

TOWN OF SCITUATE
BOARD OF SELECTMEN



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Date: October 30, 2007

To: Board of Selectmen (BOS)

RM

From: Rick Murray, Selectman

Re: Summary of Public Information Concerning Town of Scituate's Cons. Agent

Cc: Rick Agnew, Town Administrator
Kim Donovan, Administrative Assistant, Board of Selectmen

Executive Summary: In response to public requests for the BOS to look into the operation and conduct of the Conservation Agent (Vincent Kalishes) and Conservation Office, in my capacity as BOS's liaison to the Conservation Commission I have compiled information regarding a series of cases over the past few years. The Herring Brook Meadow (HBM) project, in association with which it has been alleged by others that the agent may have taken "...a number of actions...that raise doubt in his ability to perform his job as Conservation Agent..." (*Appendix 1*), figures prominently but is not the only subject for which I have gathered documentation and correspondence. I report here on Herring Brook Meadow, the MBTA fine money (\$245,000), the Mark Stewart proposal (Collier Road), and the Gibbons case (Humarock), as well as on a number of miscellaneous comments. It would seem that the information presented brings to the forefront a number of questions about conflict-of-interest and conduct of Kalishes during the discharge of his duties as the Town's Conservation Agent.

Recommendation: I recommend the BOS, after reading this report, discuss how to proceed as an agenda item as its first opportunity during a BOS meeting. Given the dual responsibilities of the Town Administrator and BOS in such matters, discussion with the Town Administrator is warranted prior to us, or he, drawing any conclusions or consider taking any course of action.

As you recall, at the BOS meeting on March 27, 2007, Mr. Tony Vegnani was present and spoke during the "walk-in" session. Vegnani expressed his concerns about the actions of the Town's Conservation Agent, in the context of the Herring Brook Meadow (HBM) 40B project. According to the draft minutes, and the *Patriot Ledger* story (*Attachment A*), Vegnani questioned whether "...those people shouldn't be in our Town government anymore", and asked the BOS to look into the situation. At the time

Vegnani was not only referring to Mr. Kalishes, but also to several members of the Conservation Commission (Con Com).

The *Patriot Ledger* story (*Attachment A*) represented the BOS discussion at the time. Members of the BOS, and I because of my duties as the BOS's formal liaison to the Conservation Commission, had been receiving many verbal complaints about Kalishes. Thus, when Vegnani had concluded his comments, I publicly asked for individuals to put their issues in writing to the BOS, and volunteered that I would compile and triage the responses for us. The BOS supported this procedure. Given that we had also received written and verbal complaints about Kalishes in the context of other (non-HBM) projects, I was to provide input about any matters relating to the Agent, the Commission, or the general running of the Conservation Office.

In response to the discussion in open BOS meeting, Mr. Vegnani supplied written documentation about HBM, as did Mr. Werner Boehl, an abutter. Vegnani emailed us shortly thereafter, and also re-appeared before the BOS on July 24, 2007, asking for a progress report. Other individuals provided information on other projects as well (e.g., Mr. Keith Jansen provided information about his feeling of mistreatment by Kalishes in the Gibbons case). Vegnani's and Boehl's documents are included here as *Appendix 1* and *Appendix 2*, respectively, and Jansen's is included later in this packet as one of the 33 attachments. As Vegnani wrote, The Conservation Agent has taken "...a number of actions...that raise doubt in his ability to perform his job as Conservation Agent...".

This memo summarizes the responses and is based on material extracted from them, minutes of meetings, and other memos / correspondence. I am putting my report in writing to the BOS, to which we agreed at our March 27, 2007 meeting.

In sum, the potential issues revolve around Kalishes's alleged conduct and alleged performance as Conservation Agent, including:

- the appearance of his manipulating the approval process of various town committees and potentially influencing the permitting process of the Conservation Commission for his family's financial gain,
- a putative lack of forthrightness (that is, not providing "full disclosure") regarding his conflict of interest in HBM,
- the appearance of his not following appropriate procedures once he had acknowledged the conflict of interest,
- his alleged performance in his general duties as Conservation Agent in terms of familiarity with and/or regard/disregard of local and state wetlands regulations,
- his alleged behavior potentially being unbecoming of a public official,
- his potential lack of responsiveness to citizens and/or badgering of residents, and
- the potential misuse of public funds.

This summary is organized by topic, and includes several main cases, as follows:

- Herring Brook Meadow (HBM).

