

## **Soldiers' Home in Holyoke Board of Trustees Meeting**

A meeting of the Board of Trustees of the Soldiers' Home in Holyoke (HLY) was held telephonically on Tuesday, April 21, 2020. The meeting began at 5:00 PM.

- **Members Present:**

Kevin Jourdain, Chairman; Christopher Dupont, Cindy Lacoste, Cesar Lopez, Carmen Ostrander, Isaac Mass, Richard Girard.

- **Also Present:**

Mark Yankopoulos, Legal Counsel, Stuart Ivimey, Legal Counsel (DVS), and Nancy Shimel, Recording Secretary.

- **Call to Order** – Meeting called to order with Role Call at 5:00 pm by Chairman, Kevin Jourdain. He reported that this meeting is being recorded.

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

- **Regular Minutes**

Upon motion by Kevin Jourdain and seconded by Cindy Lacoste, it was unanimously VOTED to accepted the minutes of the Regular Meeting held on March 10 2020 with the following changes:

1. Under Superintendent's Report: Add in the following sentence: It was reported that there were no known COVID-19 cases currently.
2. Under Superintendent's Report: Add in the following sentence: Bennett Walsh notified the Board of Trustees that the Soldiers' Home in Holyoke would be stopping entertainment, volunteers and visitors from coming into the Home.
3. Under Superintendent's Report: Add in the following sentence: In light of the fact that the Soldiers' Home in Holyoke would be stopping visitors, Kevin Jourdain also requested that a room with a computer could be reserved on the first floor for residents who do not have access to a computer so they could speak with their loved ones. Bennett Walsh thought this was a good idea and would look into it.
4. Under Regular Minutes: Richard Girard inquired on the statement in the March 10, 2020 minutes "Kevin Jourdain reviewed minutes process and reminded all that only the Board of Trustees can change meeting minutes via vote. The Board Chairman has not made any changes to prior minutes without Board Approval." In this statement, Mr. Jourdain was referencing an email dated 2/29/20 which was sent to some members of the Board of Trustees by Bennett Walsh which stated "I informed the DVS Secretary that the Nov 2019 BOT minutes the SHH executive team would conduct the audit search were incorrectly changed by the BOT chairman. The minutes were changed to BOT chairman and DVS/EHS to decide on the audit." A motion was made by Isaac Mass and seconded by Carmen Ostrander to attach the 2/29/20 email from Bennett Walsh to the minutes of the 3/10/20 Board of Trustees meeting.
5. Under CFO Report: Add in the following sentences: Christopher Dupont questioned why the Soldiers' Home is asking for only a 1% increase in its annual budget for next year. Is it being mandated by the Commonwealth of Massachusetts that we can only ask for 1% or is that just what the Soldiers' Home in Holyoke does on an annual basis? Christopher Dupont requested another brief on how the Soldiers' Home in Holyoke formulates their budget process. A motion was made to add this statement to the end of the CFO Report by Kevin Jourdain and seconded by Cesar Lopez.

Kevin Jourdain conducted a role call vote on the approval of the above five changes into the minutes of the Board of Trustees meeting held on 3/10/20. The Role Call Vote is as follows: Christopher Dupont (Yes), Richard Girard (Yes), Cindy Lacoste (Yes), Cesar Lopez (Yes), Isaac Mass (Yes), Carmen Ostrander (Yes), Kevin Jourdain (Yes). It was unanimously VOTED to approve the five changes to the Board of Trustees meeting held on 3/10/20.

Kevin Jourdain also conducted a Role Call Vote for all in favor of adopting the amended meeting minutes of the Board of Trustees meeting held on 3/10/20. The Role Call Vote is as follows: Christopher Dupont (Yes), Richard Girard (Yes), Cindy Lacoste (Yes), Cesar Lopez (Yes), Isaac Mass (Yes), Carmen Ostrander (Yes), Kevin Jourdain (Yes). It was unanimously VOTED to adopt the amended minutes.

- **Retention of Counsel for the Board:**

Kevin Jourdain noted to the Board of Trustees that there are currently pending litigation matters. Bennett Walsh has filed a matter in Hampden Superior Court and there are four pending investigations at the Soldiers' Home in Holyoke:

1. Governor Baker appointed Attorney Mark Pearlstein to conduct an independent investigation related to COVID-19 and the loss of our veterans at the Soldiers' Home in Holyoke
2. State Legislature Investigation
3. Department of Justice Investigation
4. Attorney General's Office Investigation

Mr. Jourdain noted that after consultation with the Attorney General, it was approved to hire outside counsel to act as the special Attorney General for the Board of Trustees. As a general rule, the Attorney General would represent the Board of Trustees, but it was determined by the Attorney General's office that they are conflicted as they are also conducting an investigation. Mr. Jourdain introduced Attorney John Bagley, from Morrison Mahoney, LLP. Attorney Bagley has been vetted and approved as the special Attorney General to represent the Board of Trustees. Mr. Jourdain reviewed Attorney Bagley's extensive experience mainly in civil law, and that he has specialized in nursing homes and long-term care facilities, employment law and medical malpractice. Attorney Bagley is the former president of the Hampden County Bar Association and is also a member of the American College of Trial Lawyers. Attorney Bagley stated that he is honored to be considered for this position. He stated that he has great respect for veterans and those in public service, as well as the volunteer Board of Trustees. He stated that he would be happy to accept the position as special Attorney General representing the Board of Trustees.

Kevin Jourdain made a motion for a Role Call Vote to approve appointment of Attorney John Bagley as legal counsel for the Board of Trustees. Role Call Vote is as follows: Christopher Dupont (Yes), Richard Girard (Yes), Cindy Lacoste (Yes), Cesar Lopez (Yes), Isaac Mass (Yes), Carmen Ostrander (Yes), Kevin Jourdain (Yes).

Upon motion made by Cindy Lacoste and seconded by Cesar Lopez, it was unanimously VOTED to approve retaining Attorney John Bagley as legal counsel for the Board of Trustees and as individual members of the Board of Trustees.

Kevin Jourdain made a motion to enter into Executive Session for the purpose stated on the agenda. Mr. Jourdain noted for the public's awareness, that the Board of Trustees will not be returning from Executive Session to Public Session. The Board of Trustees will adjourn after the Executive Session has ended.

Cindy Lacoste made a motion to move into Executive Session, seconded by Carmen Ostrander. Role Call Vote is as follows: Christopher Dupont (Yes), Richard Girard (Yes), Cindy Lacoste (Yes), Cesar Lopez (Yes), Isaac Mass (Yes), Carmen Ostrander (Yes), Kevin Jourdain (Yes). It was unanimously VOTED to conclude public session and move into Executive Session at 5:30pm.

Respectfully submitted,

Nancy Shimel  
Acting Secretary for the Board of Trustees