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One year paid leave for Kiley

By **Katie Liesener**/ Daily News Staff

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WAYLAND -- The Board of Health has reached an agreement with Landfill Superintendent Charles Kiley in which he will remain on paid leave until July 2007 when his employment will be terminated.

Kiley was placed on administrative leave about a month ago amid a police investigation into alleged landfill violations.

The police investigation was "a factor (in the board's decision), but there were others," said Michelle Wolf, chairwoman of the Board of Health. She said she could not identify the other factors that played into the board's May 16 decision.

Kiley's 19-year employment as superintendent was marked by both awards and violations for the recycling program and by frequent disputes between Kiley and the subordinates that required mediation.

In 2002, the town and the attorney general's office reached a settlement to end the investigation of a 1999 allegation the town illegally dumped contaminated plastic containers.

In 2004, two landfill employees charged that Kiley harassed them on the job. That same year, witnesses reported alleged illegal dumping at the landfill to the state attorney general's office.

This past March, Selectman Joe Nolan initiated a lucrative contract to take landfill cover from a construction contractor, after discovering the landfill had been taking free dirt from the Albert J. Welch Corp. for years. Kiley said he had helped arrange the deal with Welch to dump free dirt at the landfill for weekly cover operations more than a decade ago.

The following month, Kiley was placed on paid leave at the same time he was being investigated by police for possible violations of landfill and state environmental regulations.

Police Chief Bob Irving said police found improper dumping at the landfill, but could not show that Kiley stood to benefit.

"We did not find any reason to bring criminal charges," he said.

Police did, however, find Kiley changing elements of his story and giving a version of events contradictory to security videotape and other testimony, according to a police report of the investigation.

The investigation centered on two allegations brought by landfill employee Bob Robinson.

In the first allegation, Robinson provided police with two cans full of oil-based stain he said Kiley had permitted to be dumped in the landfill.

Oil-based paint is considered hazardous waste and is prohibited from landfill disposal, according to state Department of Environmental Protection regulations.

Kiley told police he had helped resident Paul Perry put a number of paint cans in the trash compactor, but that they were all latex paint, and all the paint was dried. (Landfill employees are told not to allow wet latex paint.) He suggested Robinson had planted the cans of oil-based paint at the landfill.

According to the police report, "The video shows that Mr. Perry unloaded the paint himself. Mr. Kiley walked over and operated the compactor as Mr. Perry put the last of the paint in the compactor. The video does not show Mr. Kiley inspecting each can or helping to unload the paint as he stated in an earlier interview. Mr. and Mrs. Perry stated that some of the cans had a little paint in them, and that some were full. Mrs. Perry also positively identified the paint that Mr. Robinson pulled from the compactor's Dumpster as being hers."

In the second allegation, Robinson provided evidence that two contractors working on Kiley's Framingham home had deposited construction waste from the home in the Wayland landfill.

Trash deposited in the landfill must come from the town of Wayland, according to landfill regulations for commercial users.

Contractor Michael Henley told police he disposed of metal railings from Kiley's home in the landfill, though Kiley told him not to. Security video seized by police shows Kiley walking with Henley to Henley's truck, as Henley's employee placed the railings, which were in the truck bed, in the Dumpster.

Kiley told police he did not see the railings being dumped, according to the report.

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Kiley also told police he did not authorize another contractor, Timothy O'Brien, to dump awnings from his home in the landfill.

According to the police report, "In a signed statement, Mr. O'Brien states that Mr. Kiley told him to bring the metal awnings from his house to the Wayland landfill. He also stated that he was directed to go there on a day when the landfill was closed, and where to put the material."

Kiley did not return phone calls for comment.

Human Resources Director John Senchyshyn would not say whether Kiley's year of paid administrative leave will reflect his current annual salary \$57,159. He would not say whether any other payment was involved as part of the agreement.

During Kiley's absence, Health Director Steve Calichman and one or more temporary supervisors will fill the role of superintendent, according to a written notice given to landfill employees.

A search for a new landfill superintendent is under way, town officials said.

(Katie Liesener can be reached at 508-626-4436 or kliesene@cnc.com.)

Kiley gets one year of paid leave

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