

SELECT BOARD PUBLIC HEARING

Thursday, August 31, 2023

Select Board Chamber, Town Hall

Participants: James J. Kilcoyne; Lynne E. Fidler; Stephen R. Darcy; Michael A. Maresco, Town Administrator; Robert W. Galvin, Town Counsel

James Kilcoyne moved, seconded by Lynne Fidler, to open the public hearing at 6:30 p.m. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy – aye. Mr. Kilcoyne announced that the hearing is being recorded by Marshfield Community Television.

James Kilcoyne thanked everyone for taking time out to attend this hearing. Mr. Kilcoyne introduced the Select Board, Town Administrator and Town Counsel and read into the record the notice that was sent to Mr. Joseph Pecevich regarding this hearing. Mr. Kilcoyne gave some details on how the hearing would be conducted and how the process works. Mr. Kilcoyne said that 49 residents of Tea Rock Gardens signed a complaint which was submitted to the Select Board on August 7, 2023. Mr. Kilcoyne said that it is the Select Board's responsibility to hold a public hearing regarding this complaint under MGL Chapter 121B, §6 to consider whether to remove a member of the Marshfield Housing Authority due to inefficiency, neglect of duty or misconduct in office. Mr. Kilcoyne read the language of Section 6 into the record and gave the definitions of the terms "inefficiency", "neglect of duty" and "misconduct in office" and gave additional details on how the hearing would proceed and meeting decorum.

Joseph Pecevich, 25 Wilson Road, appeared before the Board and was sworn in by Town Counsel. Mr. Pecevich said that he reserves his right to object and appeal and said that he has some concerns about the way the process was set up.

James Kilcoyne listed the exhibits filed for this hearing as follows and presented copies to Mr. Pecevich:

- Exhibit 1 – complaint from residents of Tea Rock Gardens
- Exhibit 2 – notice sent to Joseph Pecevich on August 17, 2023
- Exhibit 3 – police report noting hand delivery of notice to Mr. Pecevich
- Exhibit 4 – letter from James Marathas dated August 11, 2023
- Exhibit 5 – notice of Public Hearing sent to Tea Rock Gardens residents

Joseph Pecevich raised an objection that this is the first time he is seeing Exhibit 4. Attorney Galvin said that the letter was emailed to Mr. Pecevich earlier today. Mr. Kilcoyne opened the meeting for public comment.

James Marathas, Executive Director of the Marshfield Housing Authority, appeared before the Board and was sworn in by Town Counsel. Mr. Marathas explained the relationship between the Marshfield Housing Authority and the Quincy Housing Authority and reviewed the responsibilities of the Housing Authority Board of Commissioners. Mr. Marathas gave some details on his concerns with Mr. Pecevich's conduct as a member of the Marshfield Housing Authority Board and urged the Select Board to remove Mr. Pecevich as a commissioner. Lynne Fidler asked if his knowledge was first hand. Mr. Marathas said that he believes he was present for all of the incidents he described. Stephen Darcy asked for specifics on the "aggressive behavior" of Mr. Pecevich at the Tenants Association meeting. James Marathas said that Mr. Pecevich spoke in a loud tone and displayed an aggressive attitude toward the residents when they asked him to leave the meeting. Attorney Galvin asked if Housing Authority Commissioners were invited to attend this meeting. Mr. Marathas said they were not. Mr. Galvin asked if it has been the practice of Housing Authority Commissioners to attend tenant meetings. Mr. Marathas said it has not. Stephen Darcy asked if Mr. Pecevich identified himself at this meeting. Mr. Marathas said that he did. Joseph Pecevich asked if he could have a copy of Mr. Marathas' statement in writing. Robert Galvin said that Exhibit 4 speaks to some of the matters that Mr. Marathas brought up this evening. James Kilcoyne asked if it is a requirement to send all correspondence to Mr. Pecevich in advance of the meeting. Attorney Galvin said that it is not a requirement but he sent Exhibit 4 to Mr. Pecevich as a courtesy. Joseph Pecevich again asked for Mr. Marathas' statement in writing. James Kilcoyne said that there will be a lot of speakers this evening and we will not have access to all of their notes. Joseph Pecevich said that the meeting Mr. Marathas is referring to

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happened prior to the election and according to the rules read by Mr. Kilcoyne anything that happened prior to the election is irrelevant. Mr. Pecevich read from a letter that James Marathas sent on May 4 and asked why James Marathas thinks Mr. Pecevich wanted to meet with staff. Attorney Galvin said this is not an appropriate question. Joseph Pecevich asked if the tenants meeting on April 28 is relevant to this hearing. Attorney Galvin said that if Joseph Pecevich is correct about the date of the meeting it cannot be considered at this hearing. Joseph Pecevich asked who told Mr. Marathas that he demanded to meet with the Housing Authority staff. James Marathas said that Mr. Pecevich asked to meet with the staff at a Board meeting and again after the meeting.

Colleen Whalen, Assistant Executive Director of the Marshfield Housing Authority, appeared before the Board and was sworn in by Town Counsel. Ms. Whalen said that several residents have approached her to say that Joseph Pecevich is intimidating, demeaning and aggressive. Ms. Whalen said that she also has found him to be aggressive and said that she is concerned about the safety of the residents and staff. Ms. Whalen said that Mr. Pecevich has created a hostile environment. Lynne Fidler asked for specifics. Ms. Whalen said that Mr. Pecevich continues to call her a secretary even though she has repeatedly corrected him on her job title. Ms. Whalen said that Mr. Pecevich continues to raise his voice at Board meetings and has referred to residents' "so called disabilities" in a demeaning manner. Lynne Fidler asked for specifics on what makes her concerned about resident safety. Ms. Whalen said that it is just his demeanor. Stephen Darcy asked how Ms. Whalen would compare Mr. Pecevich to other Board members. Ms. Whalen said that she has been doing this for 5 years and attends about 5 Board meetings per month in various Towns and has never seen any Commissioner act the way Mr. Pecevich does. Attorney Galvin asked how Mr. Pecevich used the term "so called disabilities". Ms. Whalen said that it was on his podcast when discussing the admission process for housing. Ms. Whalen said that he also referred to the residents as the "amen corner" during his podcast. James Kilcoyne noted that conduct outside of official Housing Authority duties can also be considered in the Select Board decision tonight and said that credible evidence must include specific factual support for any accusations. Joseph Pecevich asked when he voted against tenants best interests. Ms. Whalen said that Mr. Pecevich voted against a motion to accept a grant of over \$144,000 for improvements to energy efficiency on the property. Mr. Pecevich said that he can vote any way he wants on any appropriations and how money is spent. Mr. Pecevich asked how many times he has been on the Tea Rock Gardens property. Ms. Whalen said that to her knowledge at least 3 times. Mr. Pecevich asked for specifics on when he was demeaning or aggressive. Ms. Whalen said that it was due to his behavior at Board meetings and lingering around the property after the meeting and said that at least six residents brought this to her attention. Mr. Pecevich asked for an example of him yelling at a meeting. Ms. Whalen said that he speaks loudly in a manner she has not seen at any other meetings. Mr. Pecevich asked if other people were speaking loudly at the meeting on August 1st. Ms. Whalen said that some of the residents responded negatively to Mr. Pecevich's refusal to vote and Mr. Kelly was also engaging with the residents as well. Mr. Pecevich asked when Colleen Whalen was promoted to Assistant Executive Director. Ms. Whalen said it was two years ago. Mr. Pecevich asked what meetings she is referring to when she said many people left meetings. Ms. Whalen said that people left the last 3 or 4 meetings and one of them was extremely upset. Attorney Galvin asked when the tenants meeting was. Ms. Whalen said that it was on April 28, 2023. Lynne Fidler asked if there is a Code of Conduct for Housing Authority board members and tenants. Ms. Whalen said there is a Code of Conduct for tenants in their lease and Board members should be held to a higher standard than the tenants. Mr. Pecevich asked for specifics on resident complaints. Ms. Whalen said that approximately six people complained to her about Mr. Pecevich's demeanor and aggressive behavior and several mentioned that they find his lingering on the property after meetings intimidating.

Robin Dunn, 13 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Ms. Dunn said that she has witnessed Mr. Pecevich display intimidating behavior toward residents and staff members at two separate meetings, first at the April 28 tenants meeting that he was not invited to and again at the August 1st Housing Authority board meeting where Mr. Pecevich and his camera man Eric Kelly became very aggressive and loud toward tenants. Ms. Dunn said that the Housing Authority recently hired a Resident Services Coordinator who has been very helpful and Mr. Pecevich questioned the need for

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this position. Ms. Dunn said that after that meeting Mr. Pecevich and Mr. Kelly stayed on the property behind the community building for over an hour which further intimidated some residents, herself included. Ms. Dunn said that Mr. Pecevich is not the right person for the board due to his false public statements about the tenants and his intimidation of them. Lynne Fidler asked what specifically about Mr. Pecevich's lingering made Ms. Dunn fearful. Ms. Dunn said that the meeting was very hostile and because of that hostility people were afraid to bring their trash out while Mr. Pecevich was still on the property. Ms. Dunn played a recording from Mr. Pecevich's podcast where he states that the residents use lottery tickets and have "so called disabilities". Stephen Darcy asked how many residents of Tea Rock Gardens are disabled. Ms. Dunn said approximately 75%. Stephen Darcy asked how many commissioners Ms. Dunn has interacted with and if any others have treated the residents in this way. Ms. Dunn said that she has dealt with five other commissioners and they have all been very nice and respectful. Stephen Darcy asked Ms. Dunn if she thinks that Mr. Pecevich's behavior will continue after this hearing. Ms. Dunn responded "absolutely". Joseph Pecevich asked Ms. Dunn how he questioned the need for an Executive Director. Ms. Dunn said that he questioned the need for a Resident Services Coordinator whose salary is paid through a grant. Ms. Dunn said that Mr. Pecevich said we have a senior center so they do not need a Resident Services Coordinator. Mr. Pecevich asked how he attacked Ms. Dunn's integrity. Attorney Galvin stated that Ms. Dunn has already answered that question.

Constance Hillman, 5 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Ms. Hillman thanked the Select Board for having this hearing and said that the nature of Marshfield housing, particularly at Tea Rock Gardens, is that it provides housing for a vulnerable population with a wide range of disabilities. Ms. Hillman said that Mr. Pecevich's demeanor has been frightening to many residents and he comes across as angry and hostile. Ms. Hillman described the role of the Resident Services Coordinator and said that Mr. Pecevich questioned the need for this position. Ms. Hillman said that no one is denying his right to ask questions, it is his manner of asking questions in an accusatory and threatening way that is the issue. Ms. Hillman said that Mr. Pecevich has not made specific threats, but engenders fear and does not treat the residents respectfully. Some residents have a history of trauma and his behavior triggers PTSD for them, many residents did not come tonight for fear of retribution from Mr. Pecevich. Stephen Darcy asked if Ms. Hillman has anything else to add. Ms. Hillman said Mr. Pecevich implies that Tea Rock Gardens is poorly managed due to a past history of poor management. Michael Maresco asked when Mr. Pecevich makes comments about the facility is he referring to the residents or the management. Ms. Hillman said it feels like it is all of it. Mr. Pecevich asked how many meetings Ms. Hillman has been at where he was present. Ms. Hillman said that she was at the April 28th tenant meeting and the Housing Authority Board meetings in May and August. Mr. Pecevich asked for specifics on how he has triggered PTSD. Ms. Hillman said that they used to have very professional meetings and since Mr. Pecevich has been coming it has become loud, tense and accusatory with Mr. Pecevich implying that there is money that has been misused. Mr. Pecevich again asked Ms. Hillman for specifics. Ms. Hillman said that on his podcast Mr. Pecevich implies that money is being misspent and said that Marshfield Housing Partnership money could be used by the Housing Authority to lower rent.

Don Clark, 18 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Mr. Clark thanked the Marshfield Housing Authority and Quincy Housing Authority and said that he attended the meeting on August 1st and witnessed a hostile environment with Mr. Pecevich attacking other Board members and the Executive Director. Mr. Clark said that he felt anxiety and fear during this meeting especially when they were told that if Mr. Pecevich did not vote to accept the financial reports they would lose funding. Mr. Clark said his anxiety increased when Joe Pecevich and Eric Kelly stayed on the property for an hour after the meeting. Lynne Fidler asked Mr. Clark when he moved to Tea Rock Gardens. Mr. Clark said he moved there in late July. James Kilcoyne asked Mr. Clark if he has attended meetings of other Housing Authorities. Mr. Clark said that he has attended Housing Authority meetings in other Towns and there is a much more professional atmosphere. Mr. Pecevich objected to comparing Marshfield to other Towns. Mr. Pecevich asked Mr. Clark who told him that the Housing Authority would lose funding if he did not vote. Attorney Galvin said this question is irrelevant.

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Dottie Wolf, 21 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Ms. Wolf thanked the Select Board for the opportunity to speak. Ms. Wolf said that Mr. Pecevich refused to sign the end of year certification several times until he was told it was a requirement. Ms. Wolf said that Mr. Pecevich is antagonizing and not a good fit for this position and causes disruption at every meeting that he has attended. Mr. Pecevich asked Ms. Wolf who wrote the petition and asked her to sign it. Ms. Wolf said that she does not know who wrote it but Robin Dunn brought it to her door. Mr. Pecevich asked what Robin Dunn said to her. Ms. Wolf said that she just asked if she wanted to sign the petition.

Diana Harvey, 15 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Ms. Harvey asked if she could address what happened at the April 28 meeting. Robert Galvin said it is up to the Board, but that meeting was before the election. James Kilcoyne said that their decision will be based only on things that happened during Mr. Pecevich's term in office. Ms. Harvey said that Mr. Pecevich came to his first Housing Authority Board meeting in May and placed a letter in front of each of the other members that immediately set a tone of tension among the Board members, when Ms. Harvey was presented with a certificate of appreciation at that meeting Mr. Pecevich took a picture of her which made her uncomfortable because she felt that he took it because she spoke against him at the April tenants association meeting.

Marilyn Lyon, 4 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Ms. Lyon said that Mr. Pecevich has created a hostile environment at the meetings, asking about people's salaries and qualifications, which caused her to hyperventilate and leave the meeting early. Lynne Fidler asked if her physical reaction subsided after she left the meeting. Ms. Lyon said that it did after a while. Joseph Pecevich asked if Ms. Lyon understood the context of the conversation about the social service worker. Ms. Lyon said that it was the way he asked what her role is and how she got the job.

John Murray, 11 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Mr. Murray said that there are times and places for military attire and Tea Rock Gardens is not the place and 2023 is not the time, Tea Rock Gardens is his home and it is very personal to him. Joseph Pecevich asked when he showed up in military attire. Mr. Murray said he does not remember the date.

At 8:50 p.m. Mr. Kilcoyne said that they would take a 5 minute recess and reconvene at 8:55 p.m.

Eleanor Eastwood, Marshfield Housing Authority, appeared before the Board and was sworn in by Town Counsel. Ms. Eastwood said that she has been the Resident Services Coordinator at Tea Rock Gardens since May and has lived in Marshfield for 25 years. Ms. Eastwood said that she took this position because she enjoys working with the disabled and elderly. Ms. Eastwood said that she cannot believe how many residents have come to her because they feel bullied and intimidated by Mr. Pecevich. Ms. Eastwood said this is a vulnerable population and they go to these meetings for reassurance of a safe and healthy environment, they do not need to be yelled at. Lynne Fidler asked if she has been bullied by Mr. Pecevich. Ms. Eastwood said that she has never met Mr. Pecevich. James Kilcoyne asked if she has notes from her meetings with tenants regarding Joseph Pecevich. Ms. Eastwood said that she does have documentation of those meetings but does not have them with her. Joseph Pecevich asked if she has specific examples of residents being yelled at. Ms. Eastwood said that Mr. Pecevich's tone and gestures at the meetings are on video.

Kerry Richardson, 115 Cross Street, appeared before the Board and was sworn in by Town Counsel. Mr. Richardson said that he is a member of the Marshfield Housing Partnership and the Marshfield Housing Authority. Mr. Richardson said that they have never had meetings like this before, they have had healthy discussions and disagreements but have always been respectful toward each other. Mr. Richardson said that in his opinion Mr. Pecevich has not behaved in a respectful manner at the meetings, and continues to say that he does not know what is going on with the funds and that they are not being kept in the

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proper place even though Mr. Richardson has explained it to him on three separate occasions. Mr. Richardson said that many residents have expressed their concerns about Mr. Pecevich to him before and after meetings. Lynne Fidler asked Mr. Richardson if he was aware that this petition was being circulated. Mr. Richardson said he was not. Stephen Darcy asked about the duties and responsibilities of the Marshfield Housing Authority Board. Mr. Richardson said that they serve the residents by following the policies and procedures of the Board and ensure financial stability of the Housing Authority. Lynne Fidler asked if Mr. Richardson feels that Joseph Pecevich has the capability to overcome what has happened in the last few months and move forward. Kerry Richardson said that he has known Joseph Pecevich for many years and he thinks he can be a responsible and intelligent person but if his disrespect continues it will affect the Board in a negative way. Joseph Pecevich asked for specifics on claiming that funds were not in the proper place and being intimidating. Kerry Richardson said that Mr. Pecevich said "don't get into the dirt with slime" meaning that he did not agree with the other Board members. Kerry Richardson explained that payments in lieu of affordable housing units go to the Marshfield Housing Partnership to build affordable housing. Since the Housing Partnership did not have a system in place to keep and manage these funds, the Housing Authority was holding the money and the Housing Partnership would request the funds as needed, Mr. Pecevich continues to question how the money is held and utilized.

Florence Sargent, 2 Tea Rock Gardens, appeared before the Board and was sworn in by Town Counsel. Ms. Sargent said that she is very concerned about Joseph Pecevich's behavior and the manner in which he approaches housing. Ms. Sargent said that he has made very irresponsible remarks about people with disabilities and people who live in low income housing on his podcast and shows public disdain for fellow board members. Ms. Sargent said that his behavior has been obstructive to the work of the Marshfield Housing Authority and he should not be involved in the day to day operations, which is the role of the Executive Director. Ms. Sargent said that Mr. Pecevich has accused the Executive Director of non-transparency and collusion with Town officials regarding use of funds. Stephen Darcy asked Ms. Sargent if she was present at the Housing Authority meetings. Ms. Sargent said that she was. Michael Maresco asked if Ms. Sargent's comments could be added as an exhibit. Ms. Sargent said yes. Town Counsel entered Ms. Sargent's written comments as Exhibit 6. James Kilcoyne asked for specifics on how Joseph Pecevich tried to get involved in day to day operations. Ms. Sargent said that he was asking for the Resident Services Coordinator's job description and said that she should be reporting to him. Joseph Pecevich said that there were two meetings on August 1, one called by residents of the Town through a petition which Mr. Pecevich submitted as Exhibit 7. Mr. Pecevich asked Ms. Sargent what she is referring to when she said that he is spreading doubt about the Executive Director. Ms. Sargent said that on his podcast and in public he impugns the reputation of the Executive Director and public officials.

Curtis Hanson, 11 Freshbrook Way, appeared before the Board and was sworn in by Town Counsel. Mr. Hanson said that at one of the meetings Mr. Pecevich was asking which vehicle belongs to James Marathas. Joseph Pecevich asked Mr. Hanson what his connection to Tea Rock Gardens is. Mr. Hanson said that he is an employee of the Marshfield Housing Authority and does maintenance at Tea Rock Gardens.

Cecelia Delgadillo, 109 Genevieve Lane, appeared before the Board and was sworn in by Town Counsel. Ms. Delgadillo said that she is a member of the Housing Authority Board and this whole situation is unnerving and painful to see. Ms. Delgadillo said that we all have good intentions and she does not question Mr. Pecevich's intentions, but it is not about our feelings it is about the residents. Ms. Delgadillo said that the residents are the ones we are elected to represent and protect and they deserve much better than they are getting at the moment. Lynne Fidler said that she appreciates the work the Housing Authority does and asked if Ms. Delgadillo had any specific details to add. Ms. Delgadillo said that when they were looking at the financials at the meeting, she had her iPad and offered to share it with Mr. Pecevich so the print would be larger and he rejected the offer very abruptly. Stephen Darcy asked what professional conduct looks like. Ms. Delgadillo said that professional conduct is being respectful to one another and to the people we are serving. Joseph Pecevich asked if Ms. Delgadillo has completed the DHCD training course and said that their responsibility is a fiduciary one. Ms. Delgadillo said that she has

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worked as an auditor and is well aware of her responsibilities. Joseph Pecevich asked when she received the financial statements. James Kilcoyne said that this is not relevant to the discussion. Mr. Pecevich asked Ms. Delgadillo if it is true that she ran against him. Mr. Kilcoyne said this is not relevant.

James Kilcoyne asked James Marathas about the year-end fiscal close-out and asked for clarification on the process and the need for Mr. Pecevich to sign off on it. James Marathas said that all Board members need to sign the year end financials, they can sign yes or no but DHCD requires that every member sign. Lynne Fidler asked if Mr. Pecevich had the materials ahead of the meeting. James Marathas said that he had a hard copy and an electronic copy prior to the meeting. Lynne Fidler asked if Joseph Pecevich saying that he has not received information has been a problem. James Marathas said that after they have mailed and emailed information, Mr. Pecevich has claimed that he did not receive it. Michael Maresco asked if all Board members receive information at the same time. James Marathas said that they all receive emails at the same time and hard copies are delivered to their homes at different times on the same day. Joseph Pecevich said that last year not everyone signed the year-end financials and a second meeting was called to sign the documents. Mr. Pecevich said that the threat of losing funding was a scare tactic to get him to sign. Lynne Fidler read into the record the responsibilities of the Marshfield Housing Authority Board Members.

Town Counsel swore in Joseph Pecevich prior to him presenting his statement. Mr. Pecevich presented the following documents and asked that they be entered into the record as exhibits:

Exhibit 8 – a copy of an email showing that they mistyped his email address and that is why he was not receiving information

Exhibit 9 – a letter from James Marathas dated May 4, 2023 in response to an Open Meeting Law complaint filed by Mr. Pecevich

Exhibit 10 – excerpts from the Attorney General's guide for Housing Authorities

Exhibit 11 – the Open Meeting Law Complaint filed by Mr. Pecevich on April 28, 2023

Exhibit 12 – letter from a certified public accountant to the Marshfield Housing Authority

Mr. Pecevich said that he has been involved in Marshfield since he was a teenager and came here on vacations, he became more involved in Town issues when he moved here in 2001, especially environmental issues. Mr. Pecevich said that he is semi-retired and works as a handyman working primarily with the elderly, and added that for anyone to suggest that he does not care about senior citizens and people with disabilities is outrageous. Mr. Pecevich suggested that people may have been pressured to sign the petition. Mr. Pecevich said that he ran for the Marshfield Housing Authority because he cares about senior citizens and had heard stories and saw how bad the condition of some of the housing units were. Mr. Pecevich said that when he saw the article on the Town Meeting warrant to establish an Affordable Housing Trust Fund he started to do some research into what the Housing Authority does and how it is funded, and he wondered why the Housing Authority is not doing all of the things that they have the power to do. Mr. Pecevich said that he attended a Housing Authority meeting on April 4 and said that the agenda was very simple and Open Meeting Law was violated, DHCD guidelines were ignored, and the minutes were falsified. Mr. Pecevich said that is why he filed the Open Meeting Law Complaint (Exhibit 11), which was discussed at the meeting on May 2, 2023. Mr. Pecevich said that he did not want to sign the financials at that meeting because he did not have time to review the document. Mr. Pecevich said that the petition requesting a special meeting of the Housing Authority (Exhibit 7) was imperative and urgent to take care of the items listed in the petition. Mr. Pecevich said that he is getting frustrated by the lack of response to his requests from the Housing Authority and noted that he did not say that the Resident Services Coordinator should report to him, but said that he wanted her to come to a meeting to explain her role. Mr. Pecevich said that his character is being called into question by either misunderstandings or malicious thoughts. Mr. Pecevich said that when he mentioned lottery tickets what he meant was that people get into affordable housing based on their income and this income should include everything whether it is from Social Security or lottery tickets. Mr. Pecevich admitted that when he said "so called" disabled, it could have been put better, he was just saying that disabilities are very broad, he was not questioning whether people have disabilities or trying to hurt anyone, he is trying to ensure

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that the most funding possible is available to the residents. Mr. Pecevich said that there has been a lot of misunderstanding, but he is entitled to free speech and he wants to do his job as a Housing Authority Commissioner. Mr. Pecevich promised to tone it down in the future. Lynne Fidler said that she understands this must be uncomfortable for him and commended him for saying that he understands the tenants' reactions and is sorry for that. Ms. Fidler noted that this evening is about the petition from the tenants and asked Mr. Pecevich to explain the comment he made about the amen corner. Mr. Pecevich said that it was tongue in cheek, but there is an element that comes to the meetings to clap and cheer for the Quincy Housing Authority. Robert Galvin asked if Mr. Pecevich thinks it is funny to refer to those tenants as the amen corner. Mr. Pecevich said that he was referring to the idea that in any organization there are people that are overly expressive in their approval. Lynne Fidler asked Mr. Pecevich if he regrets making that comment. Mr. Pecevich said that in the future he would keep it to himself. Lynne Fidler asked if Mr. Pecevich is bothered by any of the comments that were made this evening. Mr. Pecevich said absolutely, and added that he has been bothered since he saw the petition. Stephen Darcy asked if Mr. Pecevich believes the tenants at Tea Rock Gardens are living there based on merit and need. Mr. Pecevich said that Housing Authority Commissioners are not involved in the process for selecting tenants and should not be involved in that. Stephen Darcy asked Mr. Pecevich what he considers to be a "real" disability. Mr. Pecevich said that when he said "so called" he did not mean that the disabilities were made up, he was just referring to the fact that there is a wide range of disabilities. Stephen Darcy asked if Mr. Pecevich said that he got frustrated and may have taken it out on staff. Mr. Pecevich said no, he said that he was frustrated but did not take it out on staff or anyone else. Stephen Darcy asked if it gives Mr. Pecevich pause that so many residents signed the petition and many of them are afraid of him. Mr. Pecevich said that the petition does not describe him accurately and it bums him out that it was passed around and people may have been pressured to sign it. Michael Maresco asked Mr. Pecevich what he would change if he could change one thing. Mr. Pecevich said that he would want the residents to understand that he is doing his fiduciary responsibility because he wants to enhance what they have. Mr. Pecevich added that he is open to suggestions, but he is going to keep trying to get the information he needs. James Kilcoyne said that he believes that Mr. Pecevich has no malice and that he feels bad about what has happened but asked if Mr. Pecevich thinks he needs to change his approach and if that is something he can achieve. Mr. Pecevich said yes, but at the same time the residents need to understand where he is coming from. James Kilcoyne asked if Mr. Pecevich thinks he is having a difficult time adjusting from being a citizen advocate to becoming an elected official in the way that he behaves and interacts with the public and his fellow board members. Mr. Pecevich said that he agrees 100% and has told friends that things are going to be different. Mr. Kilcoyne asked if he thinks he can make that change and begin to work as part of a team. Mr. Pecevich said that he is a member of the team but is still an advocate for the citizens, but understands that his approach needs to change. Robert Galvin asked if it is clear to Mr. Pecevich now that the residents are afraid, anxious and nervous around him. Mr. Pecevich said that no one can predict how people are going to react to what you say or do. Robert Galvin asked if it is clear to Mr. Pecevich that he is supposed to be an advocate for the residents but they are afraid of him and that is a potential problem. Mr. Pecevich said that it is, but no one has been able to give a specific incident of what he did, it is more what they perceive or what they have been told are the consequences of his actions as a commissioner.

Robert Galvin asked Mr. Pecevich to tell the Board what he will do to make the situation better. Mr. Pecevich said that he is willing to talk to any person and noted that he needs more input from the residents about what specifically he is doing to cause anxiety. Mr. Galvin said that it seems to him that the residents are troubled by the tone of his voice, the volume of his voice and the discord between Mr. Pecevich and the Executive Director. Mr. Galvin asked Mr. Pecevich to be specific about anything he would do to improve his relationship with the Executive Director and Assistant Executive Director. Joseph Pecevich said that he will try to make the relationship as professional as possible. Robert Galvin asked if Mr. Pecevich thinks the tongue in cheek statements that he made on his podcast affected the residents' ability to get to know him. Joseph Pecevich said that some of the terms he used may not have been the right terms and were misunderstood, but it is part of life that you cannot always go around being afraid of people's reactions to what you

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say and do. Lynne Fidler asked what educational types of things Mr. Pecevich has done since taking office. Joseph Pecevich said that he has taken the online DHCD/EOHCD training course, completed ethics and conflict of interest training, and is working on learning the regulations, statutes, programs available and dynamics of the community, which will take some time. James Kilcoyne asked Mr. Pecevich if in retrospect his initial refusal to sign the end of year financials was worth the drama and angst that it caused. Mr. Pecevich said that the problem was that he expressed concerns that he would not be able to make an educated vote because he did not have the necessary information and he was pressured to sign it with the threat that the Housing Authority would be defunded.

Michael Squillante, 222 Ocean Street, appeared before the Board and was sworn in by Town Counsel. Mr. Squillante spoke in support of Mr. Pecevich.

Lisa Kile, 5 Howes Brook Road, appeared before the Board and was sworn in by Town Counsel. Ms. Kile said that she and Mr. Pecevich have had conversations about his frustration in trying to get the financial documents from the Housing Authority. She said that he takes his fiduciary responsibilities very seriously.

Eric Kelly, Peterson Path, appeared before the Board and was sworn in by Town Counsel. Mr. Kelly said that he does not think the complaint is valid. Mr. Kelly said that Joe cannot control how people feel about him and he is being persecuted for doing his job.

Pamela Pristas, 60 Central Street, appeared before the Board and was sworn in by Town Counsel. Ms. Pristas said that Joe wearing his camo jacket to the meeting was completely innocent and he did not consider that it might trigger someone. Ms. Pristas said that people can be swayed to feel a certain way if someone tells you he is a bad person with a criminal record.

Bernie Dupuis, 6 Weathervane Lane, appeared before the Board and was sworn in by Town Counsel. Mr. Dupuis said he watched the show after the election where Mr. Pecevich spoke about the conditions at Tea Rock Gardens and it seemed like he really wanted to put the time and effort into helping the people. Mr. Dupuis said that he does not think that inefficiency, neglect of duty or misconduct in office apply in this case.

Pam Keith, 73 Standish Street, appeared before the Board and was sworn in by Town Counsel. Ms. Keith recommended that the Board consider the timeline of the meeting on May 2 and then going 90 days without having another meeting. Ms. Keith noted that the complaint submitted by the residents has a false statement about a criminal record.

Diane Jordan, 15 Bancroft Street, appeared remotely before the Board and was sworn in by Town Counsel. Ms. Jordan said that the executive director should have been aware of the vulnerability of the residents and not tried to induce anxiety by stating that they would be defunded if Mr. Pecevich did not sign the financials that night.

Dick Reardon, 257 Foster Avenue, appeared before the Board and was sworn in by Town Counsel. Mr. Reardon said that he has known Joe Pecevich for 35 years and said that the whole problem started when the executive director brought up defunding.

Jeannine Pavlik, 94 Pilgrim Trail, appeared before the Board and was sworn in by Town Counsel. Ms. Pavlik said that she is Chair of the Marshfield Republican Town Committee and feels that Mr. Pecevich is honest, forthright and passionate, not intimidating. Ms. Pavlik added that given the history of theft in the Marshfield Housing Authority, we should be happy to have someone like Joe on the Board of Commissioners.

James Kilcoyne moved seconded by Lynne Fidler to close the public comment portion of the hearing at 12:15 a.m. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

Mr. Kilcoyne explained that the first task of the Board is to determine if Mr. Pecevich has engaged in inefficiency, neglect of duty and/or misconduct in office in violation of MGL Chapter 121B §6 and then to determine what, if any, sanctions should be imposed if there

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is a finding of a violation. Robert Galvin said that the Board could make a finding tonight and not decide on sanctions until a later date.

Lynne Fidler said she does not believe there is credible evidence of inefficiency. Stephen Darcy said that he did find the testimony to be credible and compelling. James Kilcoyne said that testimony was sparse on specifics, but he did find a compelling amount of consistency, which increased credibility in his mind. Lynne Fidler said that the expressions of fear were consistent but fear is subjective and difficult to judge. After further discussion, James Kilcoyne moved, seconded by Lynne Fidler, to find that there is no credible evidence of inefficiency in office. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

James Kilcoyne noted that a finding of misconduct in office can include outside of work conduct that has a connection to duties and responsibilities of one's office. After some discussion about comments made by Mr. Pecevich on his podcast about the residents of Tea Rock Gardens, James Kilcoyne moved, seconded by Lynne Fidler, to find that there is credible evidence of misconduct in office. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

Stephen Darcy said that Housing Authority employees have the right to be free of harassment and bullying in the workplace and it is not the role of the commissioners to interfere in day to day operations. Lynne Fidler said that Mr. Pecevich is new to the role and she would like to give him the opportunity to correct the issues. Stephen Darcy noted that Mr. Pecevich did state that he was sorry, but does not have a corrective plan. James Kilcoyne said it appears that Mr. Pecevich felt that he was doing the right thing, but agreed with Mr. Darcy that a commissioner should not be getting involved in the daily operation of the Housing Authority. After further discussion, James Kilcoyne moved, seconded by Lynne Fidler, to find that there is no credible evidence of neglect of duty. The vote was 2:1. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - nay.

James Kilcoyne said that the Board would now discuss and vote on possible sanctions. Mr. Kilcoyne said that removal of a public official is a very serious thing that in his opinion would be best handled at the next election. Lynne Fidler said she would not support removal from office. Stephen Darcy said that he feels that they will be back here again if they do not do anything and for that reason he would support removal. Mr. Kilcoyne said that removal of a public official is a huge responsibility and said that he believes in second chances and at this point would not support removal. Michael Maresco suggested that Mr. Pecevich take advantage of the Town's Employee Assistance Program to help him work through some of these issues. After some discussion, James Kilcoyne moved, seconded by Lynne Fidler, that the Board did find credible evidence of violation of MGL 121B §6 for misconduct in office, and to issue a warning to Mr. Pecevich with no removal and the suggestion of voluntary participation in the Employee Assistance Program. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye.

Mr. Kilcoyne moved, seconded by Ms. Fidler, to adjourn the meeting at 1:00 a.m. on September 1, 2023. The vote was unanimous. Roll call vote: Mr. Kilcoyne – aye; Ms. Fidler – aye; Mr. Darcy - aye. There was no executive session.

Respectfully submitted,

Catherine Burke

The following documents and exhibits were presented at the meeting: Recommended Procedure for Conducting Public Hearing sent to the Select Board by Town Counsel; Exhibit 1 – complaint from residents of Tea Rock Gardens; Exhibit 2 – notice sent to Joseph Pecevich on August 17, 2023; Exhibit 3 – police report noting hand delivery of notice to Mr. Pecevich; Exhibit 4 – letter from James Marathas dated August 11, 2023; Exhibit 5 – notice of Public Hearing sent to Tea Rock Gardens residents; Exhibit 6 – written comments of Florence Sargent, 2 Tea Rock Gardens; Exhibit 8 – a copy of an email showing that they mistyped his email address and that is why he was not receiving information; Exhibit 9 – a letter from James Marathas dated May 4, 2023 in response to an Open Meeting Law complaint filed by Mr. Pecevich; Exhibit 10 – excerpts from the Attorney General's guide for Housing Authorities; Exhibit 11 – the Open Meeting Law Complaint filed by Mr. Pecevich on April 28, 2023; Exhibit 12 – letter from a certified public accountant to the Marshfield Housing Authority.