

Elizabeth A. Bailey

Attachments: paul.pdf

From: Michael Malaguti
Sent: Tuesday, February 14, 2023 11:37 AM
To: John W. Farrell
Subject: Harassment Complaint - Councilor Paul

Chairman Farrell,

Attached please find a complaint I am making against Councilor Paul under the Town's Harassment Policy.

Sincerely,

Michael J. Malaguti
Town Manager
Town of Londonderry
603-432-1100 x 151

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Office of the Town Manager
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John Farrell, Chairman
Londonderry Town Council
via email only to: JFarrell@londonderrynh.org

February 14, 2023

Chairman Farrell:

At the February 6, 2023 Town Council meeting, Councilor Debra Paul directed inappropriate and disparaging comments at one of my subordinates. After Vice Chairman Green had finished explaining to Councilor Paul a recent reorganization that moved the Assistant Town Manager position from the Town Manager / Human Resources Department to the Planning and Economic Development Department, the following exchange occurred:

COUNCILOR PAUL: "No, because I believe that's a conflict of interest with the Planner being in economic development. You have somebody seducing businesses to come here and then looking at their plans. That's not a conflict of interest? That's not a setup for a law firm [*sic*]? A lawsuit? No."

CHAIRMAN FARRELL: "Ok, we don't seduce anybody."

COUNCILOR PAUL: "Well, entice, intrigue, convince, use a word."

CHAIRMAN FARRELL: "We follow the guidelines and follow the laws of the state of New Hampshire."

COUNCILOR PAUL: "It's still a conflict for me."

The exchange begins around the 1:40:45 in the recording, which is available on the Town's website.

I have no doubt, based on the context,¹ that Councilor Paul was referring to Assistant Town Manager and Director of Planning and Economic Development, Kellie Caron, and whichever "word" you "use," her suggestion is clear. Councilor's Paul's use of words carrying sexual overtones, or, more accurately, referring directly to sexual encounters, is abhorrent, and I doubt Councilor Paul would have used these words to refer to a male or an older female.

In support of my belief, I direct your attention to comments Councilor Paul directed to me at the January 23, 2023 Town Council meeting. Her comments begin at 2:43 in in the recording, which is also available on the Town's website:

COUNCILOR PAUL: "I as one councilor, I am not pro economic development. I've said that, I feel it should be a natural ebb-flow. And I have said that publicly many times. Even when we did the tax incentive thing. So, this shouldn't surprise you. We are not here as a Town to cater to developers. I'm sorry they're not happy with our rules and regulations, but our rules and regulations are in place for a reason. They're in place because people in the Town wanted those rules, and wanted things to happen a certain way, this is how I feel personally. Now, these rules are all public, so when they come here or are looking here or are enticed here, to come here, they can read them, they know what they are. I personally want someone who is saying, 'I'm sorry, you can't do that there, this is the rule.' And so, that's my opinion. So, I just didn't like what you were just saying there, maybe I misinterpreted it, I don't know."

As you can see, while Councilor Paul expressed similar sentiments, she used different language when addressing her comments to me. She did not use words carrying sexual overtones, or referring to sexual encounters. It is also notable that she directed her comments *to me*. She did not refer to me as "somebody" while I was sitting in the room, as she did to the Assistant Town Manager on February 6.

I also take issue with Councilor Paul publicly disparaging one of my subordinates by suggesting she lacks integrity. While I am uncertain this is separately actionable, such comments are plainly unprofessional, inappropriate, and unbecoming the office Councilor Paul holds. This is an official complaint against Councilor Paul. I ask it to be considered under the Town's "Policy Against Harassment & Reporting Procedures" (the "Harassment Policy"), and/or the Town Charter, as applicable. *See* Harassment Policy, Section V(B) ("Mandatory Reporting Procedure") ("Employees must report any conduct that violates this policy using the 'Reporting Procedure for Discrimination, Harassment, and Retaliation'").

In closing, whatever the outcome of my complaint, Londonderry deserves better. While I have taken my own share of public and private criticism from Town Councilors, criticism I have sometimes felt was unfair, no Town Councilor has ever criticized me on the basis of my age or

¹ Councilor Paul appeared to be pointing at the Assistant Town Manager during some of her comments

gender, nor has any Town Councilor ever referred, directly or indirectly, to my sexual activity. If Londonderry is the exceptional community we like to think we are, I hope we can agree that our employees, young and old, male and female, deserve not only equal and lawful treatment, but freedom from disparagement, innuendo, discrimination, and harassment.

I am a white male. But count me among those who have no interest in working for an employer that would tolerate such conduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Malaguti". The signature is written in a cursive style with a prominent flourish at the end.

Michael Malaguti
Town Manager

cc: Tara Koza, HR Manager