

SELECT BOARD MEETING MINUTES
VIRTUAL MEETING
TUESDAY, JUNE 10, 2025
APPROVED

Select Board Members Virtually Present: Alison Manugian, Chair; Becky Pine, Vice Chair; Peter Cunningham, Clerk; John Reilly; Matt Pisani;

Also Virtually Present: Mark W. Haddad, Town Manager; Kara Cruikshank, Executive Assistant to the Town Manager; Melisa Doig, Human Resources Director; Dawn Dunbar, Town Clerk; Labor Counsel, Attorney Sharon Siegel; Rob Foley, Complainant.

Chairman Pisani called the Select Board meeting to order at 9:30 A.M.

9:30 A.M. Continuation- “Discussion of the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints brought against, a public officer, employee, staff member or individual-Town Manager Mark Haddad”.

Labor Counsel Attorney Sharon Siegel was in attendance.

Mr. Pisani explained that Ms. Manugian would lead the continuation of the discussion. Ms. Manugian said that the Select Board had reorganized the night before, so she would oversee the discussion to determine any next steps. She provided an overview of the Board’s current position in the process. Ms. Manugian explained that the Select Board received a complaint about an employee in late May. Under Mass General Law, the employee against whom the complaint was filed has the right to attend all related meetings and discussions. The employee can choose to have the meeting in either an executive session or a public session. In this case, the Town Manager chose to discuss the matter in an open session. The purpose of this meeting was to continue the discussion and decide what action, if any, should be taken.

Ms. Manugian stated that she didn’t see any way to obtain copies of the text exchange. She said they heard from Town Manager Mark Haddad during the previous discussion, and he expressed regret but denied using profanity. She has no concerns about how he has managed the projects through the Parks Commission or Community Preservation Committee (CPC), or how they have been handled. She reviewed the minutes of various Park Commission meetings but didn’t see any evidence of anyone being excluded; there had been numerous opportunities for discussions regarding the projects.

Mr. Cunningham stated that they had a request to read a statement by the Town Clerk, Dawn Dunbar, and asked whether she should read it into the record. The statement was regarding a public records request and the Complainant, Mr. Foley. Ms. Manugian inquired with Attorney Siegel for her input regarding the statement. Attorney Siegel stated that, without knowing the content of the message, if it sheds light on the issue related to the Town Manager, it may be read. She said if it's a response pertaining to the Town Clerk, it might be appropriate to read it at a different meeting. Mr. Cunningham indicated that the statement concerns the Public Records Request and a potential violation of the Open Meeting Law of the Complainant. Attorney Siegel agreed that it would be appropriate to read it into the record at that time. Ms.

Dunbar, Town Clerk, then read a statement she had prepared into the record (please see the attached statement).

Ms. Pine said she has given this some thought and spoke with Mr. Haddad about it. She said that she was disappointed to learn about the offensive text messages and also upset that he wanted to hold this meeting in an open session. Ms. Pine believes there are two issues at hand. The first is a text conversation that the Board has not seen, which includes the use of foul language (it should be noted that Mr. Haddad, in his statement to the Board, denied using any foul language in the text exchange). If they had met in executive session, the Board could have discussed this with Mr. Haddad. The second issue is that Mr. Haddad repeatedly chose to attack the character and motivation of the complainant in the previous open session meeting.

Mr. Reilly stated that the complaint repeatedly identified who the text was about. He confirmed that he saw the message and said it contained no offensive or foul language. He explained it was a conversation between two friends and was resolved quickly. Mr. Reilly believes it does not impact the town and does not consider the text inflammatory. He noted that Mr. Foley claimed he verified the profanity in the message and alleged it was inflammatory. Mr. Reilly denied both claims. He added that the person to whom the Town Manager sent the message has not filed a complaint. He also said that Mr. Foley misrepresented what he said and may be misrepresenting other facts.

Mr. Cunningham said that while he has been troubled in the past by how Mr. Haddad reacts to situations, he can't ignore the fact that the complaint was filed after Mr. Foley was admonished for violating the Open Meeting Law, and he was unhappy with the Town Clerk's response. He can't dismiss the correlation between the two. Mr. Pisani said it was Mr. Haddad's decision on how he wanted to hold this meeting. Mr. Cunningham said the timing of Mr. Foley's complaint is questionable, and the recipient of the text doesn't have an issue; he is having a hard time with this.

Mr. Foley, the complainant, stated that his complaint is of a serious nature and that he has no personal issues with the Town Manager. He said that this was unpleasant for him. He felt compelled to do what was right and wanted to address the timing of his complaint. Mr. Foley stated that he had no problem with the Open Meeting Law Violation. He explained his reasoning for questioning the Town Clerk's email to him. He said he started working on the complaint and took his time doing so. He clarified that there is no correlation and that it was coincidental. Mr. Foley apologized to Mr. Reilly for his accusations and also expressed his appreciation for Ms. Dunbar. He stated that every citizen has the responsibility to speak out if they see something wrong in the town government, and believes that the texts could be retrieved. Mr. Foley requested an investigation to determine whether the texts exist. He thanked the Board for allowing him to speak at that time.

Mr. Cunningham said Mr. Foley appealed the public records request to the Secretary of the Commonwealth's office. The Supervisor determined the matter was closed. He is uncertain about what an investigation would reveal at this point, and is unclear about Mr. Foley's motivation or ultimate goal by filing this complaint. Mr. Cunningham stated that the town is not responsible for creating records that do not exist. Attorney Sharon Siegel said she agreed with Mr. Cunningham and that there was no requirement to create records.

Mr. Foley asked about concerns regarding the lack of a record, whether a record had been deleted, and if they were worried that Town business was being conducted and then erased. Ms. Pine replied that text messages and the Open Meeting Law are murky. She is satisfied that the Town Manager has admitted he wasn't proud of the text messages. Ms. Pine stated that democracy requires that if they see something, they should speak up. Ms. Pine said that certain colleges have honor codes, which state that if you witness cheating and fail to report it, you may be subject to sanctions. She hopes the residents of Groton will do the same if they notice anything wrong.

Mr. Cunningham said he doesn't see that this has impacted the work of the Park Commission on the fields, and the CPC project is still moving forward.

Ms. Manugian asked the Board if they had any concerns about how the Town Clerk, Ms. Dunbar, was performing her duties. She expressed her appreciation for her patience. The Board all agreed that Ms. Dunbar has done her job. Ms. Manugian stated that the text no longer exists, but its appropriateness is unclear. The two individuals were communicating on private cell phones. Mr. Haddad expressed regret over how the messages were issued and believes that there is no need for an investigation.

Mr. Haddad said he was at a loss for Ms. Pine's statements. He was concerned and outraged at the tone of Ms. Pine's statement. He stated that he would not accept any blame for a text message he sent to a friend, and that they worked out their differences and moved on. Mr. Haddad stated that his statement was intended to defend himself against an unwarranted attack. He explained that the statement and evidence he provided to the Board show he did nothing wrong. Mr. Haddad pointed out that the Board had overlooked the fact that the complaint filed by Mr. Floey accused the Town Manager of subsuming the authority of the Park Commission, and the Select Board should focus on that. He provided them with minutes and evidence to prove that it wasn't true. Mr. Haddad feels targeted and dragged through the mud for something that isn't true.

Conclusion

Ms. Manugian believes this would have been an easier conversation to have in executive session. Mr. Cunningham said he has not heard anything that warrants a further investigation. Ms. Pine expressed concern about Mr. Haddad's angry reaction, stating it was inappropriate. Mr. Pisani echoed Mr. Cunningham's response and understands Mr. Haddad's perspective. Ms. Manugian mentioned there's no appetite for an investigation at this point. She said that the Select Board could issue a letter of reprimand but was comfortable addressing this solely through Mr. Haddad's evaluation. Mr. Cunningham suggested that a brief summary statement could be crafted.

Mr. Cunningham made a motion that the complaint filed by Mr. Foley does not warrant a further investigation of the Town Manager. Mr. Pisani seconded the motion.

Discussion

Ms. Pine asked whether they should include that the Board would be issuing a statement. Mr. Cunningham replied that he does not believe they should and that Members Manugian and Pisani will craft a brief statement.

Roll Call: Pisani-aye; Pine-aye; Manugian-aye; Reilly-aye; Cunningham-aye.

The meeting adjourned at 10:25 a.m.

Respectively submitted by Kara Cruikshank, Executive Assistant to the Town Manager.

Dawn Dunbar Statement Regarding Foley Assertions Against Me

Members of the Select Board. Thank you for allowing me time to address assertions made in Mr. Foley's complaint about how I went about responding to his multiple public records requests and to defend the way in which I do my job as Town Clerk.

Mr. Foley made his original Public Records Request (PRR) on February 25th. I responded to it on February 26th after forwarding the request to the Town Manager and receiving from him applicable records. Mr. Foley sent a revised PRR on February 27th. I forwarded this request to Town Counsel on February 28th and I asked the Town Manager for records responsive to this request. The Town Manager provided records from the Town's wireless phone bill. With the assistance of Town Counsel, I prepared a response which I emailed to Mr. Foley on March 4th. Later that day, I received notification from the Supervisor of Records that an appeal had been filed with them by Mr. Foley. The Supervisor of Records asked me a clarifying question on March 5th and with the assistance of Town Counsel, I responded to the Supervisor that same day. On March 11th we received the Supervisor of Records determination denying the appeal stating that responsive records had been provided and that we had no obligation to create public records.

On May 15th, Mr. Foley emailed asking clarifying questions. Based on the appeal decision, I emailed Town Counsel and asked if I was required to answer his questions. In that decision it states “...a public employee is not required to answer questions, or do research, or create documents in response to questions”. Because the Commonwealth considered this matter closed, the Town also considered the matter closed. On May 16th I responded to Mr. Foley.

On May 16th, I sent the members of the Park Commission an email alerting them that I had learned the night before of a potential violation of the OML. A member had reached out to more than a quorum of members trying to obtain some information on a recent fertilization application. I requested in that email that the Park Commission self-report the violation and have the conversation in public session. Mr. Foley responded to my email stating he was the one that had contacted multiple members as a means of “fact finding” and was not asking for or offering opinions. In his email, Mr. Foley reminded me of my role as Town Clerk and stating I needed to “prove open meeting law violations and not assume they took place”. He further stated that I needed to “actually come to that conclusion by performing due diligence first”. I was then asked why I copied the Town Manager on my original email. Mr. Foley stated that my “role pertaining to Open Meeting Law violations does not report to the Town Manager” and further asked if I had made “the decision

to do so on my own” or if the Town Manager had asked me to. I responded to Mr. Foley on May 16th with a further explanation the OML and explained why I copied the Town Manager.

This OML violation happens to be the Commission’s third since November. I would also add that I have provided the Commission with 2 OML trainings since my time as Town Clerk in an effort to educate them as they have a lot of members that are new to volunteering here in local government, such as Mr. Foley. I have been serving the Town since 2010 and in my more than 15 years have learned a great deal about the OML by day-to-day use of it as well as many formal trainings on it. I take exception to being scolded, especially considering the efforts taken to provided Mr. Foley with prompt and appropriate responses to his many requests.

Mr. Foley in his complaint notes that I refused to directly answer his clarifying questions on May 16th. As I pointed out earlier, I am not required to answer questions or create records. Town Counsel, advised me that I was under no obligation to answer his questions and provided a suggested response which I then sent to Mr. Foley.

Mr. Foley also states in his complaint that he would *“like the investigation to include a review of the actions that the Town Clerk has performed, including but not limited*

to her method of making her determinations about said public records and if she acted independently in her determinations". I don't appreciate being dragged into this as all I have done from receipt of the first PRR is request any records and respond as I would with any other PRR I receive. I don't go to Town Counsel every time I respond to a PRR but did in this instance because of the nature of the request.

I also take exception to assertions that I didn't act independently in my public records responses, about the manner in which I went about requesting records responsive to the request and about when and why I copy the Town Manager on certain emails. I have and will continue to keep the Town Manager apprised as I report to him on day-to-day pertinent issues. I am not intimidated by the Town Manager and do not have decisions made for me. Just like the Town Manager, I believe that open communication is important especially when it comes to matters of legal interpretation that could put the Town in a liable position.

Mr. Foley's statements in these email exchanges were accusatory, condescending and even retaliatory. I expect and hope that the Board will find my actions as it relates to this PRR satisfactory and that a review of my actions is not warranted. Thank you for your time.