

HOLLISTON BOARD OF SELECTMEN

April 19, 2016
6:30 p.m.

Holliston Town Hall
703 Washington Street – Room 105

Present: Jay Marsden, Chairman; Jay Leary, Vice Chairman; Kevin Conley, Clerk and Jeff Ritter, Town Administrator.

Assessors present: John Cronin, Peter Barbieri and Brian Loughlin

Mr. Barbieri said that the Selectmen have a copy of the proposed payment schedule along with the job description. Mr. Barbieri said that the Town does not have a Personnel Board any longer. He said that they would like to re-classify the job description for the Assistant Assessor. Mr. Barbieri said that the Assistant Assessor has been with the Town for a little over two years. He said that he received a job opportunity in a surrounding Town with an increase in the salary of \$9,000 per year. Mr. Barbieri said that this was brought to their attention by the Assistant Assessor back in February. Mr. Barbieri said that the Assessors have had several discussions on this topic. Mr. Barbieri said that the Assistant Assessor is a non-union employee. Mr. Barbieri said that he and the Board of Assessors had a discussion with the Assistant Assessor and they convinced him to stay. The Assessors approved a \$5,000 increase in his salary for this fiscal year. Mr. Barbieri said that next fiscal year his salary will go up by \$2,008.93. He said that the Assistant Assessor has agreed to this. There will be a total of \$5,000 increase in the Assistant Assessors salary. Mr. Barbieri said that the Assessors talked to the Finance Committee about this. He said that there was no objection from the Finance Committee. Mr. Barbieri said that the Finance Committee said that if they had the funds in their budget then there would not be a problem. Mr. Barbieri said that the Assistant Assessor is someone that they do not want to lose to another community. Mr. Barbieri said that the Assistant Assessor told the other community that he would not be taking the position, he was going to stay working in Holliston.

Mr. Cronin said that the Assistant Assessor has started going through the Certification process.

Mr. Cronin said that it is a condition that he must become Certified as an Assessor within the next year.

Mr. Barbieri said that two weeks later it was brought to the Assessor's attention that they would not be able to have the Assistant Assessor put under contract. He said that the Selectmen needed to review the contract. Mr. Barbieri said that he had a discussion with Jeff Ritter, Town Administrator, about this. He said that the Department Head, Ms. Peirce, needs to make the recommendation to re-classify the Assistant Assessors position. He said then that request needs to go to the Personal Board.

Mr. Barbieri said that Labor Counsel has said that they can't do anything for him in this FY. He said that they have re-classified this position and the duties have been increased. He said that with these changes, they feel that this Assistant Assessor will be Certified that the level of pay should increase.

Mr. Barbieri said that he hopes that the Selectmen would support their decision.

Mr. Loughlin said that in the By-law, this position comes up as Administrative Assessor.

Mr. Loughlin said that the Assistant Assessor has helped us pick up on Personal Property and inspections.

Mr. Barbieri said that they are very impressed with everything that the Assistant Assessor has done over the past two years.

Mr. Conley asked what title did they want the Administrative Assessor to change too? Mr. Barbieri said Assessing Specialist would be his new title.

Mr. Barbieri said that to be an Assessor you need to know about personnel property, commercial property, residential property and appraisals. He said that there are many classes to take to become certified.

Mr. Conley asked what more could he do after he gets certified? Mr. Cronin said that they would recognize him as an Assessor. He could backup the Chief Assessor.

Mr. Conley said that the Finance Committee is only an Advisory Committee. Mr. Barbieri said that they had no objection to the increase in salary.

Mr. Barbieri said that the Assistant Assessor has gone to all the Landscapers and contractors all the in-home type of business. He said that personnel property has gone up.

Mr. Conley asked what other surrounding towns have Administrative Assessors? Mr. Barbieri said probably towns our size do. He said that Framingham has three. He said that we have always had an Assistant, but they have never been qualified.

Mr. Leary said that he sees a couple of problems with this. He asked how are we going to bump the Assistant Assessor up to a 500 position? Mr. Barbieri said that they are creating a 500 position.

Mr. Ritter said that we do not have any employees at a 500 position. Mr. Leary said that this will not stop. He said that others will come along looking for a raise. Mr. Leary said that if you move someone up a grade, you put them into the step that is closest to their rate of pay.

Mr. Cronin said that is the way it would work in a normal promotion process, this is not going to be a normal process.

Mr. Leary said that everyone who is at a grade 400, would want to be at a 500 because they all deserve it.

Mr. Leary said that we have had this discussion with many departments and they are holding off any increases.

Mr. Barbieri said that this is a case by case analysis. Not everyone deserves to be moved up.

Mr. Leary said that we have to follow procedure.

Mr. Barbieri said that procedure allows for a personnel chart with job description. He said that there is nothing in the Personnel By-law that says a grade 5 level 6 is this or isn't this. He said that we have the right to create it.

Mr. Leary said that you can't jump grades like that.

Mr. Barbieri said that it does not say that in the Personnel By-laws.

Mr. Leary said that you can create the grade but you can't jump steps.

Mr. Barbieri said that the step comes with responsibilities.

Mr. Cronin said that this is a reclassification of the position. He said that he has had a lot of experience with this because he works for the State. Mr. Cronin said that our own By-laws allows us to do this.

Mr. Leary said that he does not think that it allows us to do it.

Mr. Barbieri said that lets go back to the beginning when the Assessors went before the Finance Committee, Mr. Ritter and Mr. Leary were both present when they talked about this and there were no objections from anyone.

Mr. Barbieri said that the Selectmen need to appoint a Personnel Committee.

Mr. Leary said that where we made the mistake was to promise something that we could not guarantee.

Mr. Barbieri said that with the approval of the Selectmen and Town Meeting we can guarantee this.

Mr. Loughlin said that this is a case by case thing.

Mr. Leary said that there are several people who should qualify for a step increase.

Mr. Ritter said that in conversation, there was a talking point that if he were to become certified, he may be entitled to a stipend.

Mr. Marsden asked how much would the stipend be? Mr. Ritter said \$500.00.

Mr. Barbieri said that there would not be a set stipend.

Mr. Ritter asked Mr. Barbieri if he knew what the percentage increase would be? Mr. Barbieri said that he did not know. Mr. Ritter said 8.3% increase over the next fiscal year.

Mr. Ritter said that yes the Assistant Assessor is performing very well. However, there is a long list of employees in the Town that are working outside their job description and doing excellent work.

He said that this should not be about the individual this should be about the position. Mr. Ritter said that if the Assistant Assessor were to leave a year from now, this job description that you are proposing would be advertised and they would try and fill it based on the position not on the individual. Mr. Ritter said that we have a lot of very good employees who are being compensated well and his concerned that the Board has said many times during the budget discussion that we are not going to be entertaining any salary adjustments beyond the 2.5% increase on July 1, 2016. And, they would not be considering any bumps for any employees.

Mr. Cronin asked why did you and Mr. Leary agree to the terms of the increase at the Finance Committee Meeting on March 15, 2016? Mr. Leary said I told you. Mr. Cronin said that yes you said that it was going to be under contract. Mr. Cronin asked what is the difference?

Mr. Ritter said that after that meeting they met with labor counsel John Carey and he clarified what the law will allow with a municipal employee.

Mr. Ritter said that it was a lesson to learn. Mr. Cronin said that was two weeks after our meeting, that did not give the employee time to re-consider the other position.

Mr. Leary said that we can't do this under a contract. He said that we can't adjust the payroll compensation plan to make this fit.

Mr. Barbieri asked why can't we?

Mr. Leary said that we are not allowed to.

Mr. Barbieri said that you are allowed to before Town Meeting to present a plan to create the position and to create a salary.

Mr. Leary said that the Selectmen will not entertain any changes to grade for anyone.

Mr. Cronin said that the Assessors made an agreement with the Assistant Assessor as of April 1, 2016.

Mr. Ritter said that he is concerned about creating a job description around an individual. The job is the job. He said that the Assessors are asking for the job to be enhanced.

Mr. Barbieri said that they are asking for a salary based upon what we know the responsibilities are.

Mr. Ritter said that they have re-written the job description.

Mr. Barbieri said that they increased the responsibilities.

Mr. Ritter asked if they talked to other Communities? Did you do a salary survey?

Mr. Loughlin said that the job market has changed.

Mr. Ritter said that he is concerned about this he needs to be thinking of the entire workforce who are all asking for salary increases.

Mr. Marsden said that the Selectmen thought that this could be done by contract, labor counsel said they can't.

Mr. Barbieri asked if the Assistant Assessor gets certified, can we increase his salary to the Grade 5?

Mr. Leary said when you move up to the grade, you find the next step that is the closest higher that they are making and that is the step that they will be placed at.

Mr. Marsden said that the Selectmen are not re-classifying any positions.

Mr. Conley asked if we kept the two different job descriptions, and he left we could re-advertise for the former position.

Mr. Barbieri said yes.

Mr. Conley said that he knows that the Assessors thought that they were doing the best for the Town with making this offer. But everyone who works at Town Hall will be looking for the same offer.

Mr. Ritter said that when there is a re-classification of a position, an independent job audit is completed on that position, and how that position has changed from what it is today to what is being proposed. He said that it is called a job audit. Mr. Ritter said that the Assessors are pegging this salary on what this person would have made if the move was made to Framingham.

Mr. Barbieri said that he took half of what he would have been paid and made him that offer. Mr. Barbieri said that he excepted it.

Mr. Ritter said that he is concerned that we are comparing apples to apples. Mr. Ritter said that Framingham is not Holliston. He said that their pay scale would be higher. He said that we do not have the benefit of UMass Boston and look at our By-laws and the pay and compensation before any adjustments can be made. He said that we do not have the benefit of that.

Mr. Barbieri said to Mr. Ritter, why did you not object to the rate increase, you were at the meeting that this was discussed.

Mr. Leary said that at that meeting there was one Assessor, one Selectmen and the Town Administrator along with the Finance Committee. Mr. Leary said that Mr. Barbieri did not say anything about changing the job responsibility.

Mr. Barbieri said that he said that the Assistant Assessor is taking over the personnel property along with more responsibility. He said that he has made the Town over sixty thousand dollars. And when he gets certified he will have more responsibilities.

Mr. Marsden asked about staying a grade 400 with a step 5 for the entire year that make the salary increase.

Mr. Barbieri said that in FY 17, he was entitled to \$2,200 increase anyway.

Mr. Loughlin asked Mr. Leary if he objected to the increase at the Finance Committee Meeting? Mr. Leary said that he would have supported it with a contract. But he said that we can't have a contract with a municipal employee.

Mr. Loughlin said that they were not told that you could not do a contract until later.

Mr. Barbieri requested that the Selectmen appoint a Personnel Board so that this discussion can continue.

Mr. Barbieri said that there could be a lawsuit if we do not give the rate increase. He said that we should act in good faith and implement the increase.

Mr. Leary said that at the Finance Committee Meeting, he spoke without giving this some thought. Mr. Cronin said that the Selectmen had two weeks to change their decision. Mr. Cronin said that the Assessors did not hear from the Selectmen for two weeks. Mr. Leary said that they were under the assumption that they were able to go with a contract. Mr. Leary said that they were told that they could not do that by labor counsel.

Mr. Barbieri asked if the Selectmen would approve the new job description? Mr. Barbieri said that whom ever is in this position, they would need the qualifications.

Mr. Marsden said that he will entertain the idea of changing the job description. He said that does not mean that we will change the grade.

Mr. Leary said that he wanted to apologize as a member of the Board of Selectmen for creating part of this problem. He said that if someone comes in with a last minute thing, he will not even consider it.

Mr. Leary said that there is a process to follow and he did not follow it.

Mr. Marsden thanked the Assessors for going to bat for their employee. Mr. Marsden said that they are trying to treat all employees the same.

Mr. Leary said that there should be an independent audit of the job classifications done.

Mr. Leary asked Mr. Ritter to check with labor counsel about moving up steps with in a grade. Mr.

Marsden said yes he thinks that Mr. Ritter should look into this.

COMMENTS FROM THE BOARD

Mr. Conley said that he went to Washington D.C. last week with the Mudville 9 and swept both games.

Mr. Marsden thanked the people who ran the Washington D.C. Middle school 8th grade trip.

AT 8:45 P.M., MR. CONLEY MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.

Respectfully submitted,

Donna A. Muzzy

approved_____