

Town of Sandisfield

Select Board

Minutes for Select Board Executive Session held on Monday, September 11, 2023 at 6:00PM at the Town Hall, 66 Sandisfield Road, Sandisfield, MA

Members present: Steve Seddon, John Field, Robert Fedell, Jonathan Sylbert, Ralph Morrison, Kathleen McCormick

1. Motion to open session

2. Motion to open Executive Session under G.L. c. 30A, sec. 21(a)(1) – To discuss complaints or charges brought against a public employee

A motion was made, seconded and so voted to open Executive Session under G.L. c. 30A, sec. 21(a)(1) – To discuss complaints or charges brought against a public employee.

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

At the first executive session regarding the complaint sent by Berkshire Rehab against Fire Chief, Ralph Morrison, the Select Board agreed to allow KP Law to conduct an investigation. KP Law was unable to interview any of the Berkshire Rehab employees individually, as no employee came forward to speak. Only Ralph Morrison, EMT Rico Sanchez, and Berkshire Rehab Administrator Greg Dempsey were interviewed. With no corroboration from the employees, no action can be taken against Ralph.

Steve questions whether Ralph's interaction with the Administrator after their initial executive session could be construed as intimidation. Ralph confirms his relationship with the Administrator has been cordial and the Administrator's statement supporting Ralph was made at his own volition.

Ralph's recommendation from KP Law is as follows: "I recommend that Fire Chief Morrison make a conscious effort to communicate with staff he encounters at Berkshire Rehab in a more congenial manner. If he encounters any issues when he is at Berkshire Rehab, he should raise those issues with the Administrator, not staff members particularly when dispatched to the facility late at night." The Select Board asks Ralph to follow the KP Law recommendation and confirm they will not take any action against him.

A motion was made, seconded and so voted to exit executive session.

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

3. Adjourn the Meeting

Meeting adjourned at 6:24pm.

Steve Seddon

John Field

Robert Fedell



**Town of Sandisfield
Select Board
(413) 258-4711 Ext. 3**

September 6, 2023

Mr. Ralph Morrison
Fire Chief
Sandisfield Fire Department
207 Sandisfield Road
PO Box 22
Sandisfield, MA 01255

Re: Notice of Executive Session

Dear Chief Morrison:

Please accept this letter as written notification that on Monday, September 11, 2023, at 6:00 PM, the Sandisfield Select Board will vote to convene in Executive Session pursuant to G.L. c. 30A, sec. 21(a)(1) to discuss a complaint filed against you as a Town employee. Specifically, the Board will meet to conclude the investigation of the complaint from the Berkshire Rehabilitation and Skilled Care Center ("the Center") which alleges that you treated residents and staff at the Center unprofessionally during a call for service that you responded to on May 18. The written complaint further alleges that you belittle and harass residents and staff whenever you respond to the Center.

The Board's meeting will be held at Sandisfield Town Hall, 66 Sandisfield Road, Sandisfield, Massachusetts 01255.

As the subject of the Executive Session you have the right to be present for the Board's discussion which pertains to you; you have the right to speak on your own behalf; you have the right to appear with counsel or a representative of your choosing, for purposes of advising you, but not for active participation; you have the right to record the meeting by stenographic or other means; and you have the right to request that the Board conduct the meeting in Open Session.

A copy of this letter will be placed in your permanent personnel file.

TO: Steven Seddon, Chair Select Board
Jonathan Sylbert, Town Manager

FROM: Deborah I. Ecker, Esq.

RE: DPW Investigation Report

DATE: June 29, 2023

CONFIDENTIAL NOT A PUBLIC DOCUMENT

I. INTRODUCTION

On May 24, 2023, the Town of Sandisfield Select Board received an anonymous letter from “All the staff at Berkshire Rehab” complaining about Fire Chief Ralph Morrison’s “bad attitude and behavior” towards residents and staff when he comes to the Berkshire Rehabilitation & Skilled Care Center (“Berkshire Rehab”). The letter was written as a result of Fire Chief Morrison’s response to the facility on May 18, 2023.

The Select Board retained KP Law, P.C. to investigate the complaint.

II. CONDUCT OF INVESTIGATION

On June 21, 2023, I interviewed Fire Chief Ralph Morrison via Zoom. On June 26, 2023, I interviewed EMT Ricardo Sanchez via telephone and Greg Dempsey the Administrator of Berkshire Rehab via telephone.

In addition to the interviews, I reviewed the written statements provided by Mr. Dempsey and Mr. Sanchez to the Select Board in response to the complaint.

A. INTERVIEWS

I summarize the interviews below. I have not recounted the interviews verbatim, nor have I included immaterial details.

Fire Chief Ralph Morrison

Fire Chief Morrison was interviewed via Zoom at the office of Attorney Kate McCormick. Attorney McCormick was present for the interview but did not participate.

Mr. Morrison has been the Fire Chief of the Town of Sandisfield Fire Department for approximately forty (40) years. Fire Chief Morrison stated that of the one hundred and forty-three (143) ambulance calls the Fire Department has responded to, ninety-eight (98) of those calls have been to Berkshire Rehab. A large percentage of the calls the Fire Department receives are from Berkshire Rehab. Fire Chief Morrison stated that the state code requires that two people respond to the medical calls and that when called, they must transport the patient to the hospital.

Mr. Morrison remembered the call on May 18, 2023. He responded to the call to Berkshire Rehab after midnight with EMT Rico Sanchez. The Fire Department has the code to get into the facility. When they arrived on May 18, 2023 the staff members that they interacted with were Allison Spring, who Fire Chief Morrison has known for a long time, and another woman who he does not know. Ms. Spring asked Fire Chief Morrison if “he was in a bad mood tonight?” The Fire Chief said no, that it was after midnight, and he just wanted to get going. According to Fire Chief Morrison, Ms. Spring was laughing and giggling. He did not believe it was a bad situation.

Fire Chief Morrison stated that EMT Sanchez was the primary EMT that night. By the time they arrived at the facility, the patient was back in bed. They are required to ask the staff what happened and why the patient fell out of bed so that they can report it to the hospital. According to Fire Chief Morrison, some staff members at the facility get defensive when they ask them questions.

According to Fire Chief Morrison, there is an ongoing issue with the facility having the hallways blocked with equipment when they arrive. On May 18, 2023, Fire Chief Morrison said to the staff member who he did not know, “do you know who I am?” Fire Chief Morrison then told the staff member that they needed to keep the hallways clear all the time and that he might be back to check the hallways. The staff member did not respond to Fire Chief Morrison. Fire Chief Morrison again told me that this is a continuing issue at the facility and that he knows that the facility’s staff does not always agree with him. He has heard comments when he enters the facility such as “here comes Ralph again.” Fire Chief Morrison has spoken with Mr. Dempsey about keeping the hallways clear.

Fire Chief Morrison believes that they were at the facility for approximately fifteen (15) minutes on May 18, 2023. The Chief did not believe there were any problems between him and the staff members he interacted with when he left the facility that night. He stated again that he made comments about the hallway needing to be taken care of and that he might be back to check the hallways. He did not raise his voice when he made his comments to the staff member.

Fire Chief Morrison first learned there was an issue from the Select Board. After he was made aware of the complaint, he contacted Mr. Dempsey to speak with him about it. According to Fire Chief Morrison, Mr. Dempsey has been working with him to keep the hallways clear. When Fire Chief Morrison told him about the complaint, Mr. Dempsey responded that they [the staff]

should have come to him to address any issue. Mr. Dempsey told Fire Chief Morrison that they have a great relationship with him. Fire Chief Morrison also reached out to EMT Sanchez when he learned about the complaint who, according to Fire Chief Morrison, did not believe there was an issue that night.

EMT, Ricardo Sanchez

EMT Sanchez responded to the call at Berkshire Rehab on May 18, 2023 with Fire Chief Morrison. He stated that when they arrived, the hallways were full as usual with equipment and other things. EMT Sanchez stated that they have had years of discussion with the facility to clean up the hallways. He stated that the staff will clean up the hallways for a week or two and then it goes back to being congested.

EMT Sanchez stated that when they arrived, he did not believe that the staff was annoyed. He was focused on assisting the patient. He did hear Fire Chief Morrison say that “all this stuff needs to be cleared” and that it needed to be cleared by tomorrow. EMT Sanchez does not know who the Fire Chief was speaking to. EMT Sanchez stated that he tuned the Fire Chief out because he knew what he was going to say. EMT Sanchez stated that everyone was joking around with him and the Fire Chief that night. When they were loading the patient there was no indication to him that anyone was upset. EMT Sanchez was surprised when he heard about the complaint.

EMT Sanchez does not know why the complaint was sent but thought that perhaps it was because of the battles they have had keeping the hallways clear. He believes that whoever the Fire Chief was speaking to that night may have been tired of hearing the Fire Chief say that they needed to clear the hallways. EMT Sanchez stated that he has been a Member of the Department for approximately thirty (30) years and during that time the number of calls to the facility has increased significantly. EMT Sanchez stated that part of his frustration with Berkshire Rehab is that the Fire Department should not have to respond to half of the calls from the facility, because if they respond they have to bring the patient to the hospital.

Administrator, Greg Dempsey

Mr. Dempsey is the Administrator at Berkshire Rehab. He stated that because the call came in the early morning (after midnight) of May 18, 2023, he was not present. He was not aware of the anonymous complaint from members of the staff until Fire Chief Morrison told him about it.

Mr. Dempsey stated that when Fire Chief Morrison comes into the facility, he is all business. He stated that Fire Chief Morrison does want the hallways to be cleared which he has told his staff is simple enough. He stated that he has told his staff that when they call 911 to treat it like a fire drill and have the hallways clear. According to Mr. Dempsey the staff does not always like to be told that they are doing something incorrectly.

Mr. Dempsey has heard that Fire Chief Morrison can be a little gruff, but according to Mr. Dempsey, Fire Chief Morrison is coming to the facility for an urgent purpose. He does not expect Fire Chief Morrison to come into the facility joking around and the call-in question came in late at night.

When Mr. Dempsey learned about the complaint, he spoke with staff members. He would not tell me who or provide me with any written statements without going to corporate counsel. In general, he stated when asked that none of the staff really complained much. They did tell him that Fire Chief Morrison asked the staff member “do you know who I am” when he was speaking to her on May 18, 2023 and then complained about the stuff in the hallways. The staff told him that Fire Chief Morrison was rude when he questioned them and asked why they were sending the patient out. Mr. Dempsey stated that he took the Fire Chief’s comments as his being the Fire Chief. He told his staff that if they have an issue with Fire Chief Morrison that they should go directly to him. Mr. Dempsey did state that if the facility is calling 911, it is warranted.

III. CONCLUSIONS AND RECOMMENDATIONS

The information learned during the investigation, in my opinion, does not substantiate the allegations contained in the anonymous complaint that Fire Chief Morrison has a bad attitude and is verbally abusive and belittling staff when he is at Berkshire Rehab. From the information learned during the investigation the Fire Chief and Mr. Sanchez and perhaps other firefighters and EMTs are frustrated by having to repeatedly tell staff at Berkshire Rehab to clear the hallways of equipment when they arrive at the facility so that the facility is in compliance with the fire codes and also frustrated by the increase in the volume of calls to Berkshire Rehab. The frustration and the Fire Chief’s manner of communication may come across as rude to staff members at Berkshire Rehab who on their part also may not want to be told what to do by the Fire Chief. As all have to work with one another going forward, I recommend that Fire Chief Morrison make a conscious effort to communicate with staff he encounters at Berkshire Rehab in a more congenial manner. If he encounters any issues when he is at Berkshire Rehab, he should raise those issues with the Administrator, not staff members particularly when dispatched to the facility late at night. Mr. Dempsey should instruct his staff that if they have issues with Fire Chief Morrison or any other Member of the Town of Sandisfield Fire Department, they should let him know immediately so that the incident can be addressed.