

## BOARD OF HEALTH MEETING MINUTES

August 22, 2016

*Rob Adams, Pembroke Town News, recorded the meeting for viewing on www.youtube.com.*

*David Cedrone, reporter, WATD News*

*Arthur Boyle, Selectman, Town of Pembroke*

*Atty. Carolyn Murray, Kopelman & Paige*

*Gail McSweeney audio recorded the meeting with her own personal device.*

Board Members Donna Bagni, Chair, Gary Fine, Clerk, and Gail McSweeney, Member were present. The meeting opened at 6:32 p.m. Chair Bagni read the following statement: *"Please note that this meeting is being made available to the public through an audio recording, which will be used to ensure an accurate record of proceedings produced in the minutes of the meeting. All comments made in open session will be recorded."* The Board signed payroll. Bagni stated that there was an email exchange regarding the transcription of the minutes from July 25, 2016. Bagni asked prior to the meeting that the changes be sent to her via email so she could verify them against the recording. As of the meeting time, Bagni stated she did not receive the requested email. Bagni asked if those minutes should be put on the agenda for the next meeting. McSweeney passed to Bagni her transcription of the July 25, 2016 minutes. Bagni said she would *"put off the July 25 minutes..."* McSweeney interrupted Bagni and said, *"Donna, I would also like to include this for you and Gary and this is in regards to a statement that was made about the police report and there is one thing that is highlighted there and I will (intelligible) with a false report..."* (a copy of that paperwork McSweeney handed to Bagni and Fine is attached at the end of these minutes) Bagni interrupted *"Ok, wait a minute. I just want to state you're out of order. I don't want to bring this up..."* McSweeney: *"These are the minute meetings (sic) ...this was brought up in the July 27<sup>th</sup> (sic) meeting."* Bagni: *"Ok so then what we'll do..."* (McSweeney overspoke - unintelligible) *"so when we put that on the agenda, which we will put on a discussion of the July 25<sup>th</sup>, 2016, I'll keep copies for Carol so we have those."* Bagni further stated that the Board members have a schedule for the MAHB seminar to be held on November 5 and suggested that all members go. Bagni stated to Fine that she needs his MAHB and MHOA paperwork; Fine stated he would get those to her tomorrow.

**65 Pine Tree Lane**— Eugene and Jacqueline Durant, owners and Joseph Webby, engineer. Septic repair upgrade variances request as follows: (1) allow the use of a sieve analysis instead of perc test, (2) allow the S.A.S. to be 10' feet from the cellar wall instead of the required 20', (3) allow the S.A.S. to be 37' from a wetlands (approved by the Conservation Commission) instead of the required 75', and (4) allow the proposed design to be 330 g.p.d. (110 gals / bedroom) instead of the required 450 g.p.d. (150 / bedroom for Pembroke). Webby stated the property has very poor soil, wetlands on the side, a couple of cesspools, a membrane will be used in the cellar wall area and there will be a 3-bedroom deed restriction. Fine moved to allow the variances as proposed; McSweeney seconded. All in favor.

Atty. Carolyn Murray, Kopelman & Paige:

- Discussion re: new Open Meeting Law complaint filed with the Attorney General's office.

New Open Meeting Law complaint against Board of Health Member McSweeney.

Atty. Murray explained to the Board the nature of the complaint brought by the Board's Secretary. She stated she would send a copy of the agenda along with all the other

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paperwork to the Atty. General's office as part of the response. Murray also stated that the Atty. General may feel that the agenda was not specific enough to cover the full scope of the conversation but may recognize that sometimes things happen that are not anticipated in advance. She suggested that the Board try to be as specific as possible with the agenda items. Murray noted that *"the mere fact that someone's name is mentioned in a meeting is not in and of itself an open meeting law violation or grounds for requiring someone to have 48 hours notice. As you know, in the open meeting law, there's (sic) certain conditions under which if a person is going to be discussed, they're entitled to 48 hours advance written notice of the meeting"*. Murray used an example of someone getting positive recognition without the proper notice, that it is not a violation. She continued to say that when someone's reputation, character, discussion of charges, complaints, possible discipline, etc., then that requires that the individual being discussed be notified as per the law. She felt that since she was not at the July 25, 2016 meeting, she couldn't really speak to how the discussion evolved. Murray said, *"But if I understand it, I don't ...perhaps you can have a different view on this...I don't really see the nature of this discussion as necessarily being something that involves...certainly didn't involve discipline. I don't think it involved reputation or character. And I'm not so sure I would characterize it as a complaint against, in this case, the complainant. So that's what my thought is in terms of framing a response to the Attorney General's office is to say the agenda item should have been more specific as to what the office felt the discussion would have been and if we thought there was a need for prior notice to do so and that we'll work on this going forward"*. She continued with more advice to the Board to address the basis for which someone would be entitled for notice under the statute and that she didn't think this *"rose to that level or something that would've required written notice."* Murray also stated that the Board was welcome to add any other information or comments. Murray asked the Board to designate a point person who reviews the letter with her, makes any necessary comments and forwards to the Attorney General's office. McSweeney said, *"At this point, Chairwoman and Clerk, I'd like to address you...I am, have retained my own private counsel. I believe that I would like to have my private counsel take care of this, to address the situation with the open meeting violation and with the Attorney General"*. Fine asked for clarity from Murray regarding the agenda. *"If you could offer a couple of points of clarity for me, Counsel. First of all, let's go back to the agenda. I can appreciate having perhaps a more detailed or a robust agenda, but I think as a three member board, the fact that we're meeting twice a month, I think the Chair preparing the agenda getting some suggested items from the other members, Health Agent, et cetera et cetera, I think there needs to be some latitude, so I have in the past appreciated not the lack of specifics but the ability to have some latitude in each topic. So, I'm not disagreeing with you, just throwing out a counter point where I think we need to have some...you know, I think if the agenda becomes so specific it become (sic) counter-productive and maybe strangle what we're trying to do. That would just be my first point. In terms of responding to the Attorney General, I just need some clarity from you. It was my understanding, perhaps I'm mistaken, that when there's an open meeting violation such as the one you have tonight, it was my understanding that you, as being retained by the Town, that you would be responding on each and every one, but now you're maybe offering something a little different? That we're supposed to, as a Board, are we supposed to ask you to respond to the Attorney General? I*

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wasn't clear." Murray responded, "No. Some boards would take it upon themselves to draft a response and wouldn't necessarily involve Town Counsel. That's not necessarily routine but it's certainly an option for the Board. But where the complaint is actually filed against the Board of Health, it's not an individual complaint, that typically what would happen is I as Town Counsel would draft a response on behalf of the Board and as we did with the last complaint, just to have someone from the Board who looks at it, agrees as to any facts that might have been, need to be clarified in a letter, something to that effect, that someone reviews it from the Board and then I send it off to the Attorney General's office from there". Fine: "So, unlike, Gail, am I hearing you correctly as far as this complaint, you're asking that your own attorney that you've retained to respond to the complaint?" McSweeney: "Correct." Fine: "Ok. I would give a different point...I would like to see, if it were me, I would like to see a continuation of Town Counsel responding to the complaint". Bagni: "Here's my opinion. I'm not an attorney and thank you for coming. But if the complaint is against the Board of Health, then I feel that you should represent the Board. If there's a member on the Board that would like their (sic) attorney, can there be two attorney responses? I mean, is that, to me would be individual, Gail's would be individual, yours would be of the Board, which would be an entity of us. I'm in waters that I don't understand". Murray: "I have never seen an open meeting law complaint that gets two responses of that nature. But, I can certainly understand where Ms. McSweeney may feel that she has a slightly different interest from say the rest of the Board given something else on the agenda we're going to discuss this evening. But, my response will be on the behalf of the Board as the author asked response through Town Counsel. If there's going to be individual response, it needs to simply be noted that it is on behalf of the individual". Bagni: "I would feel more comfortable having your response and then having Gail McSweeney's attorney put in whatever they would like. We'll put the attorneys in....everybody can get in there. But I think it's important for the Town of Pembroke that....." McSweeney: "I'm a little perplexed by why this is a Board issue where this seems to be, it just seems to state my violation with Mr. Trabucco. I don't understand where the Board comes into this because from my interpretation of this, it's saying that I was the one that made the open meeting violation by stating a name. I don't see anywhere on here that it says that the Board is responsible". Murray explained that the complaint is for the Board of Health and it mentions one particular member. She continued to explain that the open meeting law governs a public body and how they conduct their meetings. They don't regulate through the open meeting law individual action. Murray stated that this is a combination where the discussion happened at a Board meeting and that the individual does not need to respond to the complaint, but is not prohibited from doing so. She also stated that the Attorney General wants a response from the Board that within 14 days of the complaint that the Board will discuss it and take corrective action and provide a response. McSweeney: "Donna, I was unaware that the Board was wrapped up into this as well because it was my understanding that this was directed just solely towards me. I would like if you could give me 24 hours so I could talk to counsel and see which way counsel, my counsel thinks that this should go. Right now I don't have enough information from what I'm being told because I was under, I was really under the direct assumption that this was just was something that was filed on me through the open meeting law.." Bagni: "This was for all of us. So, at this point, I think I would like to make a motion that, number one, you have 24 hours to get back

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to me in writing, cc Carolyn Murray...you have her email? You have 24 hours, so if you could get a response back..." McSweeney: "Do I respond to you (unintelligible)?" Bagni: "Just send it to me and then I'll forward it on to Carolyn because my motion's gonna have a couple of pieces to it". McSweeney: "Now, will I be privvy to seeing your motion that's got a couple pieces to it?" Bagni: "I'm gonna say it out loud. Yah, I'm gonna say it right now. So, we're gonna agree, what I'd like to do is make a motion that you have 24 hours to advise with your counsel. Second portion of that because it is a complaint against the Board, which is a three member board with a complaintant (sic) mentioned, I would like to add that Carolyn Murray proceed with the response to the Attorney General on behalf of the Board of Health for the Town of Pembroke. If your attorney advises you to go forward, by all means, let there be two issues going in. Then I would also like to ask that Gary Fine review with Carolyn Murray the complaint as we did in the first instance. So there's three pieces to that. So, there's the 24 hours, there's Carolyn making a response on behalf of the Board in entirety and the third piece of it is that you will be responsible to deal with the complaint response directly with Carolyn." Fine: "Same protocol we did the last time". Bagni: "Same protocol as before. How does that sound? Do all three pieces stand? Can I get a second?" McSweeney: "I'll give ya a second". Bagni: "All in favor?" Fine: "Aye". Bagni: "Aye".

- Discussion re: Attorney General's office final ruling about the first Open Meeting Law violation

Bagni stated that the Attorney General has responded directly in a letter dated August 10, 2016 to Carolyn Murray about the complaint. Bagni read from the letter paragraph two: "Following our review, we find that Board member Gail McSweeney individually violated the Open Meeting Law." Bagni stated it is public record at this point. She said that Carolyn will advise the Board how to proceed. Selectman Arthur Boyle interjected because he had to go to the Selectmen's meeting. He requested the information be given to the Town Administrator "because there's a price to all this. And the taxpayers have a right to know what they paid in legal fees and what they paid in (unintelligible due to distance from recorder mic)..." Bagni said she would make sure the material gets to the Selectmen's office. Carolyn started to explain the process, McSweeney interrupted her: "Can I just make one statement? Arthur Boyle, Selectmen Boyle was not put on the agenda. For him to speak at our meeting, he needed to be on this agenda. This is another thing we're having issues about. If Mr. Boyle was gonna come up and speak in regards to violations, it needed to be onto (sic) the agenda". Bagni: "Even though he wanted to come in as a...." McSweeney interrupted again: "It doesn't make any difference". Bagni: "Carolyn?" Atty. Murray: "Anyone wants to come in. What's on your agenda, and I don't have a copy in front of me, but what's on your agenda is something relative to discussion of the Attorney General's Open Meeting Law violation? So anyone from the public who's recognized by the Chair who wants to discuss anything that falls under that topic may be recognized by the Chair. They don't have to individually be on the agenda in order to make a comment on something that is already on the agenda. If he wanted to introduce a new topic, that would be something else". Bagni: "Ok. All he did was he came in to view the beginning of the meeting. If this is not because it was addressed to you if it hasn't gone to...." McSweeney interrupted Bagni: "But he made

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statements about off....to the Town." Bagni: "Carolyn, your opinion on that? Carolyn: "I still think it falls under the four corners of the discussion". Bagni: "Thank you". Atty. Murray stated that the Board must make the May 18 email public within 30 days upon receipt of the letter from the Attorney General's office. She suggested attaching a copy of the email to the minutes of the August 22, 2016 meeting. Atty. Murray also stated the AG's office is aware of the discussion of the Open Meeting Law training and Murray discussed with Town Administrator scheduling an Open Meeting Law training session available to all town boards. Fine suggested to include a copy of the Secretary's May 16 letter along with the May 18 emails associated with it. Atty. Murray read that the only requirement by the AG's office was to release the emails between Bagni and McSweeney. She stated that the Board would be releasing more than was required, but were not prohibited from doing so. Bagni asked for a motion. Fine made a motion "to include when we make a general release to the public, we include in our minutes not only the email correspondence that transpired between Member McSweeney and Chair Bagni, I'd like to include the letter that was read on the sixteenth of May from Carol Mirotta, our Board Secretary." McSweeney: "I'll second" (laughs). Bagni: "All in favor? Aye." Bagni asked Attorney Murray if the Board was all set with the statement and if there was any follow-up needed. Murray said nothing else was needed.

- Discussion re: Legal counsel determination that the Board of Health is not running under the laws of Massachusetts. Bagni: "Since we started meeting this new board after elections in May, a lot of times topic has come up in regards to the Board is not following under the guidelines of Massachusetts General Law, we're unethical, we're not doing things autonomous. It really bothered me, so I took it one step further and I had been investigating it through Ed Thorne and with Carolyn in regards to was the ruling that was made in regards to Ed Thorne and the Selectmen back in two thousand nine, was that action unlawful? Under not following the guise of Mass General Law? Are we still operating unethically wrong? So, Carolyn was given this topic to kind of investigate for us and she actually came back with a response. It was a lengthy response, but the gist of it, Carolyn, this was the email of July thirty-first. It came in to Ed Thorne in regards to the delegations of duties to the Board of Selectmen. You've quoted several general law chapters. I would like you, for the peace of mind of the Board as well as the Town of Pembroke, people of Pembroke who elected us. Can you give us your opinion in regards to the fact of have these statements, are these statements incorrect to the best of your knowledge?" Atty. Murray: "Which statements?" Bagni: "Statements that we are not, we are autonomous, which we are, but that the ruling that had been made in regards to the, Ed Thorne taking over the regular daily duties of the Board of Health as well as the Selectmen taking over the trash". McSweeney interrupted: "Can we....'cause we're going....." Bagni: "These are accusations..." McSweeney: "Well, I've never discussed the trash. I don't understand why that's ever come into it. My issue is the Mass General Law and the way that I feel about this right now, I've already told you that I have filed with ethics on the Mass General Law and until they come back, this is a redundant issue. There's really nothing further that can be spoken about it until the State comes back with their decision". Bagni: "Carolyn? Do you have anything to add?" Atty. Murray: "Well, I mean I've provided the Board with my opinion and I stand by that opinion. As far as ethics go, there's a whole different body of law that addresses conflict of interest issues. And I have

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not been presented with any conflict of interest issues to review in any matter, certainly not with respect to the Town Administrator's oversight or day-to-day delegation of duties and oversight of Board of Health staff. So I am not aware of any ethics violations and I don't see any ethics violations coming from strictly the Board of Health vote to turn over certain day-to-day duties to the full-time Town Administrator. And in fact, in my opinion, I think it is that the Board's vote to turn that delegate that duties to the Board of Selectmen through the Town Administrator, I think it's consistent with Chapter one-eleven and I think it's also consistent with the Town's by-laws". McSweeney: "What vote are you talking on?" Murray: "This is, I was given a June 22<sup>nd</sup>, 2009 Board of Health vote..." McSweeney interrupted Atty. Murray: "Have you seen the minutes and have you seen the meeting minutes and the agenda?" Murray: "I don't know that I saw the agenda..." Bagni: "It was the executive session." McSweeney: "It's not on the agenda and it's nowhere in the meeting minutes. So, I don't know how they can claim that a vote was taken when it is completely.....there's nothing on there pertaining to that vote". Bagni: "So, what we keep coming back to is the 2009 vote that was taken, executive session....." McSweeney: "It doesn't exist anywhere on any meeting minutes or documentation". Bagni: "I thought that we had a whole, correct me if I'm wrong, I thought we had a whole line-up of emails from Board of Health Executive Session with the Selectmen....." McSweeney interrupted Bagni: "Well, now you're getting into the minutes (unintelligible) and I never, again, I have not brought that up." Bagni: "So, what meeting of the minutes are you talking about then if we're not talking about the 2009..." McSweeney: "We're talkin' about the 2009 vote, supposedly the Board of Health took a vote to release managerial duties to the Administrator and to the Selectmen. And this is what we're talkin' about. And there is no agenda anywhere or no meeting minutes anywhere that reflects such a vote. Again, I'd like to move along from this saying that this is just redundant until we can get some clarity from the State. I just don't think this really should be..." Bagni: "But isn't that unethics (sic) against the sitting board at that time versus the unethicalness of this board where we had nothing to do with it?" McSweeney: "The Mass General Law is the Mass General Law. If you go and run outside of the law, it doesn't mean that you're acting inside the law, you're acting outside of the law. You've gotta act inside of the law for it to be correct. You can go and act outside of the law but it doesn't mean that's it's been backed up or that it's correct. And right now we've been operating on the outside. There are no, there are no meeting minutes anywhere that reflect the vote that we turned over.." (end of side 1 of tape). (Beginning of side 2 of tape – some dialogue lost) Bagni: "...Because I believe on not only through the emails that we've received copies attached of executive meeting with the Selectmen, the Board of Health, who was present, I don't know if there's an agenda. I believe there is an agenda, but I'll tell you what...I'll get a whole packet together for you to take, for you to see where we have everything and I believe that all these emails have been forwarded over or made copies of within your packets. If something's been missed, then I would like to have the opportunity to find it. You know, I'm having a really big problem that this board is monopolizing our own time...you're very passionate about this and if this is, if you are correct, you have legal counsel, you have a complaint in with the ethics commission, I don't know how long that takes....do you have any idea?" McSweeney: "No, I was told that I would hear back when they were ready". Bagni: "Ok. So, with that being said, that's where we're at, I think it's going to be a continuous obstacle for this board to overcome". Fine

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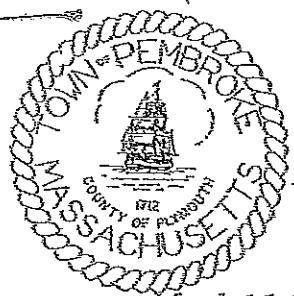
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stated that he wasn't aware that something was brought before the ethics commission. McSweeney stated she had mentioned it. He had a question for Atty. Murray. Fine: *"You're an attorney so, I am not, but I'm gonna ask you. I'm asking legal counsel in your opinion is the current sitting Board of Health not operating under the Mass General Laws as you understand it?"* Murray: *"As I stated my opinion, I think the Board of Health is operating consistent to Mass General Law and consistent with the Town's Charter and By-Laws"*. Fine: *"Thank you. Ok, which has nothing to do with the ethics"*. McSweeney: *"We don't have a charter, just the by-laws"*. Fine: *"Thank you for your opinion"*. McSweeney: *"Ok. Are we good?"* Bagni: *"Well, unless you wanna...."* McSweeney *"Oh, I think I'm....wonderful"*. Bagni: *"You think you're good, so I would like to....I'm sorry"*. Fine had a question regarding the procedure for approving the minutes. Fine further went on to state things had changed with the approval and he wanted to understand that minutes are sent to all members via email and any changes to those minutes had to be approved by all Board members prior to presentation for approval at a meeting. Bagni explained that to maintain transparency, the minutes are transcribed from the BOH tape, sent to her for her okay to forward to other members. The members will either okay them or submit any edits. Should there be a necessary edit, it will be sent to all members for approval prior to becoming part of the signed minutes. Fine made the point that minutes only need majority vote for approval. Atty. Murray stated that it's okay to send draft minutes to the members, but if there are any changes needed, they should be brought to the next meeting and not engage in emails with comments. The Board could then vote for any amendments at that time. Bagni stated that all members should acknowledge that each one has received the minutes and if anyone has any differences, to forward them. Fine requested a discussion on the next agenda about streamlining the minutes process. McSweeney also requested food inspections that have been conducted in the past 6 months to be on the next agenda. Bagni asked for any other requests or comments. Hearing none, Bagni asked for a motion to adjourn. Fine moved to adjourn at 7:31 p.m.; McSweeney 2<sup>nd</sup>. All in favor. Bagni thanked Atty. Carolyn Murray for attending.

Donna Bagni  
Chair

Donna



TOWN OF PEMBROKE  
OFFICE OF  
BOARD OF SELECTMEN/TOWN ADMINISTRATOR  
100 CENTER STREET  
PEMBROKE, MASSACHUSETTS  
02359

PHONE: 781-293-3844  
FAX: 781-293-4650

March 16, 2010

BY HAND

Ms. Gail McSweeney  
258 Center Street  
Pembroke, MA 02359

Re: Notice of Proposed Layoff

Dear Ms. McSweeney:

Please accept this correspondence pursuant to the provisions of Article III, Section 3 of the collective bargaining agreement between AFSCME, Council 93 and the Town of Pembroke that the Town has decided that your position of principal clerk is being eliminated for economic reasons.

Accordingly, you will be laid off effective April 1, 2010. In the meantime, beginning March 17, 2010 and through March 31, 2010, you will be on paid administrative leave.

This office will check with the Town Accountant's office to check your accrued leave record which will be included in your final paycheck.

Please notify the Treasurer's Office if you wish to have extended health insurance coverage under the COBRA program.

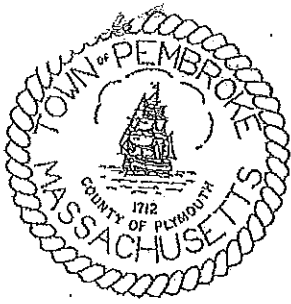
You should consult your union representative for any rights you may have under the contract.

Very truly yours,

Edwin Thorne  
Town Administrator

cc: Board of Selectmen  
Board of Health  
Union Representative





# TOWN OF PEMBROKE

OFFICE OF  
BOARD OF SELECTMEN/TOWN ADMINISTRATOR  
100 CENTER STREET  
PEMBROKE, MASSACHUSETTS  
02359

PHONE: 781-293-3844

FAX: 781-293-4650

DATE: March 22, 2010

TO: Kathleen McCarthy, Town Treasurer/Collector  
Michael Buckley, Town Accountant  
Mary Ann Smith, Town Clerk  
Board of Health

FROM: Edwin J. Thorne, Town Administrator ~~ESR~~

RE: Gail McSweeney

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Please be advised that the employment of Gail McSweeney ended on April 1, 2010. The Treasurer/Collector will notify Ms. McSweeney of her Cobra rights. She will also notify the Plymouth County Retirement Board that Ms. McSweeney's employment ended with the Town of Pembroke on April 1, 2010.

Please note that any inquiries regarding Ms. McSweeney's employment with the Town of Pembroke must be directed to Town Administrator Edwin J. Thorne.

Pembroke Police Department  
NARRATIVE FOR CHIEF RICHARD D WALL

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Ref: 13-7547-OF

Reporting Officer: Chief Richard D Wall

Date: 10/02/2013

Time: 1100hrs

Location: 258 Center Street

2) On the above time and date Lt Clauss and I went to the McSweeney residence to speak to Gail McSweeney regarding two complaints of harassment made by Town of Pembroke Employees. We arrived at the residence and met with Gail and David McSweeney outside on the rear deck. I advised Gail McSweeney that two employees of the Pembroke Town Hall had made complaints.

12) Background: In September of 2012 Gail McSweeney came to my personal residence with a large envelope of papers. She said that she believed that there had been thefts going on at the Pembroke Board of Health and the Food Services of the Pembroke Schools and she had the proof inside the envelope. Mrs McSweeney said that she had been an employee at the Board of Health and brought her suspicions of theft to Town Administrator Edwin Thorne. She believes she was subsequently fired from her job because she was blowing the whistle on the other employees. When asked if the matter was investigated, Mrs McSweeney said that there was an audit done and the Pembroke Police had already investigated this matter but nothing was done. I did look into this packet. I did not see any thefts or practices that showed someone was misdirecting funds. There were recommendations from the auditor that the Town may want to tighten up the use of receipts and not accept cash, but the auditor found no wrong doing.

11) Mrs McSweeney said that she sent copies of all the information to the District Attorney's Office, the FBI and many other agencies but no one would do anything with it. She asked that I look into it. In checking internal records I found that there were no inquiries from any of these agencies made to the Pembroke Police.

13) On 11/01/2012 Gail McSweeney was issued a No Trespass Order to stay away from the property of the Pembroke Clerical Union Stewards personal residence for going to the residence and causing a disturbance over not being represented. Her firing had occurred in 2010.

14) On or about that same time period Town Administrator Edwin Thorne issued a No Trespass Order against Mrs McSweeney from the Pembroke Town Hall because he felt her constant visits and inquiries of the staff was disruptive to employees conducting their daily business.

15) Over the past 10 months Gail McSweeney has continued to drop off additional information regarding her belief that a Board of Health Employee is stealing from the Town and her husband of that employee has bugged her home phone, cable tv and internet. Mrs McSweeney provided me with more paperwork and a computer technicians telephone number where she had a forensic check done on her computer. I called the number and spoke to a tech named Peter Miles of Optimize System Solutions of Scituate MA. Miles told me he was familiar with Mrs McSweeney and said that many of the items of concern were most likely advertising from spyware companies that got embedded onto her computer when she searched spyware sites over the internet. Miles said he could not confirm nor rule out that Mrs McSweeney's computer had been hacked.

16) On 08/23/2013 Gail McSweeney contacted me and reported that she believed someone had tampered with her PS, her chicken coop and also tampered with her home. I relayed this report to the station and Officer Ramsey went to the McSweeney residence and spoke to David and Gail. Officer Ramsey found no suspicious activity and was able to determine that there was no tampering done to any of the above items.

17) On 09/10/2013 I received a Priority mail package from Gail McSweeney. It contained paperwork

Ref: 13-7547-OF

Regarding the Towns sale of surplus lots of land on Elmer Street in Pembroke. The property was bought by [REDACTED], developed, and later sold to a member of the Pembroke Board of Health. My view of Mrs McSweeneys research indicates that she believes there was wrong doing with this transaction.

On September 14th, 2013 about 0930hrs Gail McSweeney knocked on the door of my residence. She appeared to be frightened and apologized for coming to my home. She told me that her husband David's mother had died several days ago and this morning she recieved a text message from David's mother's cell phone. I told her to make a report at the police station and that it was totally inappropriate for her to come to my personal residence on a Sunday morning to make police reports. She told me she parked a half mile up the street so nobody would follow her. Later that week David McSweeney came to the station. I told him about the more recent incidents involving Gail and that I believed she needed help beyond what the police could offer. He said that she has been under a lot of stress since losing her job and there have been deaths and medical emergencies in the family that have also contributed to her stress.

Around that time in September, I was approached by [REDACTED] *Board of Health Agent*. She told me that earlier that day she was in her [REDACTED] vehicle traveling on Center Street when a small silver vehicle approached her from the opposite lane. [REDACTED] said the vehicle swerved into her lane causing her to pull to the right to avoid a collision. [REDACTED] said she saw the operator was Gail McSweeney and that McSweeney was frantically waving her arms at her ([REDACTED]) as she drove past. [REDACTED] that this is not the first time this type of activity has happened.

On October 01, 2013 I recieved an email from [REDACTED] *BoH Sec.* and employee of the Pembroke [REDACTED]. [REDACTED] reports that Gail McSweeney has been driving down her street which is a small beach community side road. She also reported incidents where Mrs McSweeney drives by her frantically waving her arms and yelling things as she passes.

Detective/Police Officer  
Pembroke Police Department

NOTICE: This report *May* only contain a compendium of the information known to the officer(s) concerning this event.