



TOWN OF ROCKLAND

Board of Selectmen

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SEWER INVESTIGATION: EXECUTIVE SUMMARY

The Board of Selectmen convened a meeting in executive session on August 10, 2021 to discuss serious allegations against Charles Heshion, an elected member of the Sewer Commission, pursuant to M.G.L. c. 30A, sec.21(a)(1). At that meeting, the Board of Selectmen voted to direct Town Counsel John Clifford to conduct an investigation into these allegations. The investigation was conducted pursuant to the Board of Selectmen's authority under §C-2.02(C) of the Town Charter and General Laws, c. 41, §23B. The investigation included review of extensive email files as well as investigatory interviews of persons having direct knowledge of the matters under investigation. The results of the investigation were reported to the Board of Selectmen on November 29, 2021 in executive session. Sewer Commissioners Charles Heshion, Daniel Dross and Douglas Cope attended the meeting.

The investigation determined that Mr. Heshion had engaged in multiple violations of General Laws, c. 30A, §§18-25, the Massachusetts Open Law, by sending emails to fellow members of the Sewer Commission in which he expressed opinions about matters before the Commission. Several of these violations occurred after Mr. Heshion had been advised by Town Counsel that such emails were a violation of General Laws, c. 30A, §18, which prohibits deliberation by board or commission members outside of a public meeting. In the interest of transparency, the Board of Selectmen voted to report these violations to the Attorney General's Division of Open Government. The Board, after learning of the allegations, had already directed Town Counsel to conduct refresher training on the Open Meeting Law on September 20, 2021. Mr. Heshion attended that training session.

The Board further determined that Mr. Heshion had engaged in conduct that was abusive and disrespectful to other Town officials and employees. Mr. Heshion was advised by the Board that the Town will not tolerate such conduct, particularly when directed at subordinate employees. The Board of Selectmen will take corrective action if employees are subjected to any further abusive or disrespectful conduct, particularly if such conduct is determined to be retaliation against any person involved in this investigation.

Mr. Heshion has acknowledged that he deleted emails to and from residents regarding Sewer Commission issues, even though such emails must be preserved pursuant to General Laws, c. 66, and c. 4, section 7(26), Massachusetts Public Records Laws. He was advised by the Board of Selectmen that all of his actions as Sewer Commissioner are matters of public record, and that when he conducts Sewer Department business outside of public meetings he is undermining faith and trust in local government. As an elected official, Mr. Heshion is only empowered to act at posted

meetings of the Sewer Commission. The Sewer Commission is the sole authority over the Town's wastewater treatment and collection system and is accountable to voters for proper maintenance and oversight of that system. To the degree that there are deficiencies in the condition or operation of the wastewater system, the Sewer Commission must address those concerns in an open, direct and timely manner. The serious challenges facing the Sewer Commission will not be solved by deflecting responsibility to past members of the Sewer Commission or other Town officials.

The issuance of this Executive Summary shall close this investigation. Pursuant to General Laws, c. 41, §23B, a copy of this report shall be filed with the Town Clerk and included in the Town's Annual Report.

Released by the Board of Selectmen on December 7, 2021.