
Select Board Meeting Minutes 10/24/18

Select Board DRAFT version 1 Minutes of the meeting of 10/24/18 a vote to approve the minutes by the Board failed on 11/14/18

Meeting Opened at: 10:30am

Select Board Members Present: Carol Edelman, Chairperson, Kenneth Basler and Donald Coburn

Also in attendance: Peter Chait

Carol called the meeting to order and stated that the purpose of the meeting was to discuss a complaint of an unfriendly work environment. Both Don and the Board noted that they would be recording the meeting.

Don was concerned that the public was not properly notified of the purpose of the meeting when it was posted as "Discuss and vote on request made for executive session per MGL c30 §21 #1". The other members of the Board did not agree and said that the notification was proper and followed past procedures for posting meetings of this nature.

Carol went on to explain that the complaint being heard was filed by Melissa Noe against Donald Coburn; Don waived his right to executive session and insisted that it be an open meeting. Melissa explained that the complaint was "to address the accusations that have been made toward me, and to figure out how to go forward in a work environment that is 'comfortable and free from intimidation, hostility or any other offenses that might interfere with work performance as stated in our employee handbook.'" To establish background Carol stated for the record that she has thorough confidence and credibility in her [Melissa's] work, her work is excellent. She went on to explain that she trusts that Melissa is working in the best interests of the town, and acknowledged that the purpose of the meeting was not to discuss any complaints being brought forth against Melissa as there were none. Don thought the reason given by Melissa didn't adequately explain the complaint so Melissa provided the following examples: a repeated contentious attitude expressed toward her and being falsely accused of things. Melissa went on to give specific examples of repeated harassing and threatening treatment by Don which in all cases were witnessed by other town employees.

Don argued that during Select Board meetings if a vote is not taken, when one Board member says something then that is what should be done. Melissa corrected Don and said that anytime something is not clear in a meeting she asks the Board for clarification; Kenn supported this statement. Carol and Kenn confirmed that the claims Melissa was making were accurate. Kenn verified this by speaking with the parties that witnessed some of the above mentioned interactions.

Don stated that he would not follow the established town policy for contacting town counsel because he does not agree with it and it is not a policy accepted by him.

Carol reminded everyone of the purpose of the Select Board, and that approximately 90% of the items discussed and acted upon are not in dispute. She stated that arguing about procedural matters which have not been troublesome is a waste of energy and time. She went on to say that the last several months have been unpleasant because often when the Board convenes they are lectured about procedure that may not be within Don's opinion of the letter of the law. She reminded everyone that this is not a federal courtroom and we are not dealing with criminals; we are dealing with the work of our neighbors, colleagues and community, and a contentious attitude is not called for.

The Board wasn't sure how to resolve the complaint. Don said there is no resolution to be made as he is an elected official and does not work for them. Melissa then requested permission to record any future conversations between herself and Don, which both Carol and Kenn said was a good decision.

A motion was made and unanimously approved to adjourn the meeting at: 11am

Submitted by:

Melissa Noe, Administrative Assistant

From an audio recording of the meeting

Approved by:

Monterey Select Board

cc: Website (www.montereyma.gov)

Select Board Members

Minutes Book

Town Clerk

Select Board
DRAFT VERSION 2 Minutes of the meeting of 10/24/18
A vote to approve the minutes by the Board failed on 11/14/18

Meeting Opened at: 10:30am

Select Board Members Present: Carol Edelman, Chairperson, Kenneth Basler and Donald Coburn

Also in attendance: Peter Chait

Carol called the meeting to order and stated that the purpose of the meeting was to discuss a complaint of an unfriendly work environment. Both Don and the Board noted that they would be recording the meeting.

Don was concerned that the public was not properly notified of the purpose of the meeting when it was posted as "Discuss and vote on request made for executive session per MGL c30 §21 #1". The other members of the Board did not agree and said that the notification was proper and followed past procedures for posting meetings of this nature.

Don waived his right to executive session and insisted that it be an open meeting and stated he did not object to proceeding. Carol went on to explain that the complaint being heard was filed by Melissa Noe against Donald Coburn. Melissa explained that the complaint was "to address the accusations that have been made toward me, the contentious attitude and to figure out how to go forward in a work environment that is "comfortable and free from intimidation, hostility or any other offenses that might interfere with work performance" as stated in our employee handbook." Don thought the reason given by Melissa didn't adequately explain the complaint so Melissa provided the following which she has experienced (all of which were witnessed by various other town hall employees): a repeated contentious attitude expressed toward her and being falsely accused of things; specific examples of repeated harassing and threatening treatment by Don were also provided. Carol and Kenn confirmed that the claims Melissa was making were accurate. Kenn verified this by speaking with the parties that witnessed some of the above mentioned interactions.

Several times during the meeting the conversation went off topic. Carol offered her opinion of the last several months and how they have been unpleasant because often the Board is lectured about procedure that may not be within Don's opinion of the letter of the law. She reminded everyone that this is not a federal courtroom and a contentious attitude toward anyone is not called for.

Carol then stated that she agreed with Melissa's accusation and thinks that Don has been way out of line and is creating a hostile, unpleasant work environment here for people in the town hall. Kenn agreed.

Kenn and Carol were unsure how to resolve the complaint. Don said there is no resolution to be made as he is an elected official and does not work for them. Melissa requested permission as a solution for the time being to record any future conversations between herself and Don, which both Carol and Kenn said was a good decision.

A motion was made and unanimously approved to adjourn the meeting at: 11am

Submitted by:

Melissa Noe, Administrative Assistant

Full audio of the meeting is available by request

Approved by:

Monterey Select Board

cc: Website (www.montereyma.gov)

Select Board Members

Minutes Book

Town Clerk

Select Board
DRAFT VERSION 3 (DC) Minutes of the meeting of 10/24/18
A vote to approve the minutes by the Board failed on 11/14/18

Meeting Opened at: 10:30am

Select Board Members Present: Carol Edelman, Chairperson, Kenneth Basler and Donald Coburn

Also in attendance: Peter Chait

The public meeting opened at 10:30 a.m. Present were Melissa Noe, Administrative Assistant to the Select Board, Carol Edelman, Chair of the Select Board; Kenn Basler and Donald Coburn, members of the Select Board; and Peter Chait, a resident of Monterey. Melissa and Don both said they each wanted to record the meeting. Kenn and Carol did not object.

The sole purpose of this meeting was to give Melissa Noe the opportunity, which she had requested in writing, to set forth complaints she had against Don Coburn. The complaints, not described in writing before or, indeed offered in writing at the meeting, involved words spoken by Don which she felt were adversely affecting the environment in which she worked.

Melissa requested that the meeting be in executive session. More specifically, she listed this item in the published agenda for the meeting in this way: "Discuss and vote on request made for executive session per MGL c30 Section 21 #1." Don observed that this listing totally failed to give the public any idea of what the subject matter of the meeting was and really was improper.

Kenn and Carol said it was adequate notice and the way they had done it this way in the past. Don said let's proceed, after insisting that the meeting be in open session rather than executive session. Ken conceded that the demand for an open session was Don's right while Carol remained silent on that point. In any case, the meeting proceeded in open meeting form.

Melissa said "accusations" had been made against her and that she wanted an atmosphere that was "comfortable and free from intimidation, hostility, or any other offenses that might interfere with work performance as stated in our employee handbook."

Carol then said "to establish background" she wanted to note that she had "thorough confidence" in Melissa's work and credibility and that her work was "excellent." Carol also said that she believed Melissa was working in the best interests of the town." She noted that complaints against Melissa were not part of this hearing.

Don noted that Melissa had yet to state any specific facts. Melissa replied that Don had repeatedly shown a 'contentious attitude' toward her and had falsely accused her of "things". Trying to be more specific about the facts, she added that Don threatened to have her dismissed if she continued to argue for the accountant/treasurer in a pending dispute between the town and the accountant/treasurer. Don pointed out that when she made that claim during their last conversation, he corrected her and said he had neither said nor implied that. She did not deny his correction, but then said he had threatened to have her demoted, which he also denied. She never once described any specific words spoken by Don that she thought constituted the supposed wrongful conduct of which she was complaining. Nonetheless, Kenn and Carol said that before the hearing they had spoken to alleged witnesses who had confirmed that Melissa's claims were true. Neither Kenn nor Carol said what they were told those alleged witnesses heard; nor did they explain why what they heard constituted factual support for Melissa's claims.

Don noted he had told Melissa at their last private meeting that his main concern with Melissa was her support for the accountant/treasurer's claim for an extra \$25,000 in fees for the work done in the company's first fiscal year in that capacity. He also said that he thought that she was doing that out of personal interest to avoid the troubles that might arise if the company carried out its threat to quit the job unless its \$25,000 demand was met. She claimed that her advocacy was based on the town's interests and not her own because adjusting to another accountant/treasurer would be hard on the town employees. Don said during that previous meeting that if her advocacy continued, it would increase his belief that the town might well need a Town Manager. (Subsequently, the accountant/treasurer withdrew its claim.)

There followed an unrelated discussion of Select Board practices and procedures.

Melissa asked about what would happen as a result of the hearing. Don pointed out that there was no available resolution by the Select Board since he did not work for Kenn and Carol. Kenn agreed. Carol said nothing. Melissa then announced that from now on she would record any conversations between herself and Don. Carol and Kenn said they thought that was a good decision.

On motion and by unanimous vote, the meeting adjourned at 11:00 a.m.

A motion was made and unanimously approved to adjourn the meeting at: 11am

Submitted by:
Donald Coburn, Select Board Member
Full audio available by request at town hall
Approved by:
Monterey Select Board

cc: Website (www.montereyma.gov)
Select Board Members
Minutes Book

