

At a Special meeting of the Town Council holden in and for the Town of Gloucester on February 3, 2022 .

Councilor Reichert stated that pursuant to current R.I. Executive Orders this meeting is being teleconferenced via Zoom and the Zoom link was posted on the Sec. of State's website and the Town's website.

I. Call to Order

The meeting was Called to Order at 6:30 P.M.

II. Roll Call

Members present: William E. Reichert , President; Walter M.O. Steere III, Vice President; Stephen Arnold; William Worthy, Jr.; and David Laplante

Also Present: Jean Fecteau, Town Clerk; David Igliazzi, Town Solicitor; ;Christine Mathieu, Deputy Town Clerk; Chief Joseph Delprete; William Bernstein, Assistant Town Solicitor; Don Zimmerman, Acting HR Director; Ken Johnson, Building/Zoning Official; Lieut. J. Jenison, Gloucester PD

III. Pledge of Allegiance

Please stand for the Pledge of Allegiance

Councilor Reichert went on to explain the procedure for the zoom meeting and how participants can be recognized when requesting to speak. Councilor W. Reichert also stated that participants expressing inappropriate behavior or being disruptive may be removed from the meeting by the Council.

Councilor Reichert stated that the employee to be discussed this evening was notified of this meeting, pursuant to R.I.G.L. 42-46-5 (a) (1), and the Council's intention to meet in Executive Session. Councilor Reichert stated that the Clerk has received notification that the employee wishes otherwise. Councilor Reichert stated therefore, the Council does not need a motion to convene into executive session.

IV. MOTION to Seek to Convene to Executive Session Pursuant to:

R.I.G.L. 42-46-5 (a) (1) Sessions pertaining to any discussions of job performance Discussion, vote or other action by Town Council

NO ACTION TAKEN

V. Personnel - **(If Executive Session not held)**

A. Sessions pertaining to any discussions of job performance Discussion, vote or other action by Town Council

Councilor W. Reichert asked if the employee was present. The Clerk stated if the employee is present and not visible they should identify themselves. The Clerk asked Atty. Bernstein if Council can go forward if the employee in question is not present. Atty. Bernstein referred to Atty. Igliazzi. Atty. Igliazzi stated it is worth reaching out to employee to see if there is an explanation for the employees absence.

(Chief DelPrete attempted to contact employee at this time.)

Atty. Igliazzi stated if we have received correspondence from the employee that they wish to hold this meeting in open session he believes we can go forward in open session. The Clerk stated she received an

email at 3:35 p.m. today stating that the employee would like the meeting in open forum this evening. Chief DelPrete stated he has not been able to contact the employee.

Atty. Bernstein asked if all Council members received their packet of information that he sent out to them. Atty. Bernstein asked Council to accept into the record the packet. Atty. Bernstein stated there is a summary and exhibits A-E. Atty. Bernstein stated the packet was hand delivered to the employee on January 24, 2022.

MOTION was made by Councilor Reichert to accept the Summary and Exhibits A through E attached thereto, as submissable in this case regarding ACO Silvia; seconded by Councilor Arnold
Discussion: None

Councilor Reichert requested the Clerk poll the council

Councilor Arnold -Aye
Councilor Worthy -Aye
Councilor Laplante -Aye
Councilor Steere -Aye
Councilor Reichert -Aye

MOTION PASSED

W. Bernstein, Assistant Town Solicitor , asked each witness if they would acknowledge whether their evidence, previously submitted, was true and accurate:

Marisa Coates (RIDEM)
Earl K. Newman (RISPCA)
Scott Marshall
Laura Lizotte (nodded her assent)
Donald Zimmerman (acting HR Director)
Karen Worcester-Wood

All assented.

Chief DelPrete thanked the witnesses.

Chief DelPrete entered the following into the record:

From correspondence dated January 21, 2022 addressed to Ms. Penny Silvia, 334 Wauregan Road, Danielson, CT 06239 that included the following:

1. Violation of DEM and other health regulations.
On October 6, 2021, an inspection was conducted by DEM at the Gloucester Animal Control facility. As a

result of that inspection, several violations were noted by DEM Inspector Marisa Coates. For a more detailed account of these violations, please review the attached Exhibit A, which is a complete, documented history of the violations noted.

2. Insubordination

This involves a dog named Butch who was brought to the shelter three years ago because it was a bite risk. Recently Captain Fague of the Gloucester Police Department advised you not to do anything with this dog until he could determine if it should be euthanized or assessed by SPCA to determine if it had cage syndrome and/or it was adoptable. Several attempts had been made to have it adopted previously. Captain Fague suggested that the dog might have to be euthanized. You then arranged for Butch to be adopted by an individual from Massachusetts. One day later, Butch bit someone in Massachusetts and was returned to the pound. The captain ordered you not to do anything about it until there was documentation confirming the biting incident, yet you made arrangements to have the dog euthanized before the confirmation was received. Also, You were told to give an assistant animal control officer additional hours to assist with the schedule. You refused to do this. See emails contained in Exhibit B.

3. Untruthfulness

a. Adoption of dog

On October 8, 2021 a resident, Ms. Worcester-Wood, came into the shelter to see if any dogs were available for adoption. You showed her two puppies that had recently been born, and told Ms. Worcester-Wood that she could adopt the black one. You told her it would cost approximately \$150.00 in administrative costs. According to Ms. Worcester-Wood, her husband was in Colorado at that time and was about to adopt a dog there and bring it back to Rhode Island. Ms. Worcester-Wood told her husband not to bring the dog back as you had promised the dog at the shelter to them. In reliance upon your promise, the dog in Colorado was not adopted nor brought to Rhode Island. In early November after Ms. Worcester-Wood had attempted to reach you several times, you told Ms. Worcester-Wood she could not have the dog. (See statement of Ms. Worcester-Wood in Exhibit C, attached)

b. Failure to report/document income

In October 2022, there was a fund-raising effort to raise funds for the animal shelter. Funds were generated by the sale of handmade "ghost" animals. The sale generated approximately \$362.00. These funds were never accounted for in the records for the Animal Control office. (See attached Exhibit D)

c. Denying knowledge of dog bite

Referring back to the incident with Butch, you had informed Captain Fague that you did not know that Butch had bitten someone. At the time, however, you had received communication from the person who adopted the dog to the effect that he wanted to return the dog because it had bitten someone.

4. Neglect

On October 22 and November 5. Captain Fague of the Gloucester Police Department conducted spot checks of the shelter. During these checks, the Captain observed the medicine cabinet was not properly secured and that there were puppies improperly housed in the office area. Many of the cleaning logs were missing

and/or not filled out properly. (Exhibit E)

After inspections occurred the Chief stated he asked Captain Fague and Earl Newman to work with the ACO to make corrections. The Chief stated those corrections were not made. The Chief stated, based on evidence Council has in their packet he is recommending ACO Ms. Penny Silvia be terminated from employment.

Atty Igliazzi pointed out some amendments to the packet submitted into the record:

Page 2, Subsection b. reference to October 2022 should be October 2021.

Page 3, Subsection 4. reference to October & November 2022 should be 2021

Councilor W. Reichert asked if there was any further testimony. Councilor S. Arnold stated he feels the packet speaks for itself.

Atty. Igliazzi asked that the correspondence the Town Clerk sent notifying the employee about her rights relating to R.I.G.L. 42-46.5 and the email the Clerk received from the employee (Feb 3, 2022) stating she chose the meeting to be held in open session should be made part of the record (packet).

All Councilors acknowledged that they have received the packet presented for evidence (Steere, Arnold, Worthy, Laplante, & Reichert)

MOTION was made by Councilor W. Reichert to ADMIT, as part of the record, the correspondence sent by the Town Clerk to the employee relative to her rights under R.I.G.L. 42-46.5 and the email received from the employee (Feb. 3, 2022) stating she chose the meeting to be held in open session; seconded by Councilor Worthy

Discussion: None

Councilor Reichert requested the Clerk poll the council:

Councilor Arnold - Aye

Councilor Worthy -Aye

Councilor Laplante-Aye

Councilor Steere -Aye

Councilor Reichert -Aye

MOTION PASSED UNANIMOUSLY

MOTION was made by Councilor Laplante, based on the evidence submitted at this hearing, that employee, Penny Silvia, be terminated from employment from the Town of Gloucester; seconded by Councilor Worthy

Discussion: None

Councilor Reichert requested the Clerk poll the council:

Councilor Arnold - Aye
Councilor Worthy -Aye
Councilor Laplante-Aye
Councilor Steere -Aye
Councilor Reichert -Aye

MOTION PASSED UNANIMOUSLY

Councilor W. Reichert thanked everyone for their participation.

Atty. Igliazzi discussed the notice to employee.

MOTION was made by Councilor W. Steere to direct the Town Clerk to send notice of the Town Council's decision, per the Charter, to the former employee; seconded by Councilor Laplante

Discussion: None

Councilor Reichert requested the Clerk poll the council:

Councilor Arnold - Aye
Councilor Worthy -Aye
Councilor Laplante-Aye
Councilor Steere -Aye
Councilor Reichert -Aye

MOTION PASSED UNANIMOUSLY

Councilor W. Steere questioned the timing of the action. Atty. Igliazzi stated it would be effective immediately as no date in the future was stated.

VI. Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 7:05 p.m.; seconded by Councilor Laplante

Discussion: None

Councilor Reichert requested the Clerk poll the council:

Councilor Arnold - Aye
Councilor Worthy -Aye
Councilor Laplante-Aye
Councilor Steere -Aye

Councilor Reichert -Aye

MOTION PASSED UNANIMOUSLY