day active supervision of your son and wife, who are both subordinate members of the Department, and failing to hold them to the same standards as others in the Department. The Board finds that your continued role as Fire Chief presents an untenable conflict of interests that impacts your ability to continue in that role.

After careful consideration, the Board concluded that this conduct, whether taken together or alone, evidences a lack of leadership that is required by the Fire Chief and cannot be salvaged and that there is just cause for the 30-day unpaid suspension and demotion.

We also noted in the deliberation portion of the hearing on November 26, 2019 that your conduct at the November 4, 2019 hearing was disrespectful of the Board and the Deputy Chief/Acting Chief (a member of the team that you are in charge of leading) and is further evidence of disrespectful and insubordinate tone and attitude. While you had every right to challenge the contemplated actions of the Board of Selectmen on the basis of bias or other reasons, publicly referring to your subordinates with offensive terminology such as "drama queen" and stating that you've been insubordinate in the past "because you can't fix stupid" are just further examples of the unbecoming and insubordinate conduct that has persisted under your leadership of the Fire Department.

The Town Manager will be filing required forms with the HRD. He will also be in contact with the Union regarding any impact discussions that needs to occur and to assist in the transition to your new role when you return on January 2, 2020.

Please be advised that you have the right to appeal this decision under the Civil Service laws in accordance with MGL C. 31, Sections 41 through 45, enclosed.

Sincerely

A handwritten signature in cursive script, appearing to read "Alan Whitney", with a long horizontal line extending to the right from the end of the signature.

Alan Whitney, Chairman
Ware Board of Selectmen

Enclosure: MGL ch. 31,
Sections 41
through 45

cc: Jack Collins, Esq.
Labor Counsel
Stuart Beckley
Board of Selectmen