

MINUTES
SEPTEMBER 27, 2012

Special Meeting
Cambridge Redevelopment Authority

Thursday, September 27, 2012
John A. Volpe National Transportation Systems Center
55 Broadway
Cambridge, Massachusetts

MINUTES

Present

CRA Board members: K. Born (Chair), C. Bator, B. Zevin, and C. Crawford
Others: J. Tulimieri (Executive Director of the CRA; J. Mullan and D. Richlin (Counsel to the CRA)

Summary of the Discussion

The Chair convened the meeting and announced who was present at the meeting. She explained that Vice Chair Drury was travelling overseas and was not able to attend the meeting. Mr. Mullan took the minutes of the session. The Chair asked for a motion to convene to Executive Session. C. Bator so moved; B. Zevin seconded, and the motion carried by a roll call 4-0 vote. The Chair indicated that the Authority would convene in Executive Session for the purpose of discussing the Executive Director under c. 30A, §21(a) 1 and that, while the Authority did not intend to reconvene in Open Session, it reserved the right to do so.

The Board then retired to Executive Session at approximately 4:40.

The Board returned to open session at approximately 5:50 pm. In Open Session, the Board discussed follow-up actions and took the following vote, which passed by a 4-0 vote:

That the Cambridge Redevelopment Authority appoints Christopher Bator to the Transition Committee on a temporary basis to serve until such time as Margaret Drury returns from her vacation out of the country, and authorizes the Transition Committee to request the assistance of the City with respect to services that may be needed during this period of transition, and to initiate the process for retaining a qualified audit firm to conduct a forensic audit of the Authority's records and a qualified special counsel to manage and assist in any such forensic audit. The Transition Committee shall report to the Board at its next meeting and shall not, in any event, bind the Authority to any contracts prior to its delivery of such recommendation.

The meeting adjourned at 6:00 pm.

Submitted: J. Mullan, Counsel to the CRA

MINUTES

Present

CRA Board members: K. Born (Chair), C. Bator, B. Zevin, and C. Crawford

Others: J. Tulimieri (Exec. Dir. of the CRA), J. Mullan and D. Richlin (Counsel to the CRA)

Summary of the Discussion

The Executive Session began at 4:40 pm. Mr. Mullan took the minutes of the session.

The Chair explained that the purpose of the Executive Session was to discuss the Executive Director and a concern that has arisen regarding Mr. Tulimieri's employment. In accordance with the requirement of the Open Meeting Law, Mr. Tulimieri has been notified of these concerns and about this meeting, and was present at the meeting.

The Chair turned the meeting over to Dean Richlin of Foley Hoag.

Mr. Richlin explained the timing of events, the preparation of the Look Back Report; the discovery of concerns about salary increases; the discussion in Executive Session on September 19; a meeting of the Transition Committee and counsel with Mr. Tulimieri on September 24; the gathering of documents (37 boxes) and copying of computer files at the CRA's offices on September 24; and the decision to hold this meeting.

Mr. Richlin explained that Mr. Tulimieri is an at will employee and the CRA may terminate his employment for any reason or no reason. It nevertheless appears that if cause were required, the CRA would have grounds to terminate his employment.

Mr. Tulimieri said that he voluntarily provided the employment and compensation materials to counsel during the preparation of the Look Back Report and wanted that fact on the record. He also said that he always assumed the March 17, 2010 actions would be ratified by the Board following the completion of the Look Back Report, and that the November 2010 action would be ratified as well. Mr. Tulimieri acknowledged that he serves at the pleasure of the Board and said that he is prepared to resign if so requested.

Mr. Tulimieri further explained that, during the Look Back Period, he was trying to keep the program running, and prepared a list of actions that must be taken by the Board during that time. He was uncertain of the location of that list. Mr. Tulimieri offered to stay, resign, or respond to a request for resignation.

C. Bator expressed his concern about the facts and the appearances that the facts gave rise to, and expressed a preference for Joe to resign effective immediately.

Following more discussion, the Board took the following vote following a motion and second. The vote passed by a roll call vote of 4-0:

That the Cambridge Redevelopment Authority requests the resignation of its Executive Director, Joseph Tulimieri, effective immediately and authorizes the Chair of the Authority to take all such actions as may be necessary or appropriate pertaining to this vote.

Mr. Tulimieri then resigned his position as Executive Director of the CRA, effective immediately, and stated that he would confirm his resignation by letter to be delivered the next day. Mr. Tulimieri then left the room.

The Board then discussed potential follow-up actions and voted to end the Executive Session by a 4-0 roll call vote. The Executive Session concluded at 5:45 pm.

Submitted: J. Mullan, Counsel to the CRA