

For 9/21/23 edition

To the Editor:

Your front-page story in the September 14, 2023 edition of *The Inquirer and Mirror* was startling in suggesting the Town was withholding payment to an individual who prepared a report pertaining to Nantucket Fire Department activities because he spoke to the media.

Nothing could be further from the truth.

Massachusetts General Laws require strict compliance with state and local regulations regarding payment of municipal expenses. A properly executed contract, including the scope of service, is necessary documentation for an invoice to be processed. Furthermore, we have requested and are awaiting further information on five discrete expenses submitted by the consultant:

- Lunch at the island's only AAA 5 Diamond restaurant, Topper's, for \$207.00. On the receipt submitted, the date is indistinguishable, and the consultant has failed to note attendees;
- A receipt from an indistinguishable restaurant on Old South Wharf for \$180.00 on August 2, 2023. In addition, the consultant has failed to note attendees;
- An unitemized receipt from Fairgrounds Restaurant for \$146.00 on August 3, 2023. In addition, the consultant has failed to note attendees;
- A receipt from B-ACK Yard BBQ on August 1, 2023, where the consultant has failed to note attendees.

And finally:

- Documentation and details of the 3-bedroom Airbnb rented by the consultant during his stay on Nantucket. No address, no receipt, no disclosure of any other guests staying with the consultant has been received as has been requested.

In addition to compliance with State laws, Town Administration seeks to be a trustworthy steward of taxpayer funds and does not process payments without sufficient documentation. Withholding payment at this point in time, pending receipt of the required documentation, is the only allowable outcome.

According to your article, the consultant, James Burneka, Jr. of Firefighters Cancer Consultants said he and a former Town employee had "only a verbal agreement" and a "handshake agreement" to provide consulting services to the Town. Municipalities in the Commonwealth, including the Town of Nantucket, do not conduct business based on handshakes and verbal agreements. In fact, that is not legal. Had your reporter taken the time to properly research and understand Massachusetts General Laws, perhaps you could have avoided irresponsibly steering your readers toward a false and sympathetic view of the consultant's position.

Furthermore, we find it unfortunate and extremely disappointing that you did not reach out to Town Administration or the Nantucket Fire Chief to obtain the facts before publishing your under-researched front-page article.

Again, we ask *The Inquirer and Mirror*, as the island's newspaper of record, to publish unbiased articles that contain well-researched facts and seek to share all sides of a story. We repeat our request that you do not use the newspaper to further stoke divisiveness among Town Administration and residents. Our community needs to unite behind *important* issues and to develop solutions collaboratively.

We certainly hope and anticipate that Mr. Burneka will provide all requested documentation regarding his engagement with the town. Upon receipt and inspection, the Town will reimburse according to the Law and Town practices. With that, this matter can be resolved in a timely manner while respecting taxpayer dollars.

C. Elizabeth Gibson
Town Manager

Michael Cranson
Fire Chief

Brian E. Turbitt
Director of Municipal Finance

Consultant: Under scrutiny because he talked to media

By Dean Geddes

dgeddes@inkym.com The town is withholding payment while it conducts a compliance review of its contract with Jim Burneka Jr. of Firefighters Cancer Consultants. Burneka was hired in August to assess the Nantucket Fire Department's cancer prevention protocols. His report concluded with the statement, "The grave reality is that the current levels of manpower (at NFD) are going to kill firefighters; if not sooner than later."

Burneka said this week he believes it was his interaction with the media discussing that statement that have put him in the town's crosshairs. He said it was only after he responded to interview requests two weeks after his report was completed that he started getting pushback from the town.

"I felt compelled to be transparent in my communication with both the firefighters and the media," he said in an e-mail to town counsel.

"My statements were driven by genuine concern for the firefighters, their families, and the community they serve . . . Despite initially feeling well-received . . . my engagement came under scrutiny once I engaged with the media. Nevertheless, I stand by my convictions."

Town administration took strong exception to his conclusions on staffing and town manager Libby Gibson and assistant town managers Gregg Tivnan and Rick Sears wrote a letter to the editor of The Inquirer and Mirror about a recent editorial regarding just that.

"The Cancer Action Plan Report provided no such evidence for its findings (on staffing). None, whatsoever," the letter read. "It should be a cause for concern that a nearly 80-page Cancer Action Plan Report contains a single sentence tacked on to the very last paragraph about staffing."

David Jenkins, a lawyer for the town, has asked Burneka to provide copies of his contract with the town, to which Burneka said he and former deputy chief Sean Mitchell had only a verbal agreement. Burneka did provide an invoice itemizing his services and their cost signed by fire chief Michael Cranson.

"Obviously I'm not going to travel out there (from Ohio) if I did not believe I had been hired," Burneka said. "I had a handshake agreement with deputy chief Mitchell, he sought the necessary approvals from both the fire chief and the firefighters' association to secure my services."

Burneka has been a firefighter in Ohio since 2001. As the head of Firefighter Cancer Consultants, he has visited, investigated and provided action plans to over 40 fire departments across the country.

The town so far has not paid the \$5,000 Burneka said he is owed for the three days he spent at the Nantucket Fire Department, interviewing and assessing its standards, or the report he authored for the fire department.

Cranson said last month the town and the Nantucket Fireman's Association were expected to split the cost of the report, roughly \$4,800 each. Burneka said he has no issue with the fireman's association, which has issued the check for their half.

Burneka shared a letter he received from town counsel David Jenkins this week, a month after submitting his invoice to the town.

In that letter Jenkins of K-P Law asks Burneka to submit a series of invoices for his expenses, as well as “copies of all documents relied upon by (your) company in support of the staffing conclusions cited in your report.”

Burneka responded that he did not cite any National Fire Protection Association standards in his conclusion that the Nantucket Fire Department was under-staffed, but he felt compelled to address it given how difficult it would be to implement his recommendations with the current staff, and how it compared to other departments he has worked for.

“It’s common sense that five (to) eight firefighters are not enough to safely fight a fire,” he wrote, adding that being overworked can lead to cardiac health issues and increased exposure to carcinogens, two things he said have already happened at the department.

CONSULTANT

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“Despite initially feeling well-received ... my engagement came under scrutiny once I engaged with the media. Nevertheless, I stand by my convictions.”

– Jim Burneka Jr. Firefighting Consultant



Vineyard Wind last week shipped the first of 62 turbines from New Bedford to its offshore windfarm site 15 miles southwest of Nantucket. For an update on the project, visit www.ack.net Courtesy of Vineyard Wind

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