

ATTACHMENTS

Attachment #1	TA Kreidler Letter of Concerns Dated July 13, 2016
Attachment #2	Kreidler Concerns with Specific Information
Attachment #3	[REDACTED] Email to Sheehan Dated Monday December 7, 2015
Attachment #4	Kreidler Notes from December 22, 2015 Meeting with [REDACTED] and Giancotti
Attachment #5	Emails between Smart, [REDACTED] and Giancotti dated November 11 through November 13 th , 2015 and November 9 th and 10 th Roll Calls shift hours-assignments; Dispatch Incident Log for Officer [REDACTED], Foot Patrol - Town Clerk's Office and Dispatch Incident Log for Sgt. [REDACTED] Foot Patrol Town Hall- Selectmen's Meeting
Attachment #6	Emails of November 13 th , 2015 about [REDACTED] ammunition magazine left in the seatback and Lt. Giancotti's email to Smart and [REDACTED] and Excerpt from Attorney Debra Ecker's report of November 10, 2015 - Lt. Giancotti interview.
Attachment #7	Email of November 9 th , 2015 from Union President [REDACTED] to membership and copied to Chief [REDACTED] and Lt. Giancotti.
Attachment #8	Copies of the Town's Public Records Policy, the Department's Rule 7.5 on Dissemination of Official Information and the Town's Personnel Policy on Release of Public Records of Confidential Information
Attachment #9	Copies of Documentation regarding Lt. Giancotti's Training at Southern Police Institute including emails from Lt. Giancotti to Chief Eaton regarding the lodging expenses and reimbursement costs.
Attachment #10	[REDACTED] to-from of her recollection of January 22, 2016 conversation regarding [REDACTED] MCAD filing.
Attachment #11	Miscellaneous supporting documents.

Attachment #1

TA Kreidler Letter of Concerns Dated July 13, 2016



Office of the
BOARD OF SELECTMEN

272 Main Street

Townsend, Massachusetts 01469

Received
Interim
8/11/16
RME

Carolyn Smart, *Chairman*

Gordon Clark, *Vice-Chairman*

Cindy King, *Clerk*

James Kreidler,

Office (978) 597-1701

Town Administrator

Fax (978) 597-1719

July 13, 2016

Chief Robert Eaton
Townsend Police Department
Brookline Street
Townsend, MA 01469

RE: **CONFIDENTIAL NOT A PUBLIC DOCUMENT-CONCERNS**

Dear Chief Eaton,

On December 10, 2015, five (5) days prior to my appointment to the position of Interim Town Administrator, the Board of Selectmen voted to direct the incoming "Interim Town Administrator to investigate" certain matters¹.

Since that time those matters have led to other matters all of which have caused me concern.

I am writing this letter, after a discussion with you and at your suggestion, to list a number of matters of concern to me regarding my observations, in the six months of my service here in Townsend, related to the actions or inactions of certain members of the Townsend Police Department.

I am not writing this letter to assert that my concerns represent findings of either misfeasance or malfeasance as they've not yet been investigated. I am writing this letter because if my concerns were found to be valid they may well be actionable.

¹ Confidential Executive Session Minutes not yet released.

I judge that an investigation of these matters, in order to be responsive to the Board of Selectmen's directive, requires an internal review by someone with a deeper law enforcement background than me. I would be happy to supply additional information, verbal and written, if you deem it necessary.

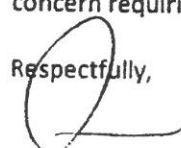
These issues reflect my concerns in very rudimentary form. My concerns include, but are not limited to, the following regarding Lt. Giancotti:

- Admitted release of former Chief [REDACTED] privileged letter to his legal counsel under a public records request.
- Admitted release of confidential public safety information in email documents under a public records request.
- Admitted release of confidential personnel information (MCAD) in email documents under a public records request.
- Admitted that he cannot identify what else he released in the records request as he did not keep a copy.
- Was not initially forthright with the Interim Chief and Interim Town Administrator about his role in the release.
- Inconsistent answers to question regarding officers appearing at the Town Clerk's office when the recall papers were pulled and at the Board meeting that same night.
- Public release of the names of officers and identifying their undercover vehicles related to an outside drug investigation.
- Knew about "High powered magazine" left in vehicle which was left in public auto dealership to be detailed. Gave only a "[REDACTED]"
- Disclosed discipline given to an employee.
- "High powered magazine" left on private property owner's lawn.
- Processing reimbursements he was not entitled to under the terms of his contract and under the publicly voted agreement of the Board of Selectmen.
- May have released confidential department info to [REDACTED] re: subordinate's alleged behavior and the reason for her being placed on leave which may in turn have led to his [REDACTED] public allegations of her being "criminally investigated."
- May not have been forthright about his knowledge of a disparaging union email re: the hiring of a new chief.
- May have participated in the release of a confidential MCAD filing document received by the police department on January 22, 2015.

I want to restate that I am not suggesting that any or all of these listed concerns represent either misfeasance or malfeasance as they have not yet been investigated. I am only fulfilling my obligation per the Board of Selectmen vote and sharing my observations for your consideration in writing per your suggestion.

I want to additionally state, however, that my hope is that none of these issues rise to the level of concern requiring action.

Respectfully,


James M. Kreidler, Jr.
Town Administrator

Attachment #2

Kreidler Concerns with Specific Information

1. Admitted release of former Chief [REDACTED] privileged letter to his legal counsel under a public records request.

Verbal in meeting with Chief [REDACTED] and me. [REDACTED] letter was released as a part of a public records request dump filled by the police department and given to former Selectman [REDACTED]. While the Lt. originally denied being the party responsible for the release he later admitted it.

[see doc 1- email 12/18/2015]

[see doc 2- email 12/29/15]

[see doc 3- facebook post by [REDACTED]]

2. Admitted release of confidential public safety information in email documents under a public records request.

Verbal in meeting with Chief [REDACTED] and me. A variety of public safety information was released as a part of a public records request dump filled by the police department and given to former Selectman [REDACTED]. While the Lt. originally denied being the party responsible for the release he later admitted it.

3. Admitted release of confidential personnel information (MCAD) in email documents under a public records request.

Verbal in meeting with Chief [REDACTED] and me. MCAD related information was released as a part of a public records request dump filled by the police department and given to former Selectman [REDACTED]. While the Lt. originally denied being the party responsible for the release he later admitted it.

4. Admitted that he cannot identify what else he released in the records request as he did not keep a copy.

Verbal in meeting with Chief [REDACTED] and me.

[see doc 2- email 12/29/15]

5. Was not initially forthright with the Interim Chief and Interim Town Administrator about his role in the release.

Verbal in meeting with Chief [REDACTED] and me. Originally stated that he was given the records request by Chief [REDACTED] and handed it off to [REDACTED] to collect the documents. Further stated that [REDACTED] presented him a pile of documents and that he briefly thumbed through them before giving them back to [REDACTED] to distribute to the requesting party. Subsequently, in a second meeting, the Lt. changed his story and admitted that it was he who gave the requester the packet, only changing his story after [REDACTED] contradicted the Lt.'s story.

[see docs 9.1-9.13- emails through fall of 2015]

8. Knew about "High powered magazine" left in vehicle which was left in public auto dealership to be detailed. Gave only a "[REDACTED]"

While the Lt. wrote in an email to the Chairwoman that he had given a "[REDACTED]" when interviewed by the town's investigator he stated that he did not give a "[REDACTED]"

[see docs 10.1-10.3- emails November 2015 and investigator's statement re: Lt.]

9. Disclosed discipline given to an employee.

[see #8 above]

10. "High powered magazine" left on private property owner's lawn.

Verbal from the Lt. in discussion with Interim Chief [REDACTED] and verbal from [REDACTED] in her exit interview. Admittedly occurred and nothing done.

11. Processing reimbursements he was not entitled to under the terms of his contract and under the publicly voted agreement of the Board of Selectmen.
12. May have released confidential department info to [REDACTED] re: subordinate's alleged behavior and the reason for her being placed on leave which may in turn have led to his [REDACTED] public allegations of her being "criminally investigated."
13. May not have been forthright about his knowledge of a disparaging union email re: the hiring of a new chief.
14. May have participated in the release of a confidential MCAD filing document received by the police department on January 22, 2015.

Attachment #3

Lisio Email to Sheehan Dated Monday December 7, 2015

Please see the enclosed public records request. Please respond directly to the requester as I am likely to have left by the time the records are compiled. Thanks.

From: [REDACTED]
Sent: Monday, December 07, 2015 10:32 AM
To: Townsend Town Administrator
Subject: Public Records Request - 12/7/15

Hi Andy,

I know this is your last week... sorry. Hopefully it is not one that will take too much effort as it is from the Police Department's server. I will gladly accept electronic files that I can view in MS Outlook or a similar application.

I don't have Chief [REDACTED] email, so would you please forward this to him for me as I assume he would be the one to administer this request as he is the official keeper of these records.

Date: 11/16/15

Andrew Sheehan, Town Administrator
Town of Townsend, Massachusetts, 01469

Re: Massachusetts Public Records Request

Dear Mr. Sheehan:

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10).

I request that I be provided copies of each of the following records:

1. Copies of emails sent to Chief [REDACTED] and Interim Police Chief [REDACTED] from Selectman Carolyn Smart beginning on 8/1/2015 and through 12/5/2015.
2. Copies of emails sent to Chief [REDACTED] and Interim Police Chief [REDACTED] from Selectman Gordon Clark beginning on 8/1/2015 and through 12/5/2015.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. I will gladly accept electronic versions or copies instead of paper if that is less labor intensive for staff to process.

If you expect costs to exceed \$10.00 each, please provide a detailed fee estimate before proceeding.

The Public Records Law requires you to provide me with a written response within 10 calendar days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

Sincerely,

[REDACTED]

[REDACTED]

Townsend, MA 01469

Attachment #4

**Kreidler Notes from December 22, 2015 Meeting
with [REDACTED] and Giancotti**

P. P. [redacted] [redacted]
[redacted] - [redacted] letter

Ent-
100015

JMK

[redacted]

Al Granetti

Email from [redacted] to Andy
Andy leaving - forwarded to [redacted]
[redacted] to [redacted] to fill
Granetti's shoes [redacted] doing it
[redacted] Read on to [redacted]

— END —

Attachment #5

**Emails between Smart, [REDACTED] and Giancotti dated
November 11 through November 13th, 2015 and
November 9th and 10th Roll Calls shift hours-assignments;
Dispatch Incident Log for Officer [REDACTED] Foot Patrol - Town
Clerk's Office and Dispatch Incident Log for Sgt. [REDACTED] Foot
Patrol Town Hall- Selectmen's Meeting**

4

Subject:

Wednesday, November 11, 2015 7:47 AM

He is also a member of the following organizations:

I want a written response for the following.

Who assigned Officer [REDACTED] to the Town Clerk's office when the petition was pulled

I view these actions as a form of police intimidation and that will not be tolerated.

On another note, I do appreciate your assistance in sending me some of the costs associated with the ongoing investigation. I am still awaiting the cost associated for the entire investigation from the start. Please let me know the final date, as we need to address the vehicle situation as soon as the investigation is complete. While I know you've only been with us a short time, I believe you should have all that information available.

Thank you as always for your assistance, Carolyn

Print

2

6.1 Close

Fwd: RE: Assignment/Legal Liability

From: Carolyn Smart (csmart@townsend.ma.us)
Sent: Wed 12/16/15 6:20 AM
To: winchmanager@msn.com

Never received a response to this.

> From: [REDACTED]@townsendpd.org
> To: Carolyn Smart <csmart@townsend.ma.us>
> CC: "DJenkins@k-plaw.com" <DJenkins@k-plaw.com>
> Brian Riley
> <BRiley@k-plaw.com>,
> "asheehan@townsend.ma.us" <asheehan@townsend.ma.us>
> Date: Wed, 11 Nov 2015 07:43:26 -0500
> Subject: RE: Assignment/Legal Liability
> Thread-Topic: Assignment/Legal Liability
> Thread-Index: AdEcfl/msMcS7h3uRSuFra67M/PQKwAACT1Q
> Accept-Language: en-US
> X-MS-Has-Attach:
> X-MS-TNEF-Correlator:
> acceptlanguage: en-US
> X-MIME-Autoconverted: from quoted-printable to 8bit by
> mail.townsend.ma.us id tABCm00j042059
> X-Antivirus: AVG for E-mail 2015.0.6176 [4457/10980]
> X-AVG-ID: ID32D0CA96-4DE85032

> I will advise

> -----Original Message-----

> From: Carolyn Smart [mailto:csmart@townsend.ma.us]
> Sent: Wednesday, November 11, 2015 7:42 AM
> To: [REDACTED]@townsendpd.org
> Cc: DJenkins@k-plaw.com; Brian Riley <BRiley@k-plaw.com>;
> asheehan@townsend.ma.us
> Subject: Assignment/Legal Liability

>
> Hi Chief: As you might be aware, a petition to recall both Selectmen
> was pulled; as part of the reasons quoted was that [REDACTED] was
> filing complaints against employees and for the hiring process of
> Badgequest. With the recent notification of a potential MCAD
> complaint being filed and the recent liability exposed to the town,
> I am requesting in writing to know who assigned Sergeant [REDACTED] to
> the Selectmen's meeting last night. A request for an officer was not
> solicited nor authorized by the Board
>

11/11/15

" [REDACTED] "
" [REDACTED] "
" [REDACTED] "

Mark Giancotti

From: Robert [REDACTED]
Sent: Wednesday, November 11, 2015 7:44 AM
To: Mark Giancotti
Subject: FW: Assignment/Legal Liability

Mark do you know who assigned these officers or was it self initiative?

-----Original Message-----

From: Carolyn Smart [mailto:csmart@townsend.ma.us]
Sent: Wednesday, November 11, 2015 7:42 AM
To: [REDACTED] <[REDACTED]@townsendpd.org>
Cc: DJenkins@k-plaw.com; Brian Riley <BRiley@k-plaw.com>; asheehan@townsend.ma.us
Subject: Assignment/Legal Liability

Hi Chief: As you might be aware, a petition to recall both Selectmen was pulled; as part of the reasons quoted was that [REDACTED] was filing complaints against employees and for the hiring process of Badgequest. With the recent notification of a potential MCAD complaint being filed and the recent liability exposed to the town. I am requesting in writing to know who assigned Sergeant [REDACTED] to the Selectmen's meeting last night. A request for an officer was not solicited nor authorized by the Board.

I want a written response for the following:

Who assigned the police detail to the Selectmen's meeting and how much did that detail cost.
Who assigned Officer [REDACTED] to the Town Clerk's office when the petition was pulled.

I view these actions as a form of police intimidation and that will not be tolerated.

On another note, I do appreciate your assistance in sending me some of the costs associated with the ongoing investigation. I am still awaiting the cost associated for the entire investigation from the start. Please let me know the final date, as we need to address the vehicle situation as soon as this investigation is complete. While I know you've only been with us a short time, Lt. Giancotti should have all that information available.

Thank you as always for your assistance, Carolyn

Mark Giancotti

From: [REDACTED]
Sent: Thursday, November 12, 2015 7:24 AM
To: Mark Giancotti
Subject: FW: Assignment/Legal Liability

It can you review this

-----Original Message-----

From: Carolyn Smart [mailto:csmart@townsend.ma.us]
Sent: Wednesday, November 11, 2015 7:00 PM
To: [REDACTED]@townsendpd.org
Cc: DJenkins@k-plaw.com; Brian Riley <BRiley@k-plaw.com>
Subject: RE: Assignment/Legal Liability

Hi Chief: I have been involved with the Selectmen's office for almost 15 years, we have never had a police officer stand guard at the back of the meeting in all that time. Why did the Officer feel the need to take the initiative and monitor the entire meeting in full uniform?

In regards to Officer [REDACTED] he entered with Ms. [REDACTED] and [REDACTED] and stayed the entire time they were there, apx 15-20 minutes.

Apx 5 minutes of his presence there, I asked if he needed something and he responded that he wanted a street listing. I gave the Officer a street listing, he continued to stand there for the remaining time and left with the two above referenced persons.

I want a signed statement from Lt. Giancotti, the day to day supervisor for all patrol operations that he did not direct or have knowledge of the Officer (s) in question be present at the Selectmen's meeting or at the Town Clerk's office.

I want a signed statement from Sg [REDACTED] that he was not directed or instructed to attend the Selectmen's meeting on November 10, 2015 and that he took his own initiative to do so and for what reason.

I want a signed statement from Officer [REDACTED] that he was not directed or instructed to be present for the pulling of the petition at the Town Clerk's office on November 9, 2015 and that he was there to pick up a street listing book on behalf of the Townsend Police Department.

In regards to the total cost, thank you for that response. Am I to assume the investigation is complete? Could I trouble you for a copy of the lease agreement for the Harbor Village Mall space with an inventory of the equipment, leased or donated. As you know Massachusetts General Laws mandate the Selectmen must accept donated equipment, in addition we have a policy that demands the same. You referenced in a previous meeting that all surveillance equipment at the Harbor village mall was either donated by private persons or on loan. Please forward the list so that we may vote to accept in accordance with MGL and our policy.

thank you as always,
Carolyn

At 01:56 PM 11/11/2015, you wrote:

> In regards to the last issue first, the figures that were given to you
> were the total cost of personnel up until that date; There are no
> addition costs I'm told, I have to go with others advising me due to

>the fact I was not here.

>

>In regards to the detail officer at the selectmen's meeting, I was
>advised that the Sgt took the initiative to monitor the meeting. He was
>on duty at the time. (no cost)

>

>In regards to the officer that was at the town clerk office I was
>advised that the officer was there for street listings. (Off. [REDACTED])

>

>-----Original Message-----

>From: Carolyn Smart [mailto:csmart@townsend.ma.us]

>Sent: Wednesday, November 11, 2015 7:42 AM

>To: [REDACTED] <[REDACTED]@townsendpd.org>

>Cc: DJenkins@k-plaw.com; Brian Riley <BRiley@k-plaw.com>;
>asheehan@townsend.ma.us

>Subject: Assignment/Legal Liability

>

>Hi Chief: As you might be aware, a petition to recall both Selectmen
>was pulled; as part of the reasons quoted was that [REDACTED] was filing
>complaints against employees and for the hiring process of Badgequest.
>With the recent notification of a potential MCAD complaint being filed
>and the recent liability exposed to the town.
>I am requesting in writing to know who assigned Sergeant [REDACTED] to the
>Selectmen's meeting last night. A request for an officer was not
>solicited nor authorized by the Board.

>

>I want a written response for the following:

>

> Who assigned the police detail to the Selectmen's meeting and
> how much did that detail cost.
> Who assigned Officer Ready to the Town Clerk's office when the
> petition was pulled.

>

>I view these actions as a form of police intimidation and that will not
>be tolerated.

>

>On another note, I do appreciate your assistance in sending me some of
>the costs associated with the ongoing investigation. I am still
>awaiting the cost associated for the entire investigation from the
>start. Please let me know the final date, as we need to address the
>vehicle situation as soon as this investigation is complete. While I
>know you've only been with us a short time, Lt. Giancotti should have
>all that information available.

>

>Thank you as always for your assistance, Carolyn

>

>

>

>

>

>-----

>No virus found in this message.

Mark Giancotti

8

From: Mark Giancotti
Sent: Friday, November 13, 2015 4:49 PM
To: Mark Giancotti

Chief,

In response to the concern and complaint Mrs. Smart brought forward I offer the following:

With regards to Officer [REDACTED], he proceeded to [REDACTED] for a follow up and while there, he was asked for additional assistance.

With regard to Sergeant [REDACTED] on November 10th a roll call briefing was initiated at the 3-11 shift, which is standard operating procedure. During the briefing, the recall petition was discussed and the potential for problems during the Selectmen Meeting which was scheduled for later that evening. Sergeant [REDACTED] indicated that due to negative social media postings against the BOS, that a police presence may be needed during the meeting.

Sincerely,

Mark Giancotti
Lieutenant



Townsend Police Department *70 Brookline Street * Townsend, MA. 01469 * (978) 597 2242

mgiancotti@townsendpd.org

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Monday November 9th, 2015

Monday
November 9th

SHIFTS

Administration

Mark Giancotti (S007)	0700-1500
[REDACTED] (C002)	0800-1600
[REDACTED] (CS01)	0800-1600

Administrative Coordinator/ Records

[REDACTED]	0800-1600
------------	-----------

Dispatch

[REDACTED]	0700-1900
[REDACTED] (CS02)	1900-0600

Patrol

[REDACTED] (P001)	0700-1500
[REDACTED]	0700-1500
[REDACTED]	1500-2300
[REDACTED]	1500-2300
[REDACTED]	2300-0700
[REDACTED]	2300-0700

Sergeants

[REDACTED] (P032)	0700-1500
[REDACTED] (S010)	1500-2300

COURT APPEARANCES

[REDACTED] (P041)	0900
[REDACTED] 2015-4041	
[REDACTED]	
[REDACTED]	
[REDACTED]	0900
[REDACTED] 41	
[REDACTED] Court	
[REDACTED]	
[REDACTED] (CS34)	0900
[REDACTED] 4041	
[REDACTED] Court	
[REDACTED]	

TIME OFF

Comp Time

[REDACTED] (CS54)	0130-0700
WAS IN COURT TIL 1330 DURING DAY SO REMAINDER HOURS WOULD BE COMP	

Sick

[REDACTED] (CS02)	0730-1530
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PENDING TIME OFF

No Pending Time Off

Regular Hours:	119.00
Time Off Hours:	13.50

Tuesday November 10th, 2015

SHIFTS

Administration

[REDACTED] (S007)	0700-1500
[REDACTED] (E002)	0800-1600
[REDACTED]	0800-1600

Administrative Coordinator/ Records

S [REDACTED]	0800-1400
[REDACTED]	1800-2000

Dispatch

[REDACTED] (SS05)	0600-0700
[REDACTED] (SS05)	0700-1900
[REDACTED]	1900-0700

Patrol

[REDACTED] 17)	0700-1500
[REDACTED]	0700-1500
[REDACTED]	1500-2300
[REDACTED]	1500-2300
[REDACTED]	2300-0700
[REDACTED] 4)	2300-0700

Sergeants

[REDACTED] 032)	0700-1500
R [REDACTED] 010)	1500-2300

COURT APPEARANCES

No Appearances

TIME OFF

Sick

[REDACTED] (SC02)	0730-1530
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PENDING TIME OFF

No Pending Time Off

Regular Hours: 121.00

Time Off Hours: 8.00

Townsend Communications Department Dispatch Incident Log

Print Date: December 09, 2016

From Date: 11/09/2015 To Date: 11/10/2015

<u>CAD Incident #</u>	<u>Received Date</u>	<u>Address</u>	<u>Incident Type</u>	<u>Reported As</u>	<u>Action Taken</u>	<u>RMS Incidents</u>
2015000015730	11/09/15 03:22PM	272 Main Street, West, West	Foot Patrol	Foot Patrol P:015118	Completed	

Dispatch Remarks:

Townsend Communications Department Dispatch Incident Log

Print Date: December 09, 2016

From Date: 11/09/2015 To Date: 11/10/2015

<u>CAD Incident #</u>	<u>Received Date</u>	<u>Address</u>	<u>Incident Type</u>	<u>Reported As</u>	<u>Action Taken</u>	<u>RMS Incidents</u>
2015000015788	11/10/15 08:11PM	272 Main Street, West, West	Foot Patrol	Foot Patrol P:015170	Completed	

Dispatch Remarks: WALK THRU AND CHECKING THE AREA REMAINING IN THE AREA

Attachment #6

Emails of November 13th, 2015 about [REDACTED]'s ammunition magazine left in the seatback and Lt. Giancotti's email to Smart and [REDACTED] and Excerpt from Attorney Debra Ecker's report of November 10, 2015 - Lt. Giancotti interview.

10.1
Mark Giancotti

From: Mark Giancotti
Sent: Friday, November 13, 2015 9:36 AM
To: csmart@townsend.ma.us
Cc: [REDACTED]; Mark Giancotti
Subject: RE: Incident Townsend

Good Morning Carolyn,

In response to your inquiry, it was learned that an unmarked vehicle was dropped off at Townsend Ford to be detailed. Prior the vehicle being dropped off, the vehicle was gone through. However, a fully loaded magazine or "clip" was overlooked due to it being located deep into a back seat pocket. The item was then turned over to Officer [REDACTED] who in turn turned it over to Officer [REDACTED] who was previously in charge of the vehicle. Officer [REDACTED] then approached me and explained that he was unaware of the item being left behind but took full responsibility since he was the one that dropped off the vehicle. Officer [REDACTED] and the matter was documented.

Sincerely,

Mark Giancotti
Lieutenant



Townsend Police Department *70 Brookline Street * Townsend, MA 01469 * (978) 597-2242

mgiancotti@townsendpd.org

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From: [REDACTED]
Sent: Friday, November 13, 2015 7:56 AM
To: Mark Giancotti <mgiancotti@townsendpd.org>
Subject: Fwd: Incident Townsend

Mark as you handle this can you respond to the Selectwoman
Thanks

Begin forwarded message:

From: Carolyn Smart <csmart@townsend.ma.us>
Date: November 13, 2015 at 7:14:25 AM EST

10.1
Mark Giancotti

From: Mark Giancotti
Sent: Friday, November 13, 2015 9:36 AM
To: csmart@townsend.ma.us
Cc: [REDACTED] Mark Giancotti
Subject: RE: Incident Townsend

Good Morning Carolyn,

In response to your inquiry, it was learned that an unmarked vehicle was dropped off at Townsend Ford to be detailed. Prior to the vehicle being dropped off, the vehicle was gone through. However, a fully loaded magazine or "clip" was overlooked due to it being located deep into a back seat pocket. The item was then turned over to Officer [REDACTED] who in turn turned it over to Officer [REDACTED], who was previously in charge of the vehicle. Officer [REDACTED] then approached me and explained that he was unaware of the item being left behind but took full responsibility since he was the one that dropped off the vehicle. [REDACTED] received a [REDACTED] and the matter was documented.

Sincerely,

Mark Giancotti
Lieutenant



Townsend Police Department * 70 Brookline Street * Townsend, MA 01469 * (978) 597-2242

mgiancotti@townsendpd.org

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From: [REDACTED]
Sent: Friday, November 13, 2015 7:56 AM
To: Mark Giancotti <mgiancotti@townsendpd.org>
Subject: Fwd: Incident Townsend

Mark as you handle this can you respond to the Selectwoman
Thanks

Begin forwarded message:

From: Carolyn Smart <csmart@townsend.ma.us>
Date: November 13, 2015 at 7:14:25 AM EST

10.2
Mark Giancotti

From: Carolyn Smart <csmart@townsend.ma.us>
Sent: Saturday, November 14, 2015 6:13 AM
To: Mark Giancotti
Subject: RE: Incident Townsend

Hi Chief & Mark: In thinking about this incident, I'm hoping one of you can explain a few things for me.

1. How did a fully loaded magazine get into a back seat pocket? Is that standard protocol? Does the Police Dept have standards as to when/what weapons and ammunition are logged in and logged out, like an inventory, how do you track the Police Dept's ammunition and weaponry?
2. What vehicle was dropped off to be detailed and why was it in [REDACTED] possession.
3. What type of weapon did this fully loaded magazine belong to?
4. Is [REDACTED] certified to operate the high powered weapon?
5. Per our executive sessions [REDACTED] was no longer to be participating in any investigative case, he was to turn to his position of [REDACTED] so why was he having a vehicle detailed and why did he have high powered ammunition and weaponry?

In addition to answers to these questions, would you please forward any policies or standard operating procedures you have for tracking and operations of weapons and ammunition.

Please update me as to status of the statements I have requested and when I can expect to receive them.
Thank you.
Carolyn

At 11:46 AM 11/13/2015, you wrote:

Hi Carolyn.

I do not believe it went over the air. Someone from Townsend Ford called the station and in response dispatch sent the sector officer, who was in the station, to that location to retrieve the item.

Mark

From: Carolyn Smart [mailto:csmart@townsend.ma.us]
Sent: Friday, November 13, 2015 10:03 AM
To: Mark Giancotti <mgiancotti@townsendpd.org>
Subject: RE: Incident Townsend

Thank you Mark, someone asked me about it and I told them they must be mistaken. Was this sent out over the scanner or something?

Carolyn

Lieutenant Giancotti

I did ask the Lieutenant about the incidents raised by [REDACTED]'s attorney as examples of disparate treatment specifically the incident in which ammunition was left in a cruiser that was sent to be detailed. The Lieutenant identified [REDACTED] as the individual who did not take the ammunition out of the cruiser prior to it being taken in to be detailed. The Lieutenant stated that it was a mistake that the ammunition - which is obviously allowed to be in the cruiser while it is in use - was left in the car when it was sent to be detailed, but that at most such a mistake would [REDACTED] the officer who left it in the cruiser. The Lieutenant did not [REDACTED] Mr. [REDACTED] as a result of the incident.

Attachment #7

Email of November 9th, 2015 from Union President [REDACTED] to membership and copied to Chief [REDACTED] and Lt. Giancotti.

----- Original message -----

From: [REDACTED]@townsendpd.org>

Date: 11/09/2015 2:31 PM (GMT-05:00)

To: [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

[REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

[REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

[REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

[REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

[REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

Cc: [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org> [REDACTED]@townsendpd.org>

[REDACTED]@townsendpd.org>

Subject: Union attending town meetings

I am taking a vote, Yes would support speaking with the B/O/S at a meeting about the hiring process for a Chief. No would support not getting involved

The union members have been trying to stay informed about how the process will be conducted concerning the hiring of the departments new Chief. I am requesting that a few members be put onto the meeting agenda for Tuesday night to discuss the process regarding the hiring of the Chief, publicly, with the board of selectman.

The reason for this inquiry is to ensure the process is kept fair with no bias. Union members are concerned that with the B/O/S having leverage over the selection committee and is rumored to have picked Badge Quest for reasons of influence.

We all need to be concerned. Do we want Andy Sheehan picking our next Chief? I haven't heard of a Fire Chief being on a police hiring board, have you? The third member [REDACTED] is an employer of Mr. Clark who sit on the B/O/S

I heard that [REDACTED] has spoken openly about a Badge Quest employee Chief [REDACTED] telling him to not bother with his interview as Badge Quest has already been promised the task of finding our new Chief

As members of this department I feel that we should be more involved with town government. Please respond with a yes or no vote. Thank you.

AFSCME Council 93,
Union President, Local 3470 [REDACTED]

Attachment #8

Copies of the Town's Public Records Policy, the Department's Rule 7.5 on Dissemination of Official Information and the Town's Personnel Policy on Release of Public Records of Confidential Information



RP 400 DRE

Office of the
BOARD OF SELECTMEN
272 Main Street
Townsend, Massachusetts 01469

Robert Plamondon, *Chairman*

Maureen A. Denig, *Vice-Chairman*

David R. Chenelle, *Clerk*

Gregory W. Barnes,
Town Administrator

Office (978) 597-1701
Fax (978) 597-1719

DATE: August 14, 2006

TO: All Department Heads, Committees, Boards, and Commissions

FROM: Gregory W. Barnes
Gregory W. Barnes, Town Administrator

RE: **PUBLIC RECORDS POLICY**

The following represents a public records policy that the Board of Selectmen promulgated for public records requests made to Town Departments.

- 1) This policy supplements, by in no way is met to contradict or supercede the Massachusetts Public Records Law, MGL Chapter 4, Section 7(26) and MGL Chapter 66, Section 10.
- 2) If a department is not the custodian of the records that are being requested, then the department should direct the requestor to the appropriate department.
- 3) Public records requests may be made verbally, in person, or in writing; telephone requests are not acceptable. All requestors should be encouraged to put the request in writing. However, verbal requests are acceptable provided that the request is made in person.
- 4) Each department is required to keep a log book of public records requests, whether made verbally or in writing, noting the date and time when the request is received, the name and contact info of who made the request, and the documents requested.
- 5) In accordance with Massachusetts Public Records Law, the responding department must respond in writing within ten (10) calendar days of the request by doing one of the following: providing the requested documents; indicating that the requested documents will be provided by a date certain; or indicating that the requested documents will not be provided with explanation of why the documents are not public. Denials should only be made after consultation with the Town Administrator.
- 6) In accordance with Massachusetts Public Records Law, a requestor has the right to inspect and examine available public records under the supervision of the custodian and need not be furnished with copies of the public records, unless so requested.
- 7) In accordance with Massachusetts Public Records Law, a department may charge for copies of public records as well as the time spent to produce the requested documents. Departments should provide an estimate to the requestor of what the cost will be before the work is done. This estimate must be in writing for any requests estimated to cost in excess of ten dollars (\$10.00).

- 8) All documents, prior to being provided under a public records request, must be redacted to exclude any personal information of town employees considered by the Massachusetts Public Records Law to be private, including individual dates of birth, social security numbers or age.

Should you have any questions or concerns, please do not hesitate to contact me.

41, section 98D, every full time police officer is required to carry an official identification card to be shown to the public upon lawful request.

RULE 7.5 - DISSEMINATION OF OFFICIAL INFORMATION

Officers shall treat as confidential that information which is confided to them personally in the course of their official duties. They shall disclose such information only as required in the proper performance of their duties.

Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

Officers shall treat the official business of the police department as confidential and shall conform to the following guidelines:

- a. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
- b. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief of Police.
- c. Official records or reports shall not be copied, or removed from a police facility, except in accordance with established departmental procedures.
- d. The identity of any person giving confidential information to the department or to any officer thereof in the performance of his or her duties, shall not be divulged except

Rules and Regulations
Issue Date: March 25th, 2004

with the prior approval of the Chief of Police or by operation of law.

- e. No information shall be released, given or issued to the news media or to any members of the press concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the Chief of Police.

NOTE: All releases to the press or media of information concerning departmental policy or the evidentiary aspects of any criminal investigation shall conform to the Department's Policy and Procedure entitled *Media Relations*.

- f. Officers shall not communicate or give police information which may aid a person to escape arrest, delay apprehension or avoid prosecution or which contributes to the destruction, removal or loss of evidence, goods or contraband.
- g. Officers shall not communicate to the public, news media or to any other agency or person information connected with the department or its personnel except as authorized by the Chief of Police or by statute. All requests for public appearances or speaking engagements by officers, on the subject of criminal justice, law enforcement or department operations or policies, shall be submitted to the Chief of Police for approval.

P. 1

Flagrant insubordination such as leaving a work location contrary to direct instructions. refusal to do assigned tasks.

Conflict of Interest

The Massachusetts Conflict of Interest Law, Chapter 268A of the General Laws, prohibits public employees from soliciting or accepting gratuities for or because of, their official duties. This law prohibits certain activities, which could result in a conflict of interest or create the appearance of a conflict of interest. If you have any questions, please contact the Town Administrator. Pamphlets providing information on the Conflict of Interest statute are available from the Treasurer, the Town Clerk and the Town Administrator.

Special Municipal Employees

Generally municipal employees are prohibited from holding more than one paid position or contracting with the same city or town. However, special municipal employee status can be assigned to certain municipal positions by vote of the Board of Selectmen. Several specific municipal positions are automatically designated as "special" under the law. Employees are eligible to be designated as a special municipal employee provided that:

The employee is not paid; or

The employee holds a part-time position that allows them to work at another job during normal working hours; or

The employee was not paid by the town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. Refer to State Ethics Commission Fact Sheet No. 4 entitled "Special Municipal Employees", copy of which is available from the Board of Selectmen's office. An employee needs further clarification on any issue you have regarding the Conflict of Interest Law, please feel free to call the State Ethics Commission's Legal Division at 617-727-0060.

Gifts & Contributions

Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item of substantial value (\$50 or more) from anyone with whom they have or are likely to have official dealings. Massachusetts Conflict of Interest Law Chapter 268A of the General Laws addresses this issue in detail. The Town of Townsend takes this issue seriously. Violators face potential prosecution under the law.

Release of Public Records or Disclosure of Confidential Information

The Town of Townsend has contact with many organizations including state, county and federal governments, private businesses, news media and citizens. In many cases the Town is dealing with issues that are of a confidential and sensitive nature. Employees must be cautious not to disclose confidential or sensitive information which could lead to legal and financial repercussions for the Town, poor public relations and/or bad employee morale.

The Massachusetts Public Records Law provides that any person has the right of access to public information. This right of access includes the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee. A guide to the Public Records Law is available from the Office of the Town Clerk.

Attachment #9

Copies of Documentation regarding Lt. Giancotti's Training at Southern Police Institute including emails from Lt. Giancotti to Chief Eaton regarding the lodging expenses and reimbursement costs.

Report of the Town Administrator

February 23, 2016

1. Personnel Updates-

- a. Health Insurance- What we currently offer as employee health care insurance is an exceptionally rich benefit. The plan design in terms of co-pays and deductibles is extremely rich and the percentage split between the town and the employees at 85% to 15% is also a split that is far more reflective of benefits 15 years ago than what you see in the marketplace today.

As intuition should tell you, this is obviously not inexpensive.

To put it in perspective, the non-school, general government budget (including debt service) is roughly \$8.7 million dollars. Of that budget, 11.2% or \$1.1 million is our health insurance costs. Excluding debt service the numbers change to a full 14% of our budget on this one item.

This requires immediate attention.

Over the past couple of years we have been hit with double digit increases in this expense. This coming year, our carrier the MHA group has informed all accounts that the increases will range from 6.8% to 11.2%. This is unsustainable.

In your packets you should see a work plan put forth by NFP Insurance Consultants. I have reached out to NFP to analyze our health insurance offerings and to make recommendations moving forward. Toward that end, as procurement officer, I have put a bid out to solicit quotes from all major health insurance carriers bids will be due back within the month.

I recognize that there is a great deal of work involved in this initiative on both the labor side and in the marketplace, but we must do it. Status quo is no longer acceptable.

• **Board Action Requested-** None.

2. Financial Updates-

- a. FY16 and FY17 Working Group- Now that Town Accountant Terry Walsh is back in house I would like to arrange the first meeting of this work group. I am advised that Terry and our consulting Treasurer Collector are set to have FY15 closed by the time I am reading this report. Additionally, our new fulltime Treasurer Collector begins with us tomorrow (Wednesday) morning.

This will allow us, as a group, to focus on the acute issues in FY16 and to begin FY17 in earnest.

Board Action Requested- Which of you will take a seat in this group?

- b. FY16 Police Department Budget- As I have earlier reported, the FY16 budget is not in very good shape at all. I have been advised by our town accountant that the budget presented and voted at annual town meeting back in May was never a balanced budget. I am not referring to the use of \$80k+ in out time revenues from the stabilization fund to fund recurrent operating

expenses (although that is greatly concerning in itself), but rather that there was a \$100k+ error/oversight in the prior Town Administrator's master spreadsheet, known as the "Inflow-Outflow" sheet. This sheet was apparently relied upon to keep track of the total FY16 expenditures and while the warrant articles and associated votes were accurate their total did not tie into the spreadsheet bottom-line.

Please allow a few additional examples of problem areas that have been brought to light since my last report.

- In my short time here with you there has been a great deal of discussion surrounding the police department. I have heard that concerns had been expressed in the community, and even by members of this very Board, that the budget was in trouble and that spending was a problem. Interim Chief Barrieau has done a thorough analysis of the budget and reports the following concerns to me.
- Police Department Budget
 - Overtime was apparently originally budgeted with the presumption by the former chief. Training would be conducted by and large online through MPI-Online while officers were on duty.
 - When interim Chief Demoura arrived he changed that practice and sent staff out to the academy in West Bowdoin for training. While this is good practice---it was not budgeted.
 - Overtime was apparently originally budgeted with the presumption by the former chief that shifts would be staffed with three officers but when an officer called out his or her shift would not be backfilled with an overtime call-in.
 - When interim Chief Demoura arrived he changed that practice as well and directed that all shifts be run with three officers on and when necessary to fill the third shift via overtime call-in. This too was not budgeted.
 - On a much smaller scale but equally as indicative of budgetary problems within the department, Interim Chief Barrieau has discovered that we have been paying for a copier for over a year that was tucked into the boiler room in the basement of the police department unused. This was \$2,000 per year.
 - Yet again, Interim Chief Barrieau has identified that we have been paying for more than a year for a service that we were no longer using. This service identified the location of our public safety vehicles in real time. This program was used for officer safety purposes. This was \$2,800 per year.
 - E-911 Grants- These are grants that are formula driven and are available for the asking. Over the past three years we have either failed to apply for or have applied, been granted but never actually submitted for the funds. The total loss to the taxpayers is \$100,000. This year alone it is approximately \$35,000. To make matters worse, it is clear that there were expenses incurred against these grant funds by the department even though it should have been known that the funds were never even sought.

Board Action Requested- None requested.

3. Project Updates-

- a. Municipal Aggregation-



TOWNSEND POLICE DEPARTMENT

70 Brookline Street
Townsend, Massachusetts 01469
978-597-2212
<http://www.townsendpd.org/>

Date: February 26, 2016

To: Townsend Board of Selectmen

From: Lieutenant Mark Giacotti

Re: Appreciation

Dear Townsend Board of Selectmen:

I would like to take this opportunity to give thanks to those that have made this training opportunity possible, in order for me to attend the 76th Command Officers Development Course, offered by the University of Louisville, KY.

My sincere thank you goes to Chief Barrieau for advocating and recognizing the need for this training. I also would like to thank Mr. Kreidler for presenting this in such a way and highlighting the available scholarship that ultimately made this endeavor possible.

I am most thankful, however, to the Townsend Board of Selectmen for making this training opportunity a reality. I believe that by investing in me through this training not only will it develop me professionally, but also personally. I am sure this rigorous program will stretch my mind and at the end will make me a better officer and a better leader. The skills learned and passed on will no doubt enhance this agency and benefit the community we serve.

Again, thank you for allowing me to attend this course as I will do my due diligence to not disappoint.

Sincerely,

Mark Giacotti

Mg

Cc: Chief Rock Barrieau
Mr. James Kreidler

Robert Eaton

From: Mark Giancotti
Sent: Sunday, May 08, 2016 12:17 PM
To: Robert Eaton
Cc: [REDACTED]; Mark Giancotti
Subject: Lodging

Good Morning Chief,

Be advised that the cost of my lodging has gone up. This past week I stayed at the West Hartford Inn. After a week there, I deemed it to be terrible! The Inn is dirty, smelly, and after seeing a worker set up the breakfast bar wearing pajamas, it removed all doubt. Hotel reviews will explain it all.

That said, I secured a room at the next cheapest hotel. Although more expensive than the West Hartford Inn, it is less expensive than the hotel that the university has contracted with. Please let me know if you have any issues or concerns. I have submitted the paid invoice as well as a projected invoice for this week to Sam for reimbursement.

Sincerely,

Mark Giancotti
Lieutenant



Townsend Police Department *70 Brookline Street * Townsend, MA. 01469 * (978) 597 2242

mgiancotti@townsendpd.org

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Robert Eaton

From: [REDACTED]@townsend.ma.us>
Sent: Tuesday, May 24, 2016 7:24 PM
To: Robert Eaton; gnclark613@gmail.com
Subject: Warrant/Reimbursement
Attachments: SKM_454e16052419140.pdf

The Selectmen had a question regarding the reimbursement on the hotel for the lieutenant (attached). If you could please call Gordon at 508-341-5781 it would be much appreciated.

Thank you,

[REDACTED]
[REDACTED]
Town of Townsend
Townsend, MA 01469
978-597-1700
Fax: 978-597-1719
[REDACTED]@townsend.ma.us

The contents of this email and any attachments are the property of the Town of Townsend and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record and not confidential.

Robert Eaton

From: Robert Eaton
Sent: Wednesday, May 25, 2016 4:55 AM
To: jkreidler@townsend.ma.us
Subject: FW: Warrant/Reimbursement
Attachments: SKM_454e16052419140.pdf

Jim,

It was my understanding questions and other information coming from and to the Board of Selectmen would come through you.

Is this how you want to handle this?

Chief R. Eaton

From: [REDACTED]@townsend.ma.us]
Sent: Tuesday, May 24, 2016 7:24 PM
To: Robert Eaton; gnclark613@gmail.com
Subject: Warrant/Reimbursement

The Selectmen had a question regarding the reimbursement on the hotel for the lieutenant (attached). If you could please call Gordon at 508-341-5781 it would be much appreciated.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED] Town of Townsend Townsend, MA 01469

978-597-1700

Fax: 978-597-1719

[REDACTED]@townsend.ma.us<mailto:[REDACTED]@townsend.ma.us>

The contents of this email and any attachments are the property of the Town of Townsend and subject to the Public Records Law, M.G.L. c. 66, section 10. When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record and not confidential.

Robert Eaton

From: Mark Giancotti
Sent: Friday, June 03, 2016 10:59 AM
To: Robert Eaton
Cc: Mark Giancotti
Subject: Lodging

Hi Chief,

Looking to see if you have a status on my hotel reimbursement as well as future hotel payments as I may need to make other arrangements. Session three is due to start on Monday and I would like to know where I stand.

As I stated to you on Wednesday, the training, including lodging, was approved by chief [REDACTED] and the town paid for the first two weeks of hotel stay.

I am confused as to why this is coming up now and am concerned that training that I attended two years ago is also coming up for discussion at the last Selectmen Meeting without me being notified.

I disagree that my contract does not cover training as article 12 specifically addresses and is limited to annual conferences.

Youth attention in this matter is greatly appreciated and I hope I will be supported by you on this.

Sincerely,

Mark Giancotti

3

Robert Eaton

From: Mark Giancotti
Sent: Friday, June 03, 2016 3:33 PM
To: Robert Eaton
Subject: Fwd: Training

Chief,

This was a reply from Ms. Smart after sending the thank you letter we spoke about, fyi.

Lt

Sent from my iPhone

Begin forwarded message:

From: Carolyn Smart <csmart@townsend.ma.us>
Date: February 26, 2016 at 11:00:29 AM EST
To: Mark Giancotti <mgiancotti@townsendpd.org>
Subject: RE: Training

Hi Mark: you're very welcome, the letter was thoughtful of you. I have no doubt you will excel in the training program.

Take care, and have a nice weekend
Carolyn

From: Mark Giancotti [<mailto:mgiancotti@townsendpd.org>]
Sent: Friday, February 26, 2016 10:43 AM
To: jkreidler@townsend.ma.us; Carolyn Smart <csmart@townsend.ma.us>; gnclark613@gmail.com; Selectmancindyking@gmail.com; [REDACTED] <[REDACTED]@townsendpd.org>
Cc: Mark Giancotti <mgiancotti@townsendpd.org>
Subject: Training

To all recipients,

Please see enclosed attachment.

Thank you,

Mark Giancotti
Lieutenant

**TOWN OF TOWNSEND
CONTRACT OF EMPLOYMENT
LIEUTENANT OF POLICE**

This contract of Employment (Contract) made this 10TH day of FEBRUARY 2015 by and between the Town of Townsend (Town) and Mark Giacotti, Police Lieutenant (Lieutenant).

Witness That:

1. EMPLOYMENT:

The Town, by and through its Board of Selectmen (the Board), hereby employs Mark Giacotti, Police Lieutenant of the Town, pursuant to Massachusetts General Laws, Chapter 41, Section 97A.

2. TERM:

The term of this contract shall be from February 3, 2015 to June 30, 2016.

3. COMPENSATION:

The Town shall pay the Lieutenant during the term of this Contract on the following basis subject to appropriation by Town Meeting:

a. Salary:

Fiscal Year 2015: Prorated annual salary of \$89,900.00;

Fiscal Year 2016: \$89,900.00

b. Longevity:

On the anniversary date in each year of this Contract, the Lieutenant will receive a longevity payment of \$1,500.00

c. Outside Details:

The Lieutenant shall be allowed to work extra details (outside details) and shall be paid at the then current detail rate to other officers pursuant to the union contract. On all extra details there will be a guaranteed minimum of four (4) hours. He will be entitled to a full eight (8) hours of pay in those cases where the detail returns in the afternoon and is dismissed early.

4. UNIFORM ALLOWANCE:

The Town shall pay annually to the Lieutenant a uniform allowance of \$1,250.00

5. POLICE BENEFITS:

The Lieutenant shall be entitled to all injured-on-duty benefits and retirement benefits to which other full-time police officers of the Department are entitled.

6. INSURANCE BENEFITS:

The Lieutenant shall be entitled to all health and life insurance benefits to which other Town employees are entitled.

7. INDEMNIFICATION:

With the exception only of an intentional violation of civil rights of any person and provided that the Lieutenant acts within the scope of his duties, the Town shall

10. HOLIDAYS:

The Lieutenant shall not be required to work holidays but shall remain available as on-call during these time periods and shall report to work if needed unless arrangements have been made in advance with the Chief of Police. If the Lieutenant is required to work or is called in to work on a holiday, he will receive normal pay for all hours worked and shall be entitled to an additional day off as his holiday as arranged with the Chief of Police.

The following days, or days observed as such, shall be recognized as paid holidays:

New Years Day	Patriot's Day	Labor Day
President's Day	Columbus Day	Thanksgiving Day
Veterans' Day	Martin Luther King Day	Independence Day
Memorial Day	Christmas Day	

If the holiday falls on a day off, the Lieutenant shall receive an additional day off as his holiday as arranged with the Chief of Police.

The Lieutenant will be entitled to a yearly Holiday on call differential amounting to \$3,789.00. This deferential will be paid in two payments to the Lieutenant. The first payment will be on July 1 and the second payment will be paid on January 1.

11. DUTIES:

The Lieutenant shall administer and conduct his duties under the direction of the Chief of Police. The Lieutenant shall be deemed to be available for duty twenty-four (24) hours a day, except during absences provided in Paragraph 8. The Town and the Lieutenant agree that the Lieutenant is an exempt employee for the purposes of FLSA.

12. PROFESSIONAL DEVELOPMENT:

a) The Town of Townsend recognizes its obligation to aid in the professional development of the Lieutenant. The Lieutenant shall, at the discretion of the Chief of Police, be given opportunities to develop his skills and abilities as a law enforcement administrator and police officer. Each fiscal year, the Lieutenant will be entitled to reimbursement not to exceed \$550.00 annually to cover the annual conference fees of annual training conferences such as the International Association of Chiefs of Police, FBI National Training Associates, or any other curriculum that benefits the Lieutenant in his professional position, as approved and scheduled by the Chief of Police. ~~The Lieutenant will be responsible for all lodging costs and out-of-state travel for the annual training conferences.~~

b) Upon completion of courses, pre-approved by the Chief of Police, in Law Enforcement or related fields (including courses that are required or necessary to attain a degree in Law Enforcement, Criminal Justice, Sociology, Psychology, Human Services or Municipal Management) the Lieutenant will be paid an annual incentive stipend either in accordance with the provisions of the police career incentive program, M.G.L. c 41, § 108L (also known as the Quinn Bill) as may be amended from time to time. The Lieutenant acknowledges and agrees that the Town shall not be responsible for more than fifty percent (50%) of the career incentive payments to be made to eligible employees. In the event the Commonwealth of Massachusetts fails to appropriate funds sufficient to pay its fifty percent (50%) share of the career incentive payments as specified in M.G.L. c. 41, § 108L, the Town shall compensate the Lieutenant for the full Quinn amount without regard to the Commonwealth's

FOR THE TOWN OF TOWNSEND
By Its Board of Selectmen:

Sue Lisio
Sue Lisio, Chair

Colin McNabb
Colin McNabb, Vice-Chair

Carolyn Smart, Clerk

Date Signed: 2/10/15

By: Police Lieutenant

Mark Giancotti
Mark Giancotti, Lieutenant

Date Signed: 2/6/2015

Attachment #10

[REDACTED] to-from of her recollection of January 22,2016 conversation regarding [REDACTED] MCAD filing.



TOWNSEND POLICE DEPARTMENT

70 BROOKLINE STREET • TOWNSEND, MASSACHUSETTS 01469

TEL: 978-597-2242 FAX: 978-597-1718

ROBERT M. EATON, JR.
CHIEF OF POLICE

December 22, 2016

Arty Parker - Investigator

RE: MCAD

Mr. Parker,

Please accept this statement in regards to our discussion this morning December 22, 2016. After further thought of MCAD Discussion I recall some more detail of the questions in which you asked. On the said date of January 22, 2015 I recall opening the envelope at my desk not knowing what the contents would be inside. As I was prepping the document for the Chief as I said placing it in an envelope labeling it "Chief" at that time Lieutenant Giancotti had approached my desk and noticed the document sitting on my desk he asked what it was. I stated a complaint against Townsend Police [REDACTED]. At that time he read the document sitting at the desk of [REDACTED]. After that I placed the document in large envelope labeled Chief under the locked door of the Chief's office.

Given the nature of the MCAD Report with my name being mentioned multiple times I felt as though I was being brought into what had happened on the day of [REDACTED] paid administrative leave. I felt upset and was visibly upset that Dispatcher [REDACTED] asked me what was wrong. From the discussion with her I recall stating that I was being brought into a complaint involving [REDACTED] accusing me of making her feel on the outside and that officers at my desk made her feel uncomfortable. At that time [REDACTED] stated to me that [REDACTED] had been speaking in the past about me to her that she believed I was not being [REDACTED] because they would come upstairs and say hello to me or engage in conversation with me making her feel left out.

As to the discussion involving Lieutenant, Sergeant [REDACTED], Dispatcher [REDACTED] and myself I do recall that discussion happening. I do not know the discussion at length and I do not remember myself speaking in the conversation. As well as I do not know if [REDACTED] was present or not.

As to how the MCAD report was brought to Facebook to me is still unknown.

Respectfully Submitted,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attachment #11

Miscellaneous supporting documents

POLICE LIEUTENANT

Position Purpose:

Under the general direction of the Chief of Police, the position of Lieutenant is responsible for the supervision, coordination and control of all officers, Communication dispatchers, and all non-sworn employees. The lieutenant is also responsible for accreditation, Internal Affairs, research and planning, along with assisting with budget control. In the absence of the Chief, the Lieutenant will assume the powers, duties and responsibilities of the Chief, subject to any limitations set by the Chief. Has the responsibility for constantly directing his/her best efforts towards providing the highest level of safety, security and service for the citizens of the Town of Townsend. Performs all other related work as required.

Supervision:

Supervision Scope: Performs highly responsible duties requiring frequent application of initiative and independent judgment to solve problems within limitations of established standards or precedents and in accordance with department policies, procedures, operations and plans.

Supervision Received: Works under the administrative direction of the Chief of Police and in accordance with applicable Massachusetts State Laws, town policies and bylaws, and relevant local, state and federal regulations and standards, referring all unusual cases to supervisor. Generally establishes own work plan and completes work in accordance with established departmental policies and standards.

Supervision Given: Supervises all subordinate officers directly and indirectly through subordinates, assigning tasks and providing instructions, training new employees in proper work procedures, evaluating work performance. Responsible for approximately 32 employees.

Job Environment:

Administrative work is performed under typical office conditions. When there is no Sergeant on duty, performs patrols, during emergencies, as needed, or when conducting investigations, is exposed to varying weather conditions and situations endangering personal safety. Wears appropriate uniform and equipment.

Operates a police cruiser, all police equipment including firearms, a computer, and other standard office equipment.

Makes frequent contacts with the general public, other public officials, local civic and social organizations, district attorney's office, municipal vendors, state and local police, federal law enforcement agencies, courts, schools, correctional facilities, department of social services, hospitals, and various local businesses. Contacts usually involve an information exchange dialogue, but frequently require considerable persuasiveness and resourcefulness to influence the behavior of others.

Has access to department-related highly confidential information such as personnel records, criminal investigations and records, lawsuits, and personal information about citizens.

Townsend, MA
Police Lieutenant
FLSA: Exempt
Page 1

Errors could be costly in terms of decreased or less efficient protection to persons and property, confusion and delay, possible personal injury/death, and have direct financial and legal repercussions.

Essential Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Works carefully to be aware and have a clear understanding of the authority delegated to him/her for the performance of assigned duties and responsibilities.

Carries out all orders and directives from the Chief and clearly communicates to personnel the nature of any orders that affect them or their responsibilities. All significant changes are carefully explained so that there are no misunderstandings of their intent and purpose.

Keeps the Chief informed of all significant events or developments which may affect the department or its personnel.

Serves as Internal Affairs officer for the Police and Communications Department, conducting investigations and implementing, or suggesting appropriate discipline in cases of alleged or apparent misconduct by the Police or Communication members. Keeps internal affairs files separately in a secured location.

Conducts periodic staff meetings with Sergeants, solicit input from them; advise and inform the Chief in the preparation of both periodic administrative and full staff meetings.

Assists in the preparation, monitoring and administering of the Police and Communication Department's annual budget as directed by the Chief; receives monthly reports from the Sergeants regarding the operational services and organizational needs. Prepares and submits to the Chief of Police reports related to needs and activities of the Police and Communication Departments.

Responsible for the research and development of plans and procedures for all phases of the Police and Communication Departments operations and for reporting to the Chief any changes or innovations in police sciences or technology which would improve or enhance organizational operations.

Prepares and submits reports to the Chief, with appropriate recommendations, whenever any change or revision of current police/communications practices, policies or procedures seems advisable.

Assumes the duties of Accreditation Manager and receives specialized accreditation manager training, if needed, within one year of appointment. He/she shall be responsible for obtaining and maintaining Certification/Accreditation standards.

Directly assists the Chief in the development of plans and programs for improving the delivery of Police and Communication services and the efficiency of Department operations.

Cultivates and promotes a close working relationship among all department personnel to create the highest level of productivity and effectiveness.

Responds readily to questions from personnel regarding their duties and responsibilities and obtains official answers whenever necessary.

Maintains discipline and morale and promotes harmonious relations and mutual cooperation among all personnel.

Observes, on a regular basis, the appearance, efficiency, initiative and capability of all personnel and advise, counsel and motivate those whose duty performance is unsatisfactory or inadequate.

Has access to extensive confidential information concerning personnel records and criminal investigations.

Directly assists the Chief with establishing disciplinary procedures to encourage professionalism in the Department. Determines disciplinary action as required.

Attends meetings and conferences for purposes of public relations, regional discussions, and information gathering and exchanges.

Performs highly responsible duties requiring independent judgment and initiative in planning, organizing and directing the work of the Department, and in the enforcement of statute law, town bylaws and departmental rules and regulations.

Under the Chief's direction, represents the Department and maintains mutual cooperation as a liaison with all Town Officials and with state, county, and federal agencies.

Periodically reviews the overall performance of the Department.

Applies for and administers available grants and funding opportunities.

Performs similar or related work as required.

Recommended Minimum Qualifications:

Education, Training and Experience:

Associates Degree or equivalent; Bachelor's Degree desirable; graduation from the Massachusetts Criminal Justice Academy. At least five years of experience in law enforcement, preferably in a supervisory role; or any equivalent combination of education and experience.

Special Requirements:

Possession of a valid motor vehicle operator's license.

Possession of a license to carry a firearm.

Knowledge, Ability and Skill:

Knowledge: Knowledge of the principles and practices of police administration, and of approved police methods and procedures. Thorough knowledge of state and federal laws and regulations affecting police work. Knowledge of criminal law and modern techniques of criminal investigations. Working knowledge of the entire police department both administratively and operationally. Knowledge of computer applications as they are used in police work. Knowledge of budgeting and fiscal control. Knowledge of the principles, practices and techniques of police supervision. Knowledge of appropriate police goals, objectives, methods, procedures, and techniques pertaining to major police functions (such as, patrol, traffic, criminal investigation, crime prevention, juvenile programs and problems, community relations).

Ability: Ability to lead and supervise subordinates and to transmit general instructions in the form of detailed orders. Ability to establish and maintain effective working relationships with, subordinates, the general public and other law enforcement officials. Ability to analyze and interpret laws, bylaws, rules, regulations, standards, and procedures, and apply them to specific situations and cases. Ability to work in a high stress environment on a regular basis. Ability to remain calm, concentrate and perform all responsibilities in a competent manner at all times. Ability to communicate effectively and efficiently verbally and in writing at all times. Ability to coordinate efforts of others in accomplishing assigned objectives.

Skill: Good managerial and organizational skills. Skill in utilizing computers.

Physical Requirements:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Incumbent must possess the ability to meet required physical standards of age, height, weight and strength. Performance of work frequently involves standing, walking, and driving for long periods of time. Correctable vision and hearing required; close vision, distance vision, and ability to adjust focus. During emergencies may be required to run, jump, climb, stoop, crouch, kneel, and climb a ladder/fence/stairs; must be able to access all levels of a building/structure. Operates all department vehicles, tools, equipment, office equipment, and firearms. Must occasionally lift and/or move objects weighing over 100 pounds. Required to detect odors and have temperature sensitivity. (This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)

BILLINGSGATE ASSOCIATES LLC

PRIVATE INVESTIGATIONS

Arthur A. Parker Jr., Principal

P.O. Box 1005

Wellfleet, MA 02667-1005

508-207-7219

a.parker13@comcast.net

Licensed by the Massachusetts State Police # LP0509B

To: Chief Robert A. Eaton, Townsend Police Department

From: Arthur A. Parker Jr., Investigator

Subject: Scope of Administrative Investigation

Date: November 17, 2016

There are several "concerns" observed within the past six months by Town Administrator's James M. Kreidler's cited in his letter dated July 13, 2016 and received by Police Chief Eaton on August 1, 2016. The letter states Mr. Kreidler's concerns are specifically about Lt. Giancotti. These specific concerns will comprise the scope of this investigation are listed below.

1. That Lt. Giancotti "admitted release of former Chief [REDACTED]'s privileged letter to his legal counsel under the public records request."
2. That Lt. Giancotti "admitted release of confidential public safety information in email documents under a public records request."
3. That Lt. Giancotti "admitted release of confidential personnel information (MCAD) in email documents under a public records request."
4. That Lt. Giancotti "admitted that he cannot identify what else he released in the records request as he did not keep a copy."
5. That Lt. Giancotti "was not initially forthright with the Interim Chief and Interim Town Administrator about his role in the release"
6. That Lt. Giancotti provided "inconsistent answers to question regarding officers appearing at the Town Clerk's office when the recall papers were pulled and at the Board meeting that same night."
7. That Lt. Giancotti made a "public release of the names of officers and identifying their undercover vehicles related to an outside drug investigation."
8. That Lt. Giancotti "knew about a 'high powered magazine' left in a vehicle which was left in public auto dealership to be detailed. Gave only [REDACTED]".
9. That Lt. Giancotti "disclosed discipline given to an employee."
10. That Lt. Giancotti knew about "High powered magazine left of private property owner's lawn"
11. That Lt. Giancotti "processed reimbursements he was not entitled to under the terms of his contract and under the publicly voted agreement of the Board of Selectmen.
12. That Lt. Giancotti "may have released confidential department info to [REDACTED] re: subordinate's alleged behavior and the reason for her being placed on leave which may in turn have led to his [REDACTED]'s public allegations of her being criminally investigated."

13. That Lt. Giancotti "may not have been forthright about his knowledge of a disparaging union email re: the hiring of a new chief."
14. That Lt. Giancotti "may have participated in the release of a confidential MCAD filing document received by the police department on January 22, 2016."

Respectfully Submitted,

Arthur A. Parker Jr.

Arthur A. Parker Jr.

Investigator

BILLINGSGATE ASSOCIATES LLC

PRIVATE INVESTIGATIONS

Arthur A. Parker Jr., Principal

P.O. Box 1005

Wellesley, MA 02667-1005

508-207-7219

a.parker13@comcast.net

Licensed by the Massachusetts State Police # LP-0509B

From: Chief Arthur A. Parker Jr. (ret.)
Under the authority of Chief Robert A. Eaton

To: Lt. Mark Giancotti

Subject: Administrative Review

Date: December 13, 2016

The Townsend Police Department has initiated an administrative review based on a list of concerns involving you that were received by Chief Robert A. Eaton from Town Administrator James Kreidler.

This list of concerns includes:

1. That Lt. Giancotti "admitted release of former Chief [REDACTED]'s privileged letter to his legal counsel under the public records request."
2. That Lt. Giancotti "admitted release of confidential public safety information in email documents under a public records request."
3. That Lt. Giancotti "admitted release of confidential personnel information (MCAD) in email documents under a public records request."
4. That Lt. Giancotti "admitted that he cannot identify what else he released in the records request as he did not keep a copy."
5. That Lt. Giancotti "was not initially forthright with the Interim Chief and Interim Town Administrator about his role in the release"
6. That Lt. Giancotti provided "inconsistent answers to question regarding officers appearing at the Town Clerk's office when the recall papers were pulled and at the Board meeting that same night."
7. That Lt. Giancotti made a "public release of the names of officers and identifying their undercover vehicles related to an outside drug investigation."
8. That Lt. Giancotti "knew about a 'high powered magazine' left in a vehicle which was left in public auto dealership to be detailed. Gave only [REDACTED]"
9. That Lt. Giancotti "disclosed discipline given to an employee."
10. "High powered magazine left of private property owner's lawn"
11. That Lt. Giancotti "processed reimbursements he was not entitled to under the terms of his contract and under the publicly voted agreement of the Board of Selectmen.

12. That Lt. Giancotti "may have released confidential department info to [REDACTED] re: subordinate's alleged behavior and the reason for her being placed on leave which may in turn have led to his [REDACTED]s public allegations of her being criminally investigated."
13. That Lt. Giancotti "may not have been forthright about his knowledge of a disparaging union email re: the hiring of a new chief."
14. That Lt. Giancotti "may have participated in the release of a confidential MCAD filing document received by the police department on January 22, 2016."

Chief Eaton and K-P Law in their capacity as Town Counsel have hired me, Chief Arthur A. Parker Jr. (ret.), the principal of Billingsgate Associates LLC, to conduct an independent review of these concerns. As the investigator, I am authorized by the Office of the Chief of Police to require conformity with all departmental rules and regulations, policies and procedures and general orders and to issue orders to facilitate the review of this matter. The purpose of this review is to determine whether or not any department rule and regulation, policies and procedures, guidelines or other workplace rules have been violated.

You are required to meet with me for an interview concerning the circumstances surrounding the listed concerns and there is a possibility you may also be required to submit a report about certain and specific activities involving the listed concerns. You are required to tell the truth at all times during any interviews or in any reports and should understand that untruthfulness includes making false statements and/or intentionally omitting significant or pertinent facts concerning the matter under review. Any untruthfulness during this review will lead to a recommendation for termination.

The interview purpose will be to learn the facts and to offer you an opportunity to explain any knowledge, actions or omissions regarding the listed concerns above. The scope of this review does not include any known criminal activity at this time.

Please be advised that you have all of the rights and privileges guaranteed by the laws of the Commonwealth of Massachusetts and the United States Constitution. You may invoke any of your constitutionally guaranteed rights against self-incrimination when asked specific questions regarding your involvement in any specific criminal activity, but must answer all questions that are narrowly and specifically asked regarding the performance of your duties and professional responsibilities. Your failure to answer questions could subject to disciplinary action by the Town of Townsend in the form of discharge for your failure to answer material and relevant questions relating to the performance of your duties as an employee of the Townsend Police Department. The scope of this review does not include any known criminal activity at this time.

Your interview you has been scheduled at the **Townsend Library Trustees Room for December 20th, 2016 at 11:45 AM.** Your attendance is mandated at this interview and failure to appear and cooperate fully and truthfully in the investigation will result in discipline including a recommendation for your termination.

Failure to appear at this interview will result in disciplinary action in the form of a recommendation for termination. No rescheduling of this interview will be allowed unless approved by the Chief of Police in writing.

You are now ordered not to discuss this notice, the subjects being reviewed, the content of any reports and any other written or verbal communications including interviews concerning this review with anyone except your legal representative and the Chief of police or me. This order specifically includes current and past members of the Townsend Police Department.

If you have any questions concerning this matter, please contact me.

James Kreidler

From: [REDACTED]@townsend.ma.us>
Sent: Monday, December 28, 2015 12:31 PM
To: townhallstaff@townsend.ma.us; townhallemployees@townsend.ma.us
Cc: jkreidler@townsend.ma.us
Subject: FW: FOIA

The Interim Town Administrator asked me to forward this to everyone... please see below

Thanks,
[REDACTED]

From: James Kreidler [mailto:jkreidler@townsend.ma.us]
Sent: Tuesday, December 22, 2015 2:43 PM
To: [REDACTED]@townsend.ma.us
Subject: FOIA

[REDACTED]

Please distribute an email to all on my behalf (or get me everyone's email addresses) as follows:

Dear All,

All departments, employees, boards and commissions under the jurisdiction of the Board of Selectmen for appointment or supervision, and the Town Administrator for day to day matters, are hereby directed to bring any copy of a public records request/freedom of information act request to the Town Administrator's office immediately upon receiving it. You should in no way respond or distribute any documentation under such requests unilaterally.

To be clear- In an effort at assuring adherence to the ever changing laws surrounding public records and to create and maintain a consistent file record, all responses to public records requests/freedom of information act requests shall be processed through the Town Administrator's office.

All elected departments, employees boards and commissions are strongly encouraged to follow suit.

Any questions, please just ask.

Best,

Jim

James M. Kreidler
Interim Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics unless it falls under one of the statutory exemptions to the Public Records Law MGL Chapter 4, Section 7(26). Consequently, email is subject to the disclosure, retention and maintenance provisions as required by law. MGL Chapter 66