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Reactions on Kiley settlement

By **Katie Liesener**/ Staff Writer

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Since town officials struck a May 15 settlement agreement giving former landfill superintendent Charles Kiley one year's severance pay (\$57,159 to be paid out over the following year), some residents are outraged that they're footing the cost.

Resident Janet Manley said she is so angry she is planning to start a petition to express her displeasure to town officials, "because I'm sick of sitting back and watching this going on.

"It was not a wise decision to string him along and try to see the best in him when there were so many indications of what kind of character he is," she said.

During Kiley's 19-year supervision of the landfill, the town was fined \$15,000 for illegal dumping of plastic jugs, fined \$5,000 for illegally dumped cardboard, and missed out on thousands of dollars for taking dirt as landfill cover because it was taking free dirt for nearly a decade under a deal Kiley brokered.

The severance pay does not necessarily signal an end to the town's financial responsibility for Kiley. The town is also bound to paying Kiley's legal defense in investigations by the State Ethics Commission and the Inspector General's Office, according to the settlement agreement. A state law adopted at Town Meeting in 1981 obligates the town to do so.

Town officials said it was not possible to estimate how much the town has spent on legal fees for Kiley because those expenditures are not easily identifiable in accounting sheets.

The settlement agreement was reached shortly after Kiley was placed on paid leave amidst a police investigation into possible violations of landfill and state environmental regulations. Though police confirmed that illegal dumping had occurred at the landfill, they could not show that Kiley stood to benefit

Kiley could not be reached for comment at his Framingham home.

"There has been trouble at the dump for the last few years with him at the helm that has cost us valuable tax dollars to settle lawsuits and damaged our reputation in the MetroWest community. It is hard to understand why he was not fired long ago," wrote resident Carol Harakles in a June 12 letter to selectmen. "To offer him a year's severance is a clear indication that the town does not respect the residents who pay some of the highest property taxes in the state. The town should be ashamed and embarrassed."

Selectmen Chairman Michael Tichnor disagrees.

"We wouldn't have settled if we didn't think it was in the best interest of the town and in the long-run will save the town money," he said.

The money for the settlement will be covered in part by a current year transfer for legal costs approved at annual Town Meeting in April.

Article Four was amended on the floor of Town Meeting by Finance Committee Chairman Chris Riley to increase legal fee transfers from \$25,000 to \$75,000 at the behest of selectmen.

That increase was for a number of legal costs that could not be predicted at the beginning of the fiscal year, town officials said, including money to defend against Kiley's age discrimination lawsuit against the town.

"At that time, it looked like we could be fighting the case," Finance Director Michael DiPietro said.

"At the time, we didn't anticipate this settlement would happen," Tichnor concurred.

When Kiley dropped the lawsuit as part of the settlement agreement, the money approved at Town Meeting for legal costs became an offset for Kiley's severance pay, Tichnor said.

DiPietro said the town will likely need to seek additional funds to cover the settlement at the next Town Meeting.

In the meantime, Health Director Steve Calichman said the town is paying temporary supervisors \$25 to \$30 an hour out of the Health Department's contractual services budget to oversee the landfill on a part-time basis. Calichman said he checks in at the landfill the rest of the time.

Calichman would not comment on whether or not Kiley's absence would have a negative or positive

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impact on the landfill. Later he added, "Those are pretty big shoes to fill."

Landfill employees disagree.

Bob Robinson, who brought multiple complaints against Kiley, including those which resulted in state findings of environmental violations, says the landfill is now a much better place to work.

"It's less stress for me because for years, I've been made out to be the bad guy," he said. "I guess now it's changed."

He said he routinely had to participate in dispute resolution between landfill management and employees, paid for by the town.

"The money they've spent is unbelievable - on mediation, consultants, you name it," he said.

Jean Gajos, a landfill office worker whose employment ended last week, said Kiley was a gentleman to residents and an unpredictable firebrand to his employees.

"It made for a truly different work atmosphere, having someone in here not knowing what side of him you're going to see that day," she said.






"In the past months since he's gone, we've gotten compliments from residents saying it's a lot cleaner. Part of it comes down to the fact the guys know what their job is and just do it without him yelling at them," she said. "Everything runs smoothly without him."

A Wayland resident and taxpayer, Gajos pauses considering whether it was worth the settlement money to have him gone.

"I guess so, yeah" she said. "Though a lot of them (residents) didn't like it."

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