

Soldiers' Home in Holyoke Board of Trustees Meeting

A meeting of the Board of Trustees of the Soldiers' Home Holyoke (HLY) was held in person, virtually and telephonically on Tuesday November 8, 2022. The meeting began at 5:35 PM.

Board Members in Person:

Gary Keefe

Board Members via WebEx:

Mark Bigda, Sean Collins, Kevin Jourdain, Isaac Mass and Carmen Ostrander.

Board Members not Available:

Also Present:

Susan Blomquist, Payette; Sharon Boyle, Legal Counsel (EHS); John Cronin, Chief Financial Officer (DVS); Matthew Deacon, Legal Counsel (DVS); Robert Engell, Interim Administrator (HLY); Joe Fazio, (DCAMM); Kelly Jones, Director of Nursing (HLY); Linda Lariviere, Quality Manger (HLY); Michael Lazo, Interim Superintendent (HLY); Brooke Leahy, Chief of Staff (DVS); Michael Lynch, CFO (HLY); Caitlin Menard, Director of Social Services (HLY); Elba Pires Morgado, Western Mass Eldercare, Ombudsman; Cheryl Poppe, Secretary (DVS); Patti Spirito, Western Mass Eldercare, Ombudsman; Brett Walker, General Counsel (HLY); Linnea Walsh, Communications Manager (VET); Bryant Watson, Payette; Mark Yankopoulos, Deputy General Counsel (VET); and Kathleen Denner, Recording Secretary (HLY).

Pledge of Allegiance - All present recited the Pledge of Allegiance.

Roll Call:

Chairman Keefe conducted a Roll Call as follows: Trustee Collins (Yes), Trustee Jourdain (Yes), Trustee Mass (Yes), Trustee Ostrander (Yes) and Trustee Bigda (Yes).

Public Comment: No public comment for this month.

Approval of Minutes:

Upon motion by Trustee Jourdain and Seconded by Trustee Bigda it was unanimously VOTED to accept the unamended minutes of the regular Board Meeting held on October 11, 2022 and the Operations Committee Meeting held on September 27, 2022. No Discussion. All in favor, the VOTE passes unanimously.

DCAMM/Payette New Home Quarterly Update for November 2022 (Mr. Lazo):

Mr. Lazo introduced Joe Fazio from DCAMM, Bryant Watson from Payette and Susan Blomquist from Payette. Mr. Fazio thanked Mr. Lazo for the time this evening and the opportunity to update you on the construction since we last met, we have moved forward with the mobilization efforts on the early package and Susan Blomquist has

prepared a presentation for us this evening to share the details of the work that has been going on since our last meeting. Ms. Blomquist shared her screen and gave a brief update on the enabling project, the construction work that is underway. She continued as you know this includes the installation of a new temporary chiller that will replace the existing chiller building and that will allow us to demolish that eventually and to proceed with the work of the future Home. Ms. Blomquist stated that there are biweekly meetings that are ongoing for this project with Holyoke Gas and Electric back on site and is finishing the temporary power which will be fed over to the temporary rooftop chiller with trenching underway that will run the duct bank conduit from the temporary power poles over to the new chiller and there may be some coordination impacts on access to the main entrance. She continued that Collins Electric is prepped for a new temporary fire alarm panel installation because that is part of the work is to create, relocate and provide a temporary location for the main building fire alarm panel. Ms. Blomquist shared that the construction management team is working on the field measurements for the steel dunnage support that will support the new rooftop chiller on the roof of the north wing. Then she shared photos of construction.

Mr. Fazio reported that they started off the process by removing trees so they could bring temporary power in along the east boundary of the site and since that time Holyoke Gas and Electric have been on site installing the poles and the wires, preceding that there was a brief interruption when Holyoke Gas and Electric went to Florida to help restore power down there, so were fortunate that they started early on the project and it had no adverse effect on us. He continued since the poles were installed, 6 or 7 of them, and the cables installed just this week we started the trenching for duct bank, so things are moving along pretty well right now.

Trustee Jourdain wanted to harken back to some of our request for groundbreaking ceremony and a potential date that we might be able to have such a ceremony, is there something in the next month or two for us to do that. Chairman Keefe replied that he talked to the DCAMM director Carol Gladstone and she said they are probably not going to do anything until after the holidays, sometime in January or maybe February, but it is on their radar and some of that could be affected with the new administration coming in, but right now she had talked about was after the holidays, January, February doing something with a pile of dirt as a symbolic type of thing. Trustee Jourdain added that hopefully we will invite any of the former administration people at that time to recognize their good work and leadership in supporting us up till this point, I want to make sure they don't get forgotten, as we turn the page in January. Chairman Keefe said they will keep working on that issue and see if we can hammer down a date.

CFO/Treasurer Report (Mr. Lynch)

Mr. Lynch reported that the Trustee Fund spending plan was sent out with tonight's meeting materials. He continued that donations for the month of October were just under \$6,000 which is very similar to what we saw in September representing another high month of donations and typically over the months of November and December we usually see a higher dollar amount received as well. Mr. Lynch reported that in the

month of October we had 38 separate donations that made up the \$6,000. He continued that we had the usual expenditures for bingo and entertainment with some additional expenditures for petty cash which included expenses for 100th birthday supplies and events activities, items for the veteran shop and pumpkins for Veteran to paint. Mr. Lynch stated that we submitted and received approval regarding our FY24 maintenance submission related to the first phase of the budget process for FY24. He thanked current and past veterans who have served and for those who continue to serve ahead of Veterans Day coming up this week. Mr. Lynch shared that there is a Finance Committee meeting scheduled for next week. Chairman Keefe asked Trustee Jourdain if there was anything from the Finance Committee that we wanted clarification on now before we get down to the Finance Committee briefing. Trustee Jourdain responded no.

DVS Staff Report (Secretary Poppe)

Mr. Engell briefed the board of behalf of Secretary Poppe by first wishing the Marine Corp brethren a Happy Marine Corp Birthday on November 10 celebrating 247 years and added an interesting fact that the Marines actually have two birthdays because they were established twice. He continued that our celebration this Veterans Day is at State House this Veteran's Day with keynote being given by General George Casey our former Chief of Staff and that will be at 10 am this Friday and also it will be visited and people will be participating from veteran organizations, various elected official, Gold Star families and in addition we have events going on at both of our veteran cemeteries in Massachusetts and we welcome everyone to participate in those as well.

Trustee Jourdain said he had the item regarding the follow up from the Secretary from the last meeting, that report and there was an email interchange from Mr. Engell to me and company relative to my request about VSO funding in Western Massachusetts and there was some talk about that I needed to file a formal records request in order to get that information that was readily offered to me by the Secretary at the last meeting. He asked if we are all on the same page now that I am going to get the report or am I being tracked into some other process. Chairman Keefe shared that his understanding was that once we clarified it and we all reminded ourselves what you asked I think originally people might have been under the impression you were looking for information on specific veterans and residents, but we clarified that with that we are just looking for public information, you are looking for the number of VSOs and the number of VSO expenditures in the counties of Western Massachusetts. Trustee Jourdain replied that is right Mr. Chairman in fact it actually had nothing to do with the residents of the Home, what it had to do was the contacts by which we're here in Western Mass. He continued that the Secretary gave a very nice report talking about how veteran direct benefits support had been increased, and so what he asked her to do was to provide the amount of funding that the Veterans Department was providing to the various local VSO for direct veteran benefit and what is actually spent and do they have an accounting of that. Trustee Jourdain asked how much is provided, how much is actually used by the different towns and or regional districts here in Western Mass., he was told they would get that to him and that is the report I am looking for,

she referenced that information at our prior meeting, and I just wanted to have the data and if they could email that to me at their convenience. Mr. Engell understands the request and asked if Mr. Deacon or Ms. Boyle would like to speak on that. Mr. Deacon said he was not at the last board meeting but he did see the email traffic and he thinks the Secretary and Mr. Engell's email was accurate in that you would have to do a formal records request because you know I think we certainly understand, we were under the impression I guess that if it was Home specific information that obviously as a board member we would want to provide that information to you, if it has to do in general we want to know what is going on in Western Massachusetts. He continued that he thinks Mr. Engell had the right track there that we would have to see if we have that information available in a format that we can disseminate. Chairman Keefe asked if it is the format or the information because I don't understand why this expenditure would not be public information, he shared that he is a State employee and my salary is put in the newspaper every year and he wonders what is the reason that this is not under DVS area that handles and tracks funding that they'd be able to extract this information. Mr. Deacon replied that he would have to see if it is a report that we can extract and information that we have, he thinks that either the finance team are OnBase, he is not quite sure how far it was tracked while he was out and where the actual information resides but certainly as public employees there are certain information that is publicly available provided it is reported or requested in the right way. Chairman Keefe stated that when Trustee Jourdain asked the question last meeting Secretary Poppe was pretty forthright saying they could get that information. He asked that between Mr. Deacon, Mr. Engell and Ms. Boyle there is really no legal set up so just let us know what we can get with it being as simple as an email to Trustee Jourdain so he can look at, it seems like that would be public information.

Trustee Mass stated the he was not at the last meeting but he is confused why we would be briefed on something that has nothing to do with the board and the Home it seems to me that it does bear on the board direct support to veterans are one of those things that makes it possible for them to live and it bears on demand for use of Soldiers' Home and VSO's are a referral for service so it bears in that manner, we should presume if the Secretary is briefing us on something that it does bear on the board and that should be made available to us. Mr. Deacon replied that the Secretary tries to brief on what is going on out of courtesy and I think we want to overshare where we can, but I would have to talk to the Secretary about what she briefs, if that is the logic. Trustee Jourdain stated that as it relates to this matter what the Secretary should or should not brief us on I guess at this point that horse is out of the barn as it relates to this issue and we are just asking follow up questions on it and the other point is that it is related to us because I think if anything the state legislature is once again double downed on the fact that we are supposed to be the voice of the veteran community here in Western Massachusetts on this board that is exactly the purpose they have us here to represent families, to represent the VSO's, to represent the people in this State here on this board as an advocate we can only be an effective advocate to the extent you have information and knowledge as to what is going on and this directly bears on the Home and the providing a veteran services generally. Trustee Jourdain shared that the thing he finds troubling about this is, number one

instead of being transparent and providing this information it is just once again another reminder about the burrowing in and the attempt to keep information away from people and to essentially say make a formal records request on something I just briefed you on instead of just saying okay we will get you the, and the Secretary already had said yest to this by the way, just simply say here are the Western Mass communities, this is how much DVS provided in direct veterans benefits and this is how much they actually spent. He continued that the discussion was all positive, it was about how it is increasing and we are meeting the needs of the veterans here in Western Mass., but it is oh no Trustee Jourdain make a formal records request to get that information and I suppose it is just the way we conduct ourselves here and it is troubling as a citizen let alone being a Governor's appointee who is trying to do his job as a volunteer so I will make the formal records request and it won't be the first I made but ask yourself how are you really being transparent how are you running this department if your feel this is necessary. Ms. Boyle responded that she appreciates his thoughts, but I just want to push back a little bit with the idea that a records request is in any way an effort to be hiding the ball at all, it is a great way so that everybody's clear about what your request is, you put it in writing that way we know exactly what you are asking for and there is a requirement for us to respond within 10 days, as long as we can do it, so I think that is the very best way to make sure that everybody is clear on exactly what the request is and we can provide it as quickly as possible I actually think that is the way to go and I want to push back on the idea that we wouldn't be responsive to a public records request, I just wanted to clarify that.

Trustee Jourdain added that he is supposed to use some special URL that's alluded to in an email and there is this other process. Ms. Boyle added that it is very user friendly, and every single agency has a portal that you submit your request through and that way we can track them, and we know what we have gotten wand we respond to them. It is very well organized. Trustee Jourdain asked if there is going to be a need to charge me if it takes more than 2 hours to determine this information as a volunteer will I have to pay money to effectuate this records request. Ms. Boyle replied that it is not the statute provides for charges, but it is not 2 hours, I think it is 8 hours but that can be discussed. Trustee Jourdain said he will do your system. He then added that he hopes that everybody else when anybody asks this information everybody whether is it you, everybody here, Mr. Lazo, Mr. Engell everybody has to file a formal records request whenever they ask for information about DVS because I will do that but just the notion I am being treated like some external person just walking in off the street, I feel Gubernatorial appointees and volunteers to this board should be treated with equal respect that you would treat everybody else that is why I have a little edge to my comments because I think this is really underlying of disrespect for the position that we hold, and you are treating this like some external records request from somebody off the street, as long as everyone follows that same process and maybe I will have to have a records request on records requests.

Chairman Keefe asked Mr. Engell, Ms. Boyle or Ms. Leahy that if it is a procedural issue for tracking purposes, if I understand that correctly, I guess one of the questions I would have would be as long as we are not violating any law or regulation, is this

something that we can get a briefing on across the Commonwealth by either county at the joint meeting as part of a presentation. Ms. Boyle asked on how to make a public request. Chairman Keefe replied no to get the briefing on across the Commonwealth this is what the DVS these are the number of VSO's, the information he is asking for. He continued that is something all trustees on both boards are actually looking at just getting an education on because at first when we started this it sounded like we might have kind of been walking out close to personal information or protected information now as Ms. Boyle actually as you just explained it, it is a procedural process for tracking and making sure that you are not just tracking the request but meeting the intent of the individual's request. Chairman Keefe asked that this would be a great topic to brief at the joint meeting as opposed to some of the other stuff that we've kind of sat through just to meet the intent of the statute for the joint meeting the last couple of time, is that something that could be briefed without going through a PII so both boards and trustees can see what is going on. Ms. Boyle responded that she does not see how this is appropriate for the boards business, to be honest with you, I certainly think it is appropriate for a public records request because again this is absolute no disrespect to Trustee Jourdain as a trustee or city counsellor or a person, I don't really understand how this is within the purview of either board, but it certainly could be appropriate for citizens to make public records requests about.

Chairman Keefe shared that it sounds like no matter what we discussed here we are going to go the public request route which I would agree this is something that came out of a positive conversation last meeting as has been mentioned Massachusetts waves the flag high that they've got a VSO in every community and that Speed Act just passed sweeping legislation probably the most inclusive and biggest veteran military legislation in the last 100 years so the roles that we do play with VSO's I understand you know they are kind of within the DVS area but they work for city towns but at the same time when you've got part of the State questioning the expenditure of this Home as a small home, I think these are areas that we do need to take a look at to see what other areas in the veterans realm that actually would potentially not feed into the residents here but just another areas. He continued for me as a veteran it is a piece of information I've never even looked at and never even really paid attention to. Ms. Boyle stated that in March when the new construct I think that actually the advisory committee counsel they have a broader role in a certain way, that might be the kind of discussion you might be able to have.

Trustee Mass concurs with everything that both Chairman Keefe and Trustee Jourdain said, I have served on a number of boards where getting access to information was sometimes difficult and when it gets to the point where you have to make a formal requests, that is a symptom of a breakdown in the ability of both sides to work effectively together, he asked that we go back and look at this and see if there is a better way to get this communication. He continued that the members of this board no one wants the information for personal use, we have much better things to do with our time then reviewing this information, in fact, all of it is available in cherry sheet revenue from every municipality. Trustee Mass stated that it is just that the department has all this aggregate, and it is easier to look at than pulling it all together

individually. He continued that we have spent more time discussing it tonight in this meeting than it would take to generate the report and so I hope that we really think about not kicking the can down the road to next year when there is a new board, but being able to get ahead of that work and not delay, what Trustee Jourdain is looking to understand how we are working regionally with VSO's and what resources are available both to spread the positive message about what the Home is doing and to meet the needs of veteran needs in the community both short of coming into the Home there are a lot of good reasons to get this information and I don't think it should have to require a formal request that is a symptom that things are not working. Chairman Keefe asked Trustee Jourdain to email him after the record request is sent.

Holyoke Soldiers' Home Administrator/Staff Report (Mr. Lazo)

Mr. Lazo reported that our current census is at 110 veteran residents in house with 1 new admission tomorrow and that will bring us to 111 with all available bed filled at that time.

Mr. Lazo shared that from a COVID standpoint we are just under 94% of veterans have received Bivalent booster and are continuing to work with those who are declining to see if we can convince them to get the booster. He added that we continue to see some staff positives as captured by surveillance testing as of today, we have 2 COVID positive staff members and zero positive residents.

Mr. Lazo stated that 94.5% of veterans have received the flu vaccine and we continue to work with those remaining to get the shot, we have 57 staff members that have received the Bivalent vaccine and 74 have received the flu shot.

Mr. Lazo informed the group that our current building construction on 2 South, the isolation unit, continues without issue at this time, this part of the project we have a contractor that is repointing and sealing the bricks on the outside of the 2 South area and thank you DCAMM for funding for this project this will keep water from infiltrating the bricks.

Mr. Lazo restated what Payette briefed earlier that the front circle is currently closed as the temporary chiller equipment is moved into the current building this is as mentioned as a shaping movement in preparation of construction in the spring.

Mr. Lazo reported that our next Veteran Community meeting is Monday the 14th, this is a quarterly meeting that we have with VSO's and veteran organizations in area.

Mr. Lazo shared, from a recreation standpoint, that we continue to have off campus trips, the weather is getting cooler so the trips are not quite as frequent, but we continue to have alternating shopping and scenic trips.

Mr. Lazo said on October 27th we held a Halloween party for veterans and staff with the staff dressed in costumes and the veterans judging the costumes and picking the

best theme. He continued that the team that won was the 2nd floor they were the 101 Dalmatians with veteran residents and staff playing the roles of the puppies.

Mr. Lazo informed the group that on November 5 the Bishop Byrne from the Diocese of Springfield came to the Home and held mass. This was a very big success, and the veterans were very appreciative of the bishop's presence and the bishop did mention that he would like to come to the Home more frequently.

Mr. Lazo shared that Veterans Day activities will be held at the Home on November 10 and it will consist of a small ceremony with a Veteran's Day video and a few comments from myself and will be followed by entertainment and snacks for the veterans. He continued that on the 11th the actual Veteran's Day the veterans will enjoy a full day of activities with three different entertainers coming in to perform. Mr. Lazo gave a special shout out to our veteran partners the DAV Chapter 92, American Legion Post 124 and 438 and the Mass Elks are supporting veteran activities over the past few weeks.

Mr. Lazo reported that our HPPD for October is 6.4 which remains above the CMS Gold Standard.

Mr. Lazo announced the new Recreation Department Supervisor that started on October 24, and she will replace Maggie Feyre who will retire at the end of this week, our DCAMM Coordinator and an evening shift EVS staff starting on October 31, we have an evening shift EVS supervisor starting next week, the candidates identified for the Budget Director, Clinical Social Worker and Office Support Specialist positions all of whom are moving forward in the hiring process. We have positions posted for veteran's care coordinator and an evening and night nursing supervisor.

Mr. Lazo restated as mentioned in the end of September we had a CMS consultants come into the building and conduct a mock. He continued that we have received the report identifying areas the need to be improved and a tracking sheet has been developed. We met today to discuss the process owners and our timeline for improvements.

Mr. Lazo shared that VA grant for the new building no changes since the last report. We have received notice of an approval of the conditional award for 164 million dollars, and that approval started the 180-day clock for us to finalize paperwork per the project checklist. Chairman Keefe asked the survey company comes in and they kind of just like a staff assistance visit, is that what it is a contract you have set up with them. Mr. Lazo replied it is a contract that DVS helped us set up. They came in and basically ran a survey as if they were DPH coming through and they went through the different areas identify places that we are not necessarily meeting the CMS standard. Chairman Keefe asked how long is that contract, how many visits and are they like staff assistant visit audits or our surveys does that contract cover. Mr. Lazo asked Mr. Engell if he would have that answer. Mr. Engell responded that we have a contract through the vendor for the Holyoke Home it is working now with Superintendent Lazo

and his team in terms of identifying the frequency for them to return visit during the problem resolution phase of working towards new systems processes and policies, training and education support. He continued we do not have an end date on it, it is more of open contract that we now have in place through this year. Chairman Keefe stated this is great idea just having a fresh pair of eyes impartial and let them run that checklist, it is great quality assurance.

Trustee Collins asked Mr. Lazo just to follow up, while you are speaking, in regard to our Operations Committee do you have a current number of flu vaccinations for both veterans and employees. Mr. Lazo replied that 104 out of 110 veterans have received the flu vaccine and 74 staff members have receive the flu shot. Trustee Mass stated that he was not at the last meeting and I didn't see it in the minutes but the meeting before I had suggested that maybe we reach out to Val Liptak and see if she would be willing to come back and evaluate her recommendations that have been implemented, has there been any outreach on that or is that something we can get a report on at the next meeting. Mr. Lazo answered that will reach out to Val Liptak. Trustee Collins shared that it would be great to see Val but to be quite honest with you I think that is a colossal waste of her time. He continued that he thinks it is our charge and not hers to make sure the organization is followed up and we have pretty much closed that out, but I would love to see her, but if she does not have the time, it is not worth her time. Trustee Mass explained his thought process, it is obviously it would be up to her if she wanted to do it, she wouldn't be compelled. He continued that he thinks she was very invested in the transition and while I respect the work that is being done by the Operations Committee and Trustee Collins and I think they are doing a great job, when we are talking about outside eyes this is someone we have known and worked with, at least the trustees who have been around the longest we saw what she did and her recommendations when she first came in and I would be interested, just speaking for myself, I would be interested to find out if she thought there were still any deficiencies or places where we can make improvements, that would help me be check and balance, to the other things that we are doing, this is an extra not a necessity, but I think it would be helpful if we could get that information, if she is willing. Mr. Lazo will reach out to Val Liptak.

Holyoke Soldiers' Home General Counsel Report (Atty Walker)

Mr. Walker reported that there is not a whole lot of excitement going on in the legal department. He continued that we had the DOJ follow up inspections a few weeks ago and it went well, and we believe there were no surprises there. Mr. Walker shared that the U.S. Attorney General Rachel Rollins did accompany, and I have been in correspondence with the lead investigator from the U.S. Attorney Office providing what additional information he needs, and we have not heard anything back since and we would expect to hear back from them in the next few months.

Mr. Walker shared that he has been in contact with the Attorney General's office regarding the return of Mr. Walsh's stuff which has been held in a closet here at the facility, but we have now approval from Attorney Generals handling both the criminal

investigation and civil case to return most of the items, so I have inventoried them and provided to all involved parties a list of all that stuff.

Trustee Jourdain stated that we have DOJ pending matter and the Attorney General pending matter and asked what else do we have for pending legal at this point, no details. Mr. Walker asked aside from the things that we addressed in the executive session. Trustee Jourdain said just those so there is nothing else. Mr. Walker added there is also the OIG thing which is I think that what you are referring to the AG thing, so we have some 12a letters from the IG that Mr. Yankopoulos and Mr. Deacon working on responding to those. He continued that it is the same thing as open before we are just providing what additional details are requested but it is nothing new.

Trustees' Finance Committee Report (Trustee Jourdain)

Trustee Jourdain shared that there no Finance Committee meeting held in October so there is no report, we are meeting next week for a November Finance meeting, we should have a pretty robust agenda for that. He continued that Mr. Lynch has a lot to go over and he does not anticipate there will be a December meeting.

Trustees' Operations Committee Report (Trustee Collins)

Trustee Collins updated the group from the last Operations Committee meeting starting with the KPI's we are still having our issues that we are addressing with the nursing staff hours as well as the agency hours are still in the red albeit the agency hours are down a hair but that has been fluctuating up and down and not made a big impact on that overall as they continue to struggle with the hiring of nursing staff but the one caveat that I will put out there is that I was really thrilled to hear in our last Operations meeting is that they have a group of nursing students they have 6 different groups that are in the Home, so I think that to me is the big selling item for our feeder group for the colleges that are there. He continued that the challenge remains for all the medical facilities just recruiting the in the RN's and the LPNs in those slots.

Trustee Collins under safety robust discussions on veterans falls that had popped up for the month and I will address in a little more detail on slide number two but that was a big job. Wandering had gone up a little bit but again no significant trend that was discovered on that. He continued that behavioral events continue to be in the red again it is the education on the staff in regard to educating them on what to report so that they can further enhance educational opportunities to address those behavioral events that in the past it may not have reported for both safety of the staff as well as the veterans that number is still in the red and as we discussed before these events can just be a verbal encounter but they are tracking that so that we can train the staff on how to address those issues or deescalate them. Trustee Collins reported under services we are all still in the green, on quality issues with our infection rate nothing of significance in regard to a trend as we delve into the Infection control program or the Antibiotic Stewardship program and that did improve a little bit but still in the yellow as well as the skin injuries we are still determining our benchmark for that, that can be as simple as bruising or skin tears that type of finding. Chairman Keefe asked looking at the spike in veteran falls is that specific to a certain shift or a certain floor is anyway

tied to floors where we have vacancies on shifts. Trustee Collins replied I don't want to get ahead I have that broken out on slide 2 quiet the detailed information on that and to answer your question is there is not trends that we picked up. Trustee Collins reviewed the census, and you can see the applicant as well as new applications for this month. He continued that our case mix is very stable in regard to how the floors are evened out in regard to keeping the case mix for the staffing ratio.

Trustee Collins continued on slide two which is dedicated to that detailed information in regard to the falls and the thing that we had a discussion in the Operations Committee no significant trends, we like to look at if there is a medication trend if people are on antidepressants or anxieties, the anti psychotics in October were a little bit high which could potentially lead to side effect to perhaps some dizziness or loss of balance that is there and whether or not somebody was ambulating getting out of bed or transferring from the wheelchair to the bed and that is where we happened to see those trends for September and October for me that is focusing on the staff education and if it is one person trying to do the transfer should it be 2. Typically, we like to see if it is on the weekends and what time of the day it is and nothing really jumps out this month we did not have harm, last month we did have a significant injury after a fall and you know the transferring seeing that was the majority that is happening during a time of the day when you would expect people getting up or doing certain activities.

Trustee Collins went to slide three and this is the Pinnacle report and he tries not to get too excited about this it is just watching the trend over time just bringing your eye to the monthly comparison to the previous 12 months and looks like in some areas you are doing quite well other areas we may be flat or a little bit down, but I also look over a little bit to the right to see where we are in October, compared to the last three months. He continued that we have actually done pretty well in October compared to the previous three months where definitely took some hits which you can see in the quarterly average in August, we had some significant downward trends which then pulled the quarter down as a whole October did better than comparison to the previous three months, but I think we need to follow the trend on that. He continued that we were having issues with communication and in laundry, in food services those seem to have not blown it out of the park at the same time not declined significantly either.

Trustee Collins shared some general comments already mentioned about the nursing school which I feel is fantastic. He continued that he appreciated Mr. Lazo and the whole nursing team working on the issues with the schools to get the students in there. He continued that we also have on our last agenda was our contract listing that we look at quarterly and they are doing a great job with that the one thing we did have a discussion on that was not renewed as of yet and that was the trauma informed training phase 3 for the staff looking at the trauma training for the staff and phase 3 more costly part of the program and they were evaluating the team cost benefit ratio in regard to that expenditure moving forward whether or not they got that covered by their training already. He continued that the next thing is we will be looking at this on a quarterly basis and the next think that is kind of coming up is he procure by nurses

who do the podiatry care and the fee for service that was reported out in early briefings is that they do a phenomenal job in regard to the care delivered to our veteran and their assessment and feed back to the staff. Trustee Collins shared that the contract listing is much cleaner than they were in the past and a very good job of that I also do want to mention on the mock survey we had a good discussion, the CMS survey which is contracted to the outside services already discussed. He continued that the documents themselves that were sent out to the entire board it is quite onerous to tackle so Mr. Lazo did report they are going to put it in a matrix format so that we can track a little bit better and see how they are addressing those issues that were found by the outside service. He stated that they are already looking at revising some of the policies and procedures and some of those policies and procedures were already in the works to be revised so kudos to the team on that but what is going to be really important as we have already discovered as we move forward the matrix that we can see who is responsible party when certain things will be accomplished will be quite helpful.

Trustee Collins reported that the fire drills and the elopement drills, great work on that report for the 3 shifts were phenomenal and we looked a real-world elopement that we had discussed in a previous meeting and the active revision of that policy to reduce that occurrence in the future. He continued that those policies and drills that they are testing these policies out as well, we did have executive session at our last board meeting and those minutes will be forth coming discuss a family sensitive issue.

Trustee Collins read a comment that was captured in the CMS report, I think it is important for the whole board to hear, they may have read it but I want to get it in the minutes. "On behalf of the consultation team I would like to thank the Soldiers' Home staff for the help facilitating the assessment. Without exception the team was professional prompt with its request, open to feedback and eager to learn. We recognize the time commitment and work burdens placed on the leadership team and appreciate the positive and welcoming demeanor in the midst of the intense review. Although this report is focused on the work to be done, we recognize all the work that already has been done." He added that there was an anecdotal comment from the consultant team that included "this is the nicest team we've ever encountered, and they love their veterans, this is a nice testimony to the efforts of the Soldiers' Home team thank you for the important work you and the difference that you make every day." Trustee Collins stated this is a quote he pulled from the report and that this is not an isolation many of the reports that we see from outside agencies make these same comments.

Trustee Mass stated that Trustee Collins mentioned the fire drill and I think, I did have a question about that, can we, and I don't expect you to have the answer off the top of your head, maybe someone else knows, do we have do we have a full evacuation plan not just for an emergency like a fire, but if we had some sort of interim term emergency where we had to fully evacuate the facility, do we have a plan in place for that. Mr. Lazo replied yes, we do, we are members of MassMAP and we conduct drills with them on a periodic basis. He continued that we just conducted a drill just a month

or two ago a full building evacuation. He added that the way the process would work is that we would declare an emergency and MassMAP would then give us a location to evacuate to, we would move our folks from his building creating a staging area and a transportation area to move the veteran by our vehicles, civilian vehicles and any vehicles we can get to move the veterans the receiving facility and that is trained on a periodic basis. Trustee Mass asked if that when you say on a periodic basis is that annual. Mr. Lazo stated that it is annual at minimum, and it is on an annual basis that we do a drill of that magnitude with MassMAP we do smaller drills throughout the year not necessarily to that level. Trustee Mass asked if those are tabletop exercises that we are doing. Mr. Lazo replied this one was a little bigger than table top we actually set up the staging areas and we went through the entire process with the exception of actually moving veterans.

Mr. Lazo stated that we have an issue that I think we need to address it with the full board. He continued that it did not make the agenda tonight but I would like to take some time at the next Operations Committee meeting on November 22, we have a veteran that we would like to move from our secure unit to a non-secure unit the veteran no longer need a secure setting, and we have a veteran on non-secure unit that does need the secure setting so we would like to swap the two and in discussion with the veteran in the secure unit the veteran's spouse is not willing to move the veteran and has filed an appeal to the board based on our policy ADMIN-026 Admissions Discharge and Transfers, she has filed an appeal to the board, so we need to present this case with the board for your consideration in terms of this appeal, either we move or we do not. He continued that he would like to use executive session at the Operations Sub Committee meeting for the full board so we can discuss and address it in a rather timely manner. Chairman Keefe confirmed that the next Operations Sub Committee meeting is November 22. He continued that in the past we have talked about as we develop the admin discharge policy and I know the Attorney General weighed in on some of our what we thought were actions so what I would ask is if we do move it and make this happen as part of an executive session for the November 22 Operations Sub Committee what I would ask if between Mr. Walker and Mr. Deacon to be prepared to be very clear as to what our authorities are and what are left and right limits are on an appeal as it related to the attorney general's guidance, because that will make for a very long or a very short meeting if it comes back pretty much you can run through your appeal process, but the attorney general have said this is what will be followed. Chairman Keefe is asking prior to going into this that the legal team does a deep dive. He asked Mr. Lazo to give them the specifics and be prepared to handle on the 22nd. Chairman Keefe asked the trustees at this time instead of scheduling a special meeting to go into executive session does anybody have a problem with November 22 which is Tuesday before Thanksgiving. Trustee Jourdain replied I do, has a problem with, does not have a problem with the a special executive session of the board, but it is supposed to be the whole board historically these appeals, we don't luckily get many but they have always been before the full board so we could either schedule something before or after but it should be all 6 board members invited to hear that issue and vote on it or what have you as opposed to because quite frankly the Operations Committee can't do anything too

much for you anyways cause they are not. Mr. Lazo interjected that is for the whole board. Chairman Keefe stated that the intent would be that we would use the Operations Committee meeting to get the whole board there and to right into executive session with this decision as an entire board and then those who do not want to remain on for the rest of the Operations Committee as we come out of executive session have the rest of their night. Trustee Jourdain apologized that he misunderstood and asked what time that is scheduled for. Mr. Lazo replied that the meeting traditionally starts at 6 pm. Trustee Jourdain asked if we would do it before then like 5:30 pm. Chairman Keefe said let's plan on 5:30 pm. Trustee Jourdain stated he has a 6:30 pm engagement, another public meeting. Chairman Keefe said let's plan on 5:30 pm and we will go right into executive session, and we will talk about this, it is incumbent upon Mr. Walker, Mr. Deacon and the legal folks to make clear as to, we do know we have an appeal process if we are going to find out we really do not have the authority to exercise that process, than it will be a very quick meeting. Mr. Deacon shared that he and Mr. Walker have spoken about this matter, and he is really well researched on the particulars of what is being requested. Trustee Mass is trying to understand what the dynamics without the specifics of the appeal are, we have someone who is at a secure facility off campus, is that what you are saying, who doesn't want to leave the facility and come back. Mr. Lazo answered that this veteran is on our secure unit 2 North. Trustee Mass asked if the other veteran is within the facility as well. Mr. Lazo replied that is correct he is on 3 North. Trustee Mass shared that he is not sure if the discharge policy is triggered if they are within the facility, I think we have the ability to move them anywhere, it is not a discharge they are staying within the facility it is just a level of care issue. Mr. Lazo stated that it is considered a transfer which requires a 30-day notice and after that 30-day notice a veteran being moved or their healthcare proxy has the right to an appeal if they do not agree with the move. Trustee Mass was under the impression from all the review we did that transfers were transfers to other facilities and not within the facilities, and that is probably something the legal department should take a look at and maybe they already have but I am not at all sure if they are entitled to an appeal. Mr. Lazo said we will look deeper into that. Chairman Keefe stated that if the legal team comes to a conclusion that does not meet the criteria for an appeal, then we do not have to worry about that. Trustee Jourdain said whatever legal guidance or whether it is Mr. Walker or Mr. Deacon you guys will send that to use in advance so we can do our homework in advance of November 22. Mr. Walker replied that Mr. Deacon and I have already been in discussion with this so I've got most of it already prepared, so let me pass it through Mr. Deacon and we will get to you shortly. Trustee Collins wanted to confirm what Trustee Mass said that was his understanding either I think it is incumbent upon the leadership and the medical staff in the Home itself clinical decisions for you to move people to whether it is a balance of the burden on the floor for appropriate staffing ratios or levels of care, I think Trustee Mass is spot on, and I would interpret a transfer as going outside of the four walls of the building so I agree with Trustee Mass. Chairman Keefe is in the same boat we went through reviewing this and I know we had when we talked about it at the meeting we discussed the admin discharge where we addressed transfers it had to do with outside of the facility so I would ask the lawyers to kind of look at that with keeping that in mind, a transfer by definition of what

we've always worked with is transferring out of the facility not between floors or between wards so I will wait for a legal review on this.

Trustees' Bylaws Committee Report (Trustee)

Trustee Mass shared that the committee discussed with Mr. Walker and went over additional comments related to the transfer and discharge policy we kicked that back and went over it as a committee and came to some conclusions and left that in Mr. Walker's hands to discuss with Mr. Deacon when he was back from leave and will have a finalized at some point. Trustee Mass does not anticipate the need for a meeting in November, so unless he hears something the next meeting would not be called until someone had something to come before the subcommittee.

Upcoming Special Events/Programs at Holyoke Soldiers' Home

Ms. Menard shared that on Thursday we are going to have the Veterans Day tribute and then we will have a full day of excitement for them on Veterans Day. Chairman Keefe asked what time does the event start on Thursday. Ms. Menard replied 1:45 pm. Chairman Keefe asked if it is open to family. Mr. Lazo replied that this is an internal event. Mr. Lazo shared that we have a substantial list for November and December that he will email to the group. He continued in terms of expenditure, for the board, the gifts that we are providing are a long sleeve t-shirt as well as amenity bags have already been procured and there is no additional funding request for the board just the traditional entertainment. Chairman Keefe stated that this will come up in front of the Finance Committee. Mr. Lynch reported that it already has been approved and actually all the products have been received.

Chairman Keefe asked Mr. Engell to remind us of date of the Joint Board Meeting. Mr. Walker shared that it is December 13.

Old Business

Update of EMR vendor contract (Mr. Engell)

Mr. Engell gave a quick update on the EMR. He reported that it is all positive and good news, they heard back and have been given the authorization to proceed with WellSky who is our prime EMR vendor with their pharmacy solution as an amendment. He continued that we received back some information from that vendor, and we are scheduling a presentation by the vendor to our clinical staffs which should be occurring sometime in November and will have the implementation of the pharmacy solution as part of the overall EMR implementation. Mr. Engell reported that the SST has been established, it is meeting and reviewing and evaluating the responses that were received to provide the implementation and the overarching PMO and we will have our next meeting with everybody's responses next week and will be able to proceed with the deliberation process at that time. He continued that we have a PMO onboard that is working with us now to facilitate the evaluation process for the vendors for implementation.

Chairman Keefe stated that he was talking to an individual downstairs on my way in and she asked about the electronic medical records as well and when is it going to make its way here, this is a much-anticipated tool. He continued that he thinks pretty much everybody is affiliated with one of the Soldiers' Home, people are waiting with a lot of anticipation on this. Mr. Engell responded that a lot of people are leaning in, which is great, but we want to make sure that we don't leave anybody behind and we have, I think, a full range of staff ranging from computer savvy and early adopters to computer naïve and we want to make sure that our computer naïve folks are welcomed into the world of the EMR with the same support that others receive as well so they are fully functional in that new environment of EMR, that is why it is going to take a little bit longer than perhaps a replacement EMR might at a facility that uses it all the time. He continued because we are going from fundamentally a paper system into a digitized world, so we want to make sure we do it slowly thoughtfully and deliberately.

Update on VA Small Home Grant Program (DVS Staff)

Above from Mr. Lazo.

Update on transition to new governance of "State Homes" per passage of H.4441/S.2761 (DVS Staff/ Atty Boyle)

Chairman Keefe asked Ms. Boyle for an update on what we can expect as we transition into the new governance effective in March of 2023. Ms. Boyle reported that EOHHS turned into the legislature, the transition plan for the new secretariat to the legislature and that was due October 31 and it explained how a request for the new FTE's that it would need to support the secretariat, if anybody wants that, hasn't seen that it is available. She continued that it explains the additional legal staff, finance staff, HR staff and all the new additional staff, because of all the sort of back-office staff that the EHS secretariat has been providing to support DVS so that all will be, the new secretariat will need that so focused on that so that is really what is on our minds here at EOHHS for next steps. She continued that is where our attention is focused you can tell us what I've got on my mind, and it is moving along very well. Ms. Boyle reported that DVS is working very hard to get everything in place for the changeover in March.

Chairman Keefe asked a question that he is trying to wrap his head around, you have the board of trustees going down to 5 members. Ms. Boyle replied yes. Chairman Keefe stated that the regional council in essence what is the role of the trustees in this new governance. Ms. Boyle replied that they are kind of the eyes and ears, I think, of the more local community and then they roll up into the larger council, so it is more advisory, and I think, the eyes and ears of the local community. Chairman Keefe asked so in the new governance we stay at 6 until one of the board members departs and then we drop to 5. Ms. Boyle replied yes that is right, you roll off, nobody gets kicked off, whenever a term expires that is when you roll down to 5. Chairman Keefe asked hypothetically we have 6 members on the board right now, so we stay at 6, one

member, hypothetically, because of a state position that they might have potentially be moved to this regional council, so now we would drop down to the required 5, the required 5 would still be the 5 original board members that are part of this team right now, would the chairman-ship roll over to the existing statute is if the chairman can't be there it is the senior member of the board so would that roll into the chairman position or would of the 5 remaining members from the old board, would they have to vote on it. Ms. Boyle replied that she will check on that, I don't want to shoot from the hip on that question because I think that is probably a very important question to you. Mr. Deacon replied that he thinks the new governance bill states that the chairman shall be voted on by the members so we've been going with the next senior member would fill in for the chair, but the new Governors bill does direct who the chairman would be, and it would be vote.

Legal opinion on the appearance of a dispute between the State Legislature and the OIG on the Board's authority relative to the Trustee Fund. Response to three questions posed during 9/13/22 Regular Meeting by Trustee Jourdain

Ms. Boyle said that she is going to handle this one but she has to say that the IG letter stands on its own and I don't really have anything, EHS doesn't have anything to add and neither does DVS so maybe the next secretariat, when there is a secretariat of DVS that will be something that the secretariat will want to look at but for now I would say the inspector general's letter certainly stands on its own, speaks for itself.

Chairman Keefe wants to ask a question and is not a lawyer, he asked that the IG letter did not say we were breaking any laws, it made some suggestions, but short of violating a regulation or violating a law. He continued that in government we all deal with IG issues and now then you get an IG write up, and you say thank you for your input, but I haven't violated any laws or regulations I am going to continue to do it this way, so I guess my question is where does the IG emphasis and authority come from. Ms. Boyle replied that they do not have force of law, but they have guidance, and they are telling you, they are giving you their legal opinion. Chairman Keefe asked if he could actually have one of his lawyers sit there and to say hey, we do not agree we are managing these accounts in the spirit and intent they were originally established 40 years ago. He continued, so case and point, the canteen we don't even use the term canteen anymore in the military except if you are drinking out of some this goes back to calvary days. He continued one of the recommendations they made that we change how we operate the Canteen which if you try to shut the Canteen down you are going to have an uprising here and a lot of complaints. Chairman Keefe so I guess that is my question is okay thank you for the input, but we are not going to shut the Canteen. He continued that he understands there are some oversight things that we need to look at like the scratch tickets, and things like that, I totally understand that. He said I think some of the more high level and important management of funds that we already got a lot of it in place with Mr. Lynch and the Pearlstein report with Trustee Jourdain when he first moved in put in a lot of stuff in place for financial

oversight so I don't understand really, we are not breaking the law they are giving us a suggestion so are we legal obliged to follow that suggestion.

Trustee Jourdain reported that on September 13 formally on our agenda the board unanimously adopted to send the legal opinion request to Mr. Deacon, Ms. Boyle, not sure if Mr. Walker was with us yet, our legal counsel with these questions the whole point is that the thing doesn't speak for itself, there is some ambiguities here that we need legal clarification on. He asked if he is hearing it right that the formal response to our legal opinion request to the 3 questions presented is that we will let the next administration to figure it out, is that the answer to our legal opinion request. Ms. Boyle said it is, I disagree with you. She continued that It does speak for itself and I do think that I owe the respect to the next administration and the next secretary to move forward as the next secretary sees fit absolutely. Trustee Jourdain wants to present these questions and then I guess I have to explain why they don't speak for themselves. He continued that question one is the law itself appears to contradict the OIG statement as to the holding of funds based on the plain reading of both of statements, they are in conflict with each other we have a statute that says one thing and an opinion that says another. He continued that the legislator does not use the words investor spend rather they used the language administered which appears intentionally very broad, moreover it's likely includes any reasonable administrative function related to the good stewardship of the funds which would appear to include investing and spending besides holding.

Trustee Jourdain stated that legal councils requested to harmonize the OIG statement with the statute to guide the board on its authority and if further clarification is needed, so the legal opinion is number one We can't tell you we will the next administration figure it out and number two this is completely clear and does not need further clarification, why doesn't it need clarification when those conflicts exist in the two conflicting statements. Ms. Boyle replied that she does not see those as conflict at all and I already gave you, my response. Trustee Jourdain said I have it in writing. Ms. Boyle replied I am sorry that you do not like my answer but that is the answer I am giving you. Trustee Jourdain stated that it is a non-answer. He added it is really nonresponsive to the question because we also ask that these things be put in writing to us also to preserve, so the next person that comes in after you will be able to have some sense of where you came down on this.

Trustee Jourdain stated that the other question that was presented was legal counsel was requested to clarify the meaning and significance of the phrase "if the transfer there of to the Commonwealth is effectuated pursuant to a decree of a court of competent jurisdiction and in accordance with the terms and conditions imposed by such decree from the statute itself", so we ask what is the meaning of that. He continued that we have been denied thus far an explanation from our legal counsel as to the meaning of the phrase. Ms. Boyle replied that it is a reference to the Chelsea

Soldiers' Home, a reference to their transfer back in the 1930's or so when they transferred from their private entity to the Commonwealth, so they probably should not have referred to that at all in the context of the Holyoke Soldiers' Home. Trustee Jourdain asked a third question, does legal counsel believe there is a need for further legislative changes, or do they intend to speak to OIG on these language questions and explain that the board has sufficiently legislative authority to hold invest or spend the trustee funds, what is the answer to that. Ms. Boyle replied that legal counsel does not speak for herself and that again is deference to the secretary of the department or the secretariat of veteran services, so I think it is much more appropriate for that that secretary to have the opportunity to consider the approach.

Trustee Jourdain asked if Ms. Boyle can send us something on that so we can at least have that guidance that you've provided verbally here and that would be extremely helpful to as we move forward with this everybody wants to do the right thing, but we do need to understand so that we have the OIG and us on the same page that does not currently seem to be the case. Ms. Boyle replied that there minutes to this meeting so you 've got me on the record. Trustee Jourdain so Ms. Denner you are getting this all verbatim, Ms. Denner gave the thumbs up. Trustee Jourdain stated that it comes back to his earlier point, Mr. Chairman, this is the relationship that the state has with this board, it is again, just more of the disrespect, it took two months to get that sort of off handed legal opinion and I want the taxpayers of Massachusetts to see this is how their government functions. Ms. Boyle responded that she takes issue with that, I respect you greatly and I respect this entire board greatly, so I really find that very hard to take and I disagree with that, and I respect you very much and work really hard to respect you.

Trustee Jourdain replied that a proper legal opinion would have been, you would have given us this opinion in the last two months in writing it is a straight forward request, again it feels dismissive perhaps you are not trying to come across that way but it sure feels like our concerns are not taken seriously, I am just be being candid with you about my opinion as to the way I feel this board and its legitimate concerns are being handled, I guess we have a difference of opinions and not to be disrespectful to you but that is the way I do feel. Ms. Boyle replied that she appreciates his feelings, but I don't agree with the approach that you are asking for.

Trustee Mass has several questions on this, and he wants to make sure he actually understands because he is not sure he understands Ms. Boyle's position. He asked Ms. Boyle is she has researched and are you in agreement with the IG's opinion. Ms. Boyle replied that she is not here as a person with a personal opinion. Trustee Mass asked if her department formulated an opinion that the IG is correct. Ms. Boyle said my department is not going to express an opinion that is what I am trying to explain to you. Trustee Mass asked if we do not go to you, who can the board go to for legal guidance. Ms. Boyle stated that the next administration and we are deferring to the

secretary in the next administration, and we think that is something they should considered if it is going to be a whole secretariat that is going to report to the Governor and it is a whole new structure and we want to defer and give that entity an opportunity to weigh the IG's point of view and to consider that point of view and weigh that and think about what to do about it . Trustee Mass stated that you do not want them to have the benefit of your opinion. Ms. Boyle stated I don't have an opinion. Trustee Mass said this administration's opinion and the legal department of DVS, you don't want them, the new administration or the board of trustees to have the benefit of your opinion. Ms. Boyle replied that she does not think it is appropriate. Trustee Mass asked why not, why is not appropriate when we have asked for it. Ms. Boyle replied that is what it is, I am telling you.

Trustee Mass asked if she believes the law is going to change with the new administration. Ms. Boyle replied I do not know. Trustee Mass stated that it won't change instantaneously, correct. Ms. Boyle replied I do not know. Trustee Mass asked that she understands the changes to law require either a judgement of a court or a statute to be passed. Ms. Boyle they could file something in house to change too. Trustee Mass restated that is a statutory change. He continued that as of now the law is what it is. Ms. Boyle replied okay. Trustee Mass asked why can't you tell us what the law says. Ms. Boyle replied I have given you what I can give you and that is it. Trustee Mass stated I do not think you have given us what you can give us but that is very different from what you can give us. Ms. Boyle stated the inspector general has given you an opinion, that is the opinion that is available to you Trustee Mass stated that the board is asking for the opinion of the department for which we work within, we do not work within the IG, there is a whole separate legal department for DVS and we are looking for their opinion, are you saying they have no opinion at all or that they are unwilling to consider it or where are we. Ms. Boyle replied that you are not getting any, there is not opinion to be offered and I am sorry if you don't like that but that is what it is. Trustee Mass asked how are we supposed to do our job if we don't know what the law says. Ms. Boyle stated that she is not sure why you are prevented from doing your job. Trustee Mass said if he does not know if the OIG is correct or not how do I make an informed decision on what steps to take in response to the OIG's report. Ms. Boyle stated that she does not know how this stops you, you are doing what you are doing.

Trustee Mass said we have not closed the Canteen yet for example and we do not know if we need to do it or not, we do not know if the OIG is correct or not on our authority to do that and you are refusing to look at in so you are essentially saying our choices are to continue to operate in opposition to the law as is correct by the OIG or wait until a new administration to determine whether it is right or not. He continued that he wants to do the right thing today, I don't want to wait months. Trustee Mass said they are going to take office in January but it is going to take them months to get staffed up and to be ready to go and they've got a whole host of other things to do

including implement the new regime as you presented guidance, I get that you have been busy, I get that this is not the highest priority and that is okay to say that we haven't had time to reach it but an unwillingness to give us an answer seems obstructionist to the role of the board in making sure that we're either doing what we need to do or reaching back out to the OIG to figure out a resolution to this. Ms. Boyle replied that you should know that first of all things are happening with the Canteen and the other finding that the OIG made and that there are changes that are going on based on those recommendations so that is something that you should be aware of, and I am surprised that you didn't know that. So perhaps you should be aware of that. Trustee Mass said I guess we should because we haven't been briefed on that at all. Mr. Deacon thinks that Mr. Lynch did talk about reaching out to the MCLB regarding the Canteen, he thinks that some of these things can be bifurcated, his understanding of the request was kind of on the trustees' funds and that is a complicated issue which is why we are deferring to the next administration on that one. He continued that he thinks there has been some discussion, I do believe that Mr. Lynch did bring up that he was looking at the recommendations and seeing what he could do on some of the lower threshold items.

Trustee Mass stated that now he is hearing from Ms. Boyle that it speaks for itself and Mr. Deacon that it is complicated, it certainly can't be both. Mr. Deacon stated that Ms. Boyle, I think, is correct in that they have an opinion on this and whether or not we want to move forward in one direction, or another based on the guidance they have given that should be deferred to the next management. Trustee Mass asked why. Mr. Deacon said because that is the way the state government is on this. Trustee Mass stated the board survives in an administration, our job is to the right thing at all times we are asking for a second opinion you are basically telling the board to go fly a kite that you are unwilling to do your job in providing support to the board, it sounds like the only resource we have is to get outside council is that correct, it that the only way we get clarification on this issue is either get outside counsel or wait?

Chairman Keefe said he find this really frustrating because quite frankly let's be honest we have 5 months roughly till March with the new governance is in place and even with the new governance odds are most of this DVS staff that I am talking to right now you are going to still be in your jobs so my problem is why can we not start working on a legal opinion on this issue regardless of a new, it doesn't make a difference if a new Governor comes in. He continued that in all honesty most of you are going to still be in your positions, maybe Secretary Poppe might be the only one being looked at just like me and my job, so the essence of this thing are we legally bound by these recommendations, that is all we are looking for. Ms. Boyle restated are you legally bound by these recommendations. Chairman Keefe said yes. Ms. Boyle replied they are recommendations they have no authority to compel, they do not have legal authority to compel you to do anything, are the legal recommendations correct that is another question. Chairman Keefe stated that his question started with

do I have to follow the OIG on these 3 issues that were highlighted in the report. Ms. Boyle reported they do not have legal authority over you trustee but if they are correct or not is another question. Trustee Mass asked to weigh in, if the IG is correct the law has legal authority on us if they are incorrect, then it does not matter, we need to know if they are correct or not. Ms. Boyle said that is debatable.

Trustee Jourdain suggested we table it, maybe we can invite the OIG in, and we can have a direct conversation with them. Chairman Keefe added that he would like to go a step further, so we still have that contract with our civilian legal team. Trustee Jourdain replied yes, we do. Chairman Keefe continued so let's reach out to them for an impartial legal opinion on this. Trustee Jourdain stated that he does not know if it's in the scope of work in the engagement agreement, that is the only thing there to be honest it was related to OIG investigations that was included and this is part of an OIG investigation related to the board so it may be under scope, I would have to read the engagement agreement again. Trustee Jourdain shared that we can have the attorney there, but Ms. Boyle has to approve those. Chairman Keefe said this is an impartial body. Ms. Boyle replied that there is no such thing as an impartial legal opinion. Trustee Jourdain said I think one of the fundamental underpinnings of any of these boards is your access to competent legal counsel, that is what taxpayers expect, that is what citizens of Massachusetts expect of us. He continued when you have the OIG saying you are supposed to do something and your legal counsel says, we will get back to you, we will see you, if we ever see you, in umpteen months from now, it is troubling on a lot of levels, and I have seen it all in this position since I came here 4 years ago, so nothing at this point surprises me. Ms. Boyle said to Trustee Jourdain, you are a lawyer, there is no such thing as a neutral opinion. Trustee Jourdain said we are not looking for a neutral opinion. Ms. Boyle said you want to take a position that you like, you don't like what the OIG said. Trustee Jourdain said I just want you to take a position. Ms. Boyle replied that is silly because why would the secretary of DVS will have a position that he or she would like to take and that is what should be respected. Chairman Keefe asked so what is that position. Ms. Boyle said she does not know because the secretary doesn't exist right now.

Trustee Mass stated that boards and commissions regularly ask for legal opinions from departments and we are asking you for your best judgement, we are not asking for you to give us to defend the secretary's position or to be in a role of an advocate, we are asking you to be in the role of an advisor and give advice to the board as to what the law is, and what I have heard is number one It speaks for itself, number two. it's complicated, and number three it's debatable. He continued that if it is debatable what I learned about when I went to law school and was taught to write written opinions about the law is that you write both sides of the law when you are giving a complicated debatable position, it could be read this way alternatively it could be read this way, and where you don't know you say you don't know, you give an informed legal opinion that takes into account the full research that you have done and how

your understand it is most likely to be interpreted not an advocacy role, there is a difference between acting as a council as an advocate and acting for counsel as an advisor and the board is asking for a legal opinion in an advisory role and I don't see why we can't get that unless you are choosing not to support the board. Chairman Keefe said we are going to move on from this topic and keep it on old business, but I don't even know where to go from this point. Trustee Jourdain added that we should talk about this at future meetings on how we proceed. Chairman Keefe concluded that we will keep this on the old business agenda and we will see what flushes out in the future so maybe once all parties walk away from this thing tonight maybe at the next meeting we will have some type of clarity and some type of correction and some conversations.

Status of Plaque recognizing a minimum of 20 years' Service to Holyoke Soldiers Home

Mr. Lynch stated that he had planned to address this at Finance Committee meeting next week. He continued that we have 2 options relating to plaques for employees for recognition of their years of service to the Soldiers' Home. Mr. Lynch stated that two options with one was initially brought up to the board and then we received a second option of less in cost from a local vendor one we have done business with before, so we have a couple options as to the route we want to go. He finished with that he was going to present those to the Finance Committee meeting next week.

DVS funding breakout and veterans' population to cities and towns (Mr. Engell)

Chairman Keefe stated that this was addressed early, and Trustee Jourdain will submit a record request of DVS to get that data. Trustee Jourdain added that he will have to make a second request because he did send out this evening a records request and I did not ask for the veteran population by city and town in my request I had actually forgot that and so I will make a second request asking for what they have for the veteran population by city and town in a separate records request. He continued by stating let this be noted that this is on the agenda of the Holyoke Soldiers' Home Board of Trustees, and I was told this information that was given to us by Secretary Poppe is not relevant is external to the Holyoke Soldiers' Home Board of Trustees, so I have to now, even on an old business item, make an independent external records request to get this type of information. Chairman Keefe asked for confirmation that it is a ten day turn around; Ms. Boyle replied yes.

New Business

Nomination of Mr. Lazo for appointment as permanent superintendent (Trustee Keefe)

Chairman Keefe stated that there is one item for the new business section that was put on by him and before he goes ahead and kick it off, he wants everyone to know he sent it out in an email, sent it to the trustees and he is expecting some conversation about this, and I would encourage all of the trustees to engage in the conversation on this next topic. He continued that before he looks for a nomination, he stated that he

double checked with Mr. Deacon today and we talked again making sure that under our current governance with the board we are within our authority to make this nomination and see where it goes, he asked Mr. Deacon to talk a little bit about that and kind of what you and I talked about today. Mr. Deacon said obviously the governance legislation is changing the appointment authority for the superintendent of the Holyoke Soldiers' Home but that change is not going to happen until March of 2023 so we are sticking with the current statue and the current statute is clear that the board of trustees appoints the superintendent to the Home so it is within the authority of the Holyoke Soldiers' Home Board of Trustees to appoint a superintendent and I believe that is the agenda item that Chairman Keefe is putting forward.

Trustee Mass asked Mr. Deacon that he understands that we have the authority to make an appointment can you weigh in about what state laws are required for us to follow for a hiring process including whether or not we need to list on MassHire whether or not we need to have open applications, whether or not we need to follow equal opportunity or affirmative action procedures. Mr. Deacon said there are options to waive an individual into a position and even within state government, especially someone that has been in an acting capacity there is, obviously with any hiring, there is some level of risk, and you know I have defended agencies against MCAT challenges and such but it is kind of like any risk associated with hiring. He continued that there is an HR function that would happen after your appointment whereby currently it would be EOHHS HR would have to onboard the individual, if it was a new individual, they would have to coordinate with the Governor's office to do background checks. He continued that the board is currently the decision maker but there is a lot of back-end processes associated with bringing someone on board or even should this vote be successful transferring someone into a role so EOHHS HR would be assisting with that.

Chairman Keefe asked if there were any other questions on the authority. Trustee Jourdain replied that does not have any questions yet on authority Mr. Chairman, but I defiantly have questions and comments on process.

Chairman Keefe responded if we get the nomination during the discussion point, I would expect every trustee to actually weigh in on this a little bit and just talk.

Chairman Keefe stated he is looking for nomination to appoint Mr. Michael Lazo as the permanent superintendent of the Holyoke Soldiers' Home, do I have a nomination at this time. Trustee Bigda made the nomination and Trustee Collins seconded it. Chairman Keefe opened the nomination for discussion.

Trustee Jourdain stated that we had a process to hire a superintendent and that basically it blew up from the very beginning the state has been an obstructionist from the beginning and the process relative to hiring the superintendent by this board, it started with they didn't even feel we even had the authority. He continued that ultimately got vetted out in the courts in terms of the board's authority, long process. He continued that currently in the Operations Committee there is supposed to be a

process going on right now there hasn't really been much movement on that process and I am stunned to see the chairman of that committee seconding this motion. Chairman Keefe asked Trustee Jourdain what process. Trustee Jourdain the selection process for superintendent, that is the process I'm talking about, that is what is on the agenda. He continued that we are supposed to be having a process and we are supposed to have a superintendent search committee going on right now we rarely ever hear any progress on it one way or the other, whether whose fault that is I don't know I think one of the things subsequent in that process being clear is that the state legislature changed the authority related to this, they have now weighed in and said we do not want the board to pick this person and that is supposed to take effect in March. Trustee Jourdain thinks that has to be seriously considered, the Governor our appointor signed that legislation along with the state legislature to have a new process and in the 11th hour of the current administration we are just going to scrap any process whatsoever and just pick a person, there hasn't been any interviews of the current person, there hasn't been any interviews of any other candidates, I don't even think there is even a posting for this position, that is due diligence by this board that is a joke, that is a complete joke. Trustee Jourdain added maybe I am a cynical taxpayer citizen, to me this is just let's all just burrow in at the end of a Governor's administration, I don't know what the hell is going on here, but this is extremely disappointing motion. He continued that this is extremely sobering, and I can't even believe, this borders on the unethical to be quite frank with you, that is how I feel about this motion. Trustee Jourdain said what is even more ironic you listen to Attorney Boyle talk about, you know we want to defer to the next administration as to the opinion of an OIG thing but yet we are not going to defer to the next administration about the selection of their number one direct appointee of a facility that has been under unbelievable scrutiny that should have someone who is their appointee who has the confidence of the new administration of the new secretary.

Chairman Keefe stated that he hears Trustee Jourdain's points and said what I looked at is number one the new administration with the new governance can basically still make a choice for anybody they want in this role so if Mr. Lazo if this motion passes, he could potentially lose his job and when I talked to Mr. Lazo about doing this, he is willing to take this gamble and that says a lot. He continued that he gets where Trustee Jourdain is coming from, we are following the process, we are pointing this thing, we advertised this job we thought we had one guy for a while and he ended up, just kind of blowing us off, it hung out there for a while, no one wanted this job and I will tell you for me as part of this discussion and looking at my notes on March 2020 Mr. Lazo came into this facility of March 2020 as part of a team that basically came into an empty facility and he lead that thing. Chairman Keefe added that Mr. Lazo stayed on board through his military assignment because he liked the Home, he liked the mission and he saw a chance for him to get involved and make some change. He continued that when they came in there, we all know, we've seen the difference, there was massive vacancies no one wanted to work weekends no one wanted to work nights, no one wanted to be here. Chairman Keefe added that there are some people just stopped showing up in this place when I was here in March 2020 throughout that summer it was amazing the amount of people that just walked away from this facility.

Chairman Keefe stated that Mr. Lazo was hired on as the chief operation officer so for two years he has been our acting superintendent without a chief operation officer and one of the reasons I bring this up we need a chief operations officer so whoever the superintendent is can start looking strategically, Mr. Lazo has been doing both jobs. He continued that when Mr. Lazo was on here there was no superintendent, no deputy superintendent when he first came on and not facilitator manager and there were many many clinical vacancies as I mentioned. Chairman Keefe stated in November 2020 he volunteers, I think it was my second meeting when we looked for acting superintendent and he raised his hand and said I will do it, it has been two years since that, since he basically volunteered to step into that breach. He added he got hammered, this board has never been easy on him, and we all agree on that, Mr. Lazo answered some tough questions he took a lot of heat because he was not a licensed nursing home certified, he completed that while he was still doing this job. Chairman Keefe informed the group that the survey's as we've heard have been outstanding and he has built a cohesive team, everything he's built around here and who he has hired as part of this team, the energy in this building is fantastic. He continued when he first came on there was people who did not even know him. We had unions attacking him and he has good respectful relationships with the unions now and he has proven he is not afraid to take tough action against problem employees. He added this appointment allows the chief operating officer position to be filled with a not appointed full time state employee and to continue that continuity and continue that stability. Chairman Keefe stated the Mr. Lazo is taking a gamble with this if this passes, he could be out of a job as appointee with the next administration. He continued for two years the combined team of DVS, the board of trustees and the employees, you guys know, Trustee Jourdain you have been here longer than any of us, we had board members, previous board of trustee members, that just stopped showing up and everything was just a big crap sandwich right now you get a very viable board we are aggressive we debate, we debate with DVS and we debate with each other but we always have what is for the good of the Home as our ultimate goal. Chairman Keefe stated that the team we have now between the board, DVS and the staff here they have overcome multiple challenges for the last two years, I don't even want to get into the spears that were being thrown by veteran organizations and others outside this building who didn't even know the changes that were going on in this building. He continued that this team continues to protect the residents and bring back the energy and rebuild the reputation of this organization and it is doing it in a lot of ways so my opinion is Mr. Lazo understands what he is giving up, he has worked hard to build a team and he's worked hard to get his license nursing administrator and he understands come March next year he could be out of a job and just replaced with another political appointee but at least he will be able to fill that slot behind them with the chief operation officer and continue to build the teams here. Chairman Keefe finished with quite frankly out of pure loyalty and what this guy has done, I think we owe it to him, to put him in as the superintendent permanently because if he does leave, he can have on his resume that he served as the permanent superintendent of the Holyoke Soldiers' Home and that was my reasoning behind it.

Trustee Jourdain said with all due respect Mr. Chairman I was not done, and you interrupted me, and I respectfully listened to that so I'd like to reclaim my time if I may. He continued that he does not disagree with a number of the points you make and the loyalty you obviously have to Mr. Lazo admirable and obviously he has tried his very best in this acting position, an extremely difficult position he is in and he is doing the very best he possibly can, I don't want in any way but minimize that in anyway because I think Mr. Lazo has really worked hard for the facility but that does not take away from the central point is that Mr. Lazo needs to go through the process and there needs to be an effective process for a hiring of a position of this magnitude and a matter of fact the one process we did have he was not selected, in fact he didn't make the finals for that selection process. Chairman Keefe interjected that he did not also have nursing home license administrator at that time. Trustee Jourdain said understood but nevertheless maybe if there is a new process, Mr. Lazo will be the guy, I don't know, but that is going to be for the next secretary to decide Chairman Keefe said with the new governance the new secretary can replace him at will. Trustee Jourdain appreciates Chairman Keefe's passion, but I didn't interrupt you. Chairman Keefe apologized. Trustee Jourdain continued that we are all doing the right thing here but I am just letting you know I think this actually comes across really badly in his opinion and I don't think this makes anybody look good including Mr. Lazo by doing this because I think what we do is we say stay the acting person and whoever the new Governor is they appoint their secretary, whether they keep Secretary Poppe or they get somebody else whatever the case may be that person can have a conversation with Mr. Lazo and whoever else is going be in this structure and they can keep this person or not keep this person. Trustee Jourdain shared to have us who would never have no posting, no other candidates, no process, and then just say as this current administration is walking out the door, oh yeah Mr. Lazo you are the permanent superintendent, it looks really bad, we would not hire a janitor with this kind of process let alone the superintendent and this is the way it is supposed to work. Trustee Jourdain stated that thinks it flies in the face, selecting this person of what the state legislature and the Governor did, I was not happy with their decision, I wish it stayed the decision of the board but you know what they were elected to make that decision they have the authority and we need to respect that authority we need to respect the Governors authority, and the fact of the matter is they changed the process and I don't think the legislature delay this to March instead of having it be 9/1 or 10/1 to have the original effective date was designed so that let the whole local boards go slip the candidates in before the law take effect. He continued it looks like somebody is pulling a fast one, when I know that's probably not what you intend but that's certainly the way it'll be perceived.

Chairman Keefe added that he agrees with potentially that perception happening however those of us that have been on this ship for two year we have seen what he has done and with his team and I do disagree the fact that this process would require an advertisement or anything like that. He continued that he followed up again today to make sure I got the same answer and I got the same answer and as Mr. Deacon said it has to go through human resource vetting process and thing like that but the bottom line is next administration has someone else in mind or they don't like how

things are going, he is out and new person is in, we have to recognize what he has done and this team has done in two year.

Trustee Jourdain stated also again yes perhaps he is not getting any official additional protection by making this appointment and they, this person serves at their pleasure but it defiantly sends the message that you are not really respecting their authority, in my opinion because he could continue as the acting person no different until whenever they pick the new secretary leave things status quo, it has been working this long so what's a little bit more now that they have an actual process, and then they are going to be allowed to dictate what the process is. Trustee Jourdain said for us to just pick somebody at the end with no other candidates or interviews none of the things we had set out as criteria like we will talk to employees or we will have the process we have laid out about getting key stakeholders or doing all the things that we wanted to do we are just throwing all that away, because at the last minute we've never even discussed this at a prior meeting you just bring this up out of nowhere out of left field and we are just going to take a vote on this. He continued it is just so, this is what drives people bananas about government it looks like cronyism to me, and it just smells of cronyism. He continued that this organization, this all occurred before I got here, but back in 2016 that was a dysfunctional what appeared to be a cronyistic process that got cited by Mr. Pearlstein and led us to not good leader this prior board and yet here we go, now we are just going to have no process just pick somebody in the 11th hour.

Chairman Keefe stated that to try to compare what Mr. Lazo has done and this team has done for the last two years to an individual with no experience beside basically wearing a military uniform and being appointed I can understand that's cronyism, but when you have gotten an individual who's proven himself for two years in this job and made everything better, how can you not acknowledge that and move forward on it and if the individual it allows us to fill the COO and continue to build that team, if he is willing to take this risk how can you compare him to a previous superintendent that had no experience. Trustee Jourdain responded that he was not comparing Mr. Lazo to Mr. Bennet he was comparing the vetting process. Chairman Keefe stated that Mr. Bennet had no experience, this guy does. Trustee Jourdain said let that come out in a legitimate process, having a real candidate in real hiring process that is the comparison. Chairman Keefe said the next administration will have the authority to do that.

Trustee Mass thinks it might be helpful rather than you and Trustee Jourdain going back and forth for whoever's going to talk to say everything that they have to say and then allow other people to speak rather than a personal debate between the two of you because it is coming across as acrimonious and I don't think that is the intent. Chairman Keefe said don't get me wrong Trustee Jourdain and I have this relationship I know he has the best interest, and so do I and I don't want to beat this up forever so I will jump over to Trustee Mass your hand is up so go ahead. Trustee Jourdain asked if could wrap up real quick. He feels the reasons that we need to be super sensitive to the fact that this organization has been under a serious cloud all and much measure

related to the process before to now see us come after like no lessons learned about the process for the selection of superintendent to do this, it looks really bad and I would encourage the board not to do this and leave it for the new administration to come in January to have, it is going to put our facility under an immediate cloud already with the new Governor, who ironically is being selected as we speak at this meeting and if that is not lost on anybody the irony of that. He continued that come January this new administration we get off on the best foot Mr. Lazo can go in there if he wants this position and make the case and have that and these are the folks who are going to be empowered by the people of Massachusetts to continue the progress of fixing this facility. Trustee Jourdain concluded with whether they want Mr. Lazo or they don't want Mr. Lazo, they should be allowed to have this without this board jumping in in the 11th hour to burrow our candidate in with no process, that looks really really bad and I think this board should not do that and I think it send a terrible message and puts us in a bad footing with new administration whoever the people select, so I will leave it at that. Thank you, Mr. Chairman. Chairman Keefe thanked Trustee Jourdain and that he appreciates his candor and your position.

Trustee Ostrander stated first of all there has been a process and we have been waiting for the powers that be to come back with different agencies to help us find candidates. She continued that Mr. Lazo was vetted, he was in the process and I would like to state for the record I was the only one who picked him to actually be the superintendent, he has crushed every single obstacle this board and that Soldiers' Home has thrown at him, he has gotten his license to be a nursing home facilitator, he has done everything that we have thrown at him and done an incredible job and his team they're happy, and it is working our inspections are incredible, let this man continue to lead his people like he does best. Trustee Ostrander stated that us coming in seventh hour you're saying that we're just going to appoint this person we are not just appointing this person, we are appointing a man who has led this Home to success, he is making our veterans happy and comfortable and has their best interest at heart. She continued that he has just poured his heart and soul into this Home, which not that none of us have done that, he has taken time away from himself and his family to make sure this family is taken care of, so my vote is 100% Colonel Lazo needs that job he needs to continue to run forward whether the next administration decides that they don't want him, fine, but that is there decision, let us at least bring him forward and continue to let him shine. Chairman Keefe thanked Trustee Ostrander for her comments.

Trustee Mass stated that he has the deepest respect for Interim Superintendent Mr. Lazo I think he has done an admirable job under the most difficult circumstances I could possibly imagine. He continued that he has stepped up and reached a lot of the challenges that the board has thrown at him including getting his license nursing home administrator license it was a big concern when we were going through the hiring process before, it wasn't the only concern, but it was a big one. Trustee Mass shared that he is to be recognized for that achievement and it was not something he was required to do currently to hold the position. He continued that he is well liked and has grown in the position tremendously, he has gotten out into the community and

networked with other veterans and veterans' organizations, things that he wasn't doing during the last process. Trustee Mass said it would be impossible for him through the course of his work in this position as well as obtaining his license nursing home administrator license, not to become more aquatinted with the medial issues related to gerontology, which is a big concern of mine. He continued that he has grown tremendously and deserves to be applauded, that all said there is nothing that prevents him from filing the COO position right now. Trustee Mass said there has been nothing preventing him from filling the COO position for the last two years and in fact if that is the critical issue, he need not be appointed permanent superintendent to take that step, additionally my concern is about. Chairman Keefe interjected that as long as Mr. Lazo is acting or interim, we cannot fill, he has the right to revert back to his position. Trustee Mass replied that he understands that, but he could voluntarily give that up he doesn't have to keep it, if he is willing to take risk to go forward, he can take that risk now and voluntarily give it up his ability to revert and fill that position. He continued that is what a leader who is willing to take that kind of risk might do and I am not saying he should do that, I think were he not to get the position he would be an excellent COO, I am just saying we're not prevented on that basis. Chairman Keefe added he is willing potentially to give up the superintendent and have nothing out of this, so I just want to clarify that for anybody that might be confused. Trustee Mass stated that is not the only thing that is necessary, that it's not necessary for him to make the decision himself to fill the COO position. He continued that we can't make him do that, DVS can't make him do that, but he can do it himself if that is what he thinks is the right thing to do and I would be supportive of him filling that position, if that is what he felt was the right thing to do. Trustee Mass stated that he is also not opposed to making a decision, as a board member, now under the right circumstances and the right process as I just articulated to Ms. Boyle we have an obligation to do the right thing at all times, we have an obligation to do what is in the best interest of the Home, last month, this month, next month, whenever we're before the board it is our obligation to do the right thing. Trustee Mass continued so if we were in a position to pick a permanent superintendent today, I wouldn't be saying let's kick the can to the next administration or the new process although I understand the argument that Trustee Jourdain puts forward my problem is I am not in a position right now to appoint anyone, Mr. Lazo or anyone else, to the position of permanent superintendent because we have had, the process we have had has not been effectuated and I am sympathetic to my colleagues who are frustrated that DVS and the administration has not given us the support we thought. Trustee Mass stated that we hired a superintendent search firm to help us run a search they ran by my estimates an excellent search, found us multiple great candidates, one of which we made the decision to hire who had 20 years of experience, we all support like that candidate and the kibosh was put on that by the administration, I don't know how they possibly could have screwed that up but they did. Trustee Mass stated that when we went back to them and said there's a guarantee in the contract because that is one of the things I looked at before you were even on the board, Mr. Chairman, is whether or not when we hired the search firm, whether the, if the search failed they would give us a new search, and we were guaranteed that and we went back and forth with the administration to get a search firm and I attended some of the meetings of the search

committee that was subsequently appointed and I know they kept asking those questions to DVS and DVS, not unlike tonight on other questions we asked them, totally ignored the will of the board. He continued they denied us the ability to be in the position today to have had a full process to select a superintendent. Trustee Mass added that you will all remember for months and months I was begging to get this process started and I was told, it's the wrong time of the year, no one will apply in January and December, I was told we have to wait till they are working out the contract, we got to pick someone from the approved state vendor list there's always an excuse of why they couldn't do what we were asking them to do. Trustee Mass said the board did not get the support to do what it needed today and what it still needs to do. He reiterated what it still needs to do is a wide nationwide search to find the best possible superintendent that we can hire, that should include people of all racial groups, all genders, all sexual orientations, all and irrespective of their military service. Trustee Mass stated all the things that we talked about before none of those other people have had an opportunity since the last search failed to even apply, we have not had that process and that is unfortunate because the veterans we serve deserve the best possible candidate that we can put forward. He continued that is not to say the Mr. Lazo can't do the job, he clearly is doing the job if I felt he wasn't doing the job I'd be bringing a motion to fire him and I am far from that, I think he is doing a good job. He continued that I can't say he is the best possible candidate we could possibly have because we have done nothing to determine that. He added that we have not interviewed him or other candidates. Trustee Mass stated he heard the union is in support of him, I have not heard from them, we've given the union ample opportunities to come forward and talk to the board of trustees, they never have, they have not expressed that support to me, that doesn't mean they are not supportive of him I just don't know; I have a lack of information. He continued additionally, we have a reputational risk of screwing up in the same way two times in a row, and it is not exactly the same way, I get that a politician didn't forward his name and say, oh, you don't need to have any experience to do this job and I get that Mr. Lazo has experience but the question is, is he the best possible candidate and I just don't know and I don't know how anyone could know that unless they are comparing him to other candidates, he is certainly a far better candidate today then he was during the last search process. Trustee Mass stated that if we do not go through the search process, we are cheating ourselves, we are cheating the residents, we are cheating the taxpayers. He continued that he does not care about the new administration, I don't know who is going to be elected Governor, or the new DVS secretary, none of that matters to me the only thing that matters to me is that we do the best thing we can in our job today and so what I think we should do is go back to DVS and insist on them getting us a search firm to help us with this search so we can be along the process and interview multiple candidates, advertise nationally and get people apply and have multiple recommendations to go forward to new intermediate board and be able to say this is our preference of these candidates because they are supposed under the, I don't think we can get his done by the time the new board takes place, maybe we can if we can get it done by February, that's great but if not the new intermediate board has to forward a recommendation on to the secretary and they can only chose from what we send to them so we have to send them more than one choice or I guess we

could send one choice and they could reject that one choice and have us start over. Trustee Mass stated that we should start to do the right thing now, the same thing I was asking for six months ago, the same thing I know my colleagues were asking for DVS and I am glad that this motion was brought forward because while I think it is, I think Mr. Lazo deserves to be recognized and praised for the work he has done and this is the time to sort of start talking about that and I also think that we need to make progress on making a recommendation or hiring a new superintendent, who is the best possible candidate based on a process that is broad and inclusive and includes what we had in the last process which was a representative of the VSO community, a representative of nursing, another licensed nursing home administrator, a broad process that gave us community perspective in addition to our own. Trustee Mass state he thinks this is the right way to go and I would go further, I said before it was rejected by the board that a representative of the union should be part of that process, I would love to see that. He continued a broad process is guaranteed, not only to make sure that the candidate we have whether is Mr. Lazo or anyone else has broad community support of all the representatives' constituencies, everyone who has a stake in this institution so that they are able to launch or continue on, on the best possible footing. He finished with it is our responsibility not just to pick someone who is competent but to pick the best possible person and put them in the best possible position to do well, and I think if we do this in this way, though he may want it we are going to end up tying the hands and putting a cloud over Mr. Lazo and for all of those reasons, I think it is untimely for this motion and I would move to table. Chairman Keefe thanked Trustee Mass.

Trustee Mass made a nondebatable motion to table the topic and was seconded by Trustee Jourdain.

Roll call vote: Trustee Jourdain (Yes), Trustee Mass (Yes), Trustee Bigda, (No), Trustee Collins (No), Trustee Ostrander (No), and Chairman Keefe (No). The vote was 2 in favor of tabling and 4 to not table. The not to table wins the vote and the discussion continued.

Trustee Bigda stated that he understands what the other board of trustees' people are saying, the whole reason I brought this up was for the record, I am less interested in what the public thinks of what my decisions are, and my interest is in the patients and just seeing how the Home is moving forward now under Mr. Lazo, I don't know how much better it could get at this point in time. Trustee Bigda stated that Trustee Mass said six months ago that we really need to be focused on doing something in terms of getting another person in and that stuck with me all this time. He continued then here is Mr. Lazo doing the job and I understand that there is a supposed legal process to do it and we don't want to look like cronyism is apparent but my point is we have somebody right her right now who has proved himself and that is what is best for the patients somebody who works and is doing it, not an outsider who we don't know anything about, we've got an answer right here. He continued that Mr. Lazo shows it by his actions, not by fancy words in a dialog with us when he is being interviewed. Chairman Keefe thanked Trustee Bigda.

Trustee Collins addressed Trustee Mass stating that he enjoyed his discussion of your position as well as Trustee Jourdain you brought up some great points just having to listen to the discussion regarding the legal opinion, to me it is enlightening to hear both of those discussions and not being a lawyer either the similarities or the difference in the way that the board has been treated in the past and the way we want to move forward, so I really do appreciate that, just for the record I will have to go back and read them this discussion came up in regard to the search committee about 3-4 months ago just after Trustee Lacoste left the board that we basically that got sunk because we could not get the support. He continued that he thinks Trustee Mass intimated that we were kind of stuck and so very frustrating on all our parts. He continued that for him and for the record because Trustee Ostrander stated her position, I did not have Mr. Lazo as a selection when we went through our rounds of interviews well over a year and a half ago but for me there is nothing better than a job interview than actually doing the job, a job interview, as we all know, you only get a glimpse in time and usually people are on their best behaviors so you don't understand individuals work ethic, their management style, their philosophy, their team building attributes and skills that is best in watching someone over time and typically that is why we have 90 days rules of employment because we try to make those assessments within 90 days to let someone go without any legal action. Trustee Collins stated for him Mr. Lazo has been performing this job that I've watch very very closely and what I was critical of during the interview process and I can remember certain questions, he did not know what polypharmacy was, well I can tell you right now he knows all about polypharmacy, he knows all about the SBARS, he knows about the antibiotic stewardship program, he knows the CMS standards, so again trying to put him in a bucket where he was a bit ago when he didn't have mastery of that. He continued with number one he educated himself and number two the biggest thing is actually performing the job and to me performing it with great skill, it is not only what Trustee Mass said the best candidate got it, in regard to the diversity inclusion all the things that are out there that we want to be the good steward of the community and get that best candidate but for me this right now is the best candidate and why, because it is going to bring stability to the organization for the long term and sustaining the team and we know there may be turn if the new administration comes in and that is why I should go back and read the minutes. Trustee Collins stated he asked a very specific question does the new administrators have the right to fire if we appoint somebody, I asked that question. He continued that is about process as well but so I think that this opportunity before us today that was brought up and put on the agenda, I didn't put it there, but I agree with it, I think it is something I can support, and being one of the individuals on the board of trustees that has actually run a faculty, that has made decisions to hire administrators as well as medical providers. Trustee Collins stated that he would want Mr. Mr. Lazo as part of my team to continue to move forward he has shown a vision for the future and I think that is going to benefit the Holyoke Soldiers' Home as we push the organization forward, and again, there is nobody, again I just want to respect Trustee Jourdain and Trustee Mass for the incredibly articulate arguments they put forward and I am not saying I disagree with

your arguments, but I think doing the right thing now is taking a vote on this and moving it forward. Chairman Keefe thanked Trustee Collins.

Trustee Jourdain stated that he will give a summation because he sees where this vote is going and that is fine. He continued that the first thing he wanted to say is he respects all the trustees and obviously you know we are going to have a vote in a minute, and I did want to say that people can come to different conclusions, good people. He continued that he does owe us the advantage of his candor just like and I feel having sat here now for four years, it is the reason this board has lost its authority is because of what is going on tonight, it is a board that unfortunately this administration has basically not been supportive of this board has sabotaged our hiring process, because they never wanted us to have a hiring process. He continued that he guesses it becomes an item of frustration then, that we have here, that you take a person who is the acting guy and just give him the job because we feel we owe it to him that does not make sense to me, hopefully, and by the way because of the prior again as I referenced back to the former hiring process that got us the last superintendent, they actually had a selection process, they actually had more of a process then we are having here tonight, not going to say this candidate is worse than the other candidate, I cannot say that, but they actually had more of a process then we are actually having her tonight. Trustee Jourdain stated that this literally is for the first time coming on the agenda because we are not having a real superintendent search, even though we have a superintendent search committee and so because that has been as Trustee Collins points out has been basically stonewalled and sabotaged effectively the fact that we are in this situation where we don't have candidates to pick from. He continued saying we don't reward that by just throwing our hands in the air and just saying the ends justify the means, that almost never works out logically and the fact of the matter is this authority has now been taken away from us, have it today but if we are going to have it today don't we prove the critics of this board right that this is a dysfunctional board that never got it together correctly. He continued that granted, hopefully history will know that we did everything that we possible could, this current composition, and I have a lot of respect for how hard working all six of us are on the board. Trustee Jourdain said that we tried to do it the right way, but this is what ultimately happened, is this, tonight, not a real process and in that way the residents were cheated, they were cheated out of a real selection process with real applications, real interviews, real stakeholders and a bevy of good solid candidates and a search firm so when everything fails this is what it looks like because we just kind of feel like we owe it to the acting guy. Trustee Jourdain said this is not the way the board should work and so I cannot support that even if I like a person or I think he is a good guy or he is doing a good job because at the end of the day I would hire this like if this were my personal company or this was my duties I have in the private sector, even the public sector if I was hiring a janitor I would have more of a process than this, as I stated earlier. Trustee Jourdain added that because it has come up to the 11th hour we might as well allow what the legislature picked at this point so that is why I raise that issue, but if we are going to have a process and if don't have, we're not going to make the decision and we are going to give it to the new people who are about to make that decision, then we should defer to them but absent those two to just say well

we had no process and let's just give it to Mr. Lazo because he is a good guy and he is working hard. Trustee Jourdain said that he does not think that makes sense and we should leave, in my opinion, the status quo in place because that is what the current administration apparently ultimately wanted because we were not able to have effective search selection process to do our jobs. He continued so if that is the process and the result that they wanted that is the way it turned out. Trustee Jourdain ended with that he feels everybody is voting what they think is right and he feels this is really bad because it is not in the best interest of this board, and it just once again shows a dysfunctional Holyoke Soldiers' Home Board of Trustees and I guess this is how we are going to go out in the final hours or months of our authority on this board. He added under the flag of we think we are doing the right thing. Chairman Keefe thanked Trustee Jourdain.

Chairman Keefe replied quite frankly we are not giving someone a job because we like them, we have heard from multiple people, this man has proven himself as I think Trustee Collins said two years this guy has been doing the job and making things better here. He continued that he looks at the team here when he come in here every board meeting and other times, he comes in to just visit and they are firmly behind him, they like what he is doing, he knows how to build a team. He continued that we did advertise this job we thought we had an applicant that was going to take the job, and I am convinced after talking to him after he turned it down, that I don't think that guy ever really wanted this job. When we went to readvertise it, he could not remember the headhunter they used but they did not want to work with us again. We then went through the state system and put it out on the state, and we didn't get a single application, and while all that time was going on we had a guy who stepped into the breach and was growing and learning and building a team and he has done outstanding job of it. Chairman Keefe said he is a firm believer in rewarding people who dig in, I can tell you one thing we can advertise this thing and one person that was ever affiliated with this Home that quit they would never get my vote, ever because part of the headaches that came our way went from previous leaders that quit when the going got tough. This guy never quit, he dug in there and quite honestly, even tonight, he has not been treated respectfully a lot of times by this board and I agree with you Trustee Jourdain we all want what is best and I am telling you in my opinion what is best for Holyoke Soldiers' Home is Mr. Lazo and like Trustee Bigda said there are going to be plenty if people out there that are going to sit outside this facility and throw spears and whisper, come in here and walk through this Home and see the difference that is going on and once we finally get out of these masks and these folks here can really turn on what they used to do and bring in some of these new programs so everybody can see I think the people of Western Mass. are going to be very impressed with what this Home has been doing. He concluded with that is what he is basing his on, he believes the fact that Mr. Lazo stepping into the breach for two years is the big reason that we are actually where we are, don't get me wrong Mr. Lazo will be the first guy to put it on his team, just like we do, as much as we argue with each other and DVS we know that we played a role in this thing, the board especially, the board came in after people just stopped showing up Mr. Lazo came in after he come in with a military unit and he stayed because he wanted to make the

place better, he has built a team. Chairman Keefe added that a lot of the DVS folks are still going to be around but to sit there and say we are not having a process, I would contend this motion is a process. He continued did we go through the normal traditional channels to advertise this think and hope to interview some folks, no because the way I looked at it is we have the guy doing the job and, in my opinion, he is the best man for the job and that was my opinion. Chairman Keefe said let's put it to a vote and see what happens from there.

Trustee Collins stated that he thinks to continue to have a fantastic dialogue and I appreciate that if we're having dialogue, I don't see that as disfunction but a functional board because at least we are having a discussion. He added that he wants to go on the record that he feels he owes no one anything because that demeans me as an individual making a decision and that calls into question my integrity. So, he wants to go on the record as an individual that owes no one anything, so those comments can be worn by other people. Chairman Keefe concurs with Trustee Collins statement, he does not think any of us feel we own somebody, you know, my opinion I look at what this man did. I am basing my decision and the reason I put this motion forward based on his performance as the leader of a great team, so that is what I based it on.

Roll Call Vote: Trustee Bigda (Yes), Trustee Jourdain (No), Trustee Mass (No), Trustee Ostrander (Yes), Trustee Collins (Yes), and the final vote Chairman Keefe (Yes). The motion passes 4 to 2.

Chairman Keefe added that we are very passionate about what we feel is right and we do get into some very lively conversations, spirited conversations and in the end we all have the best interest in the Home, its residents in mind and I do appreciate that from everyone. This motion has passed, and it will have to go through and be vetted so he will work with Secretary Poppe to see what the next step potentially would be on this.

Chairman Keefe stated that Mr. Lazo has been sitting here the whole time and I just want to make it clear that I asked Mr. Lazo if he understood what could potentially happen to him with the new administration. Mr. Lazo replied that he fully understands what might happen with the new administration.

Adjourn:

Trustee Jourdain made a motion to adjourn the meeting and it was seconded by Trustee Ostrander. It was unanimously VOTED to conclude the meeting at 8:29 PM

The next meeting will be a joint meeting with Chelsea on December 13, 2022.

Respectfully submitted,
Kathleen Denner, Acting Secretary for the Board of Trustees

Attachments:

