

## HOLLISTON BOARD OF SELECTMEN

September 30, 2011  
7:30 A.M. (Friday)

Town Hall  
Selectmen's Meeting Room

Present; Jay Marsden, Chairman; Jay Leary, Vice Chairman; Kevin Conley, Clerk; Paul Le Beau, Town Administrator.

**AT 7:32 A.M., MR. LEARY MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LITIGATION. THE MOTION WAS SECONDED BY MR. CONLEY. A ROLL CALL VOTE WAS TAKEN. MR. MARSDEN SAID EXECUTIVE SESSION WOULD LAST ABOUT ONE HOUR.**

	AYE	NAY
Mr. Marsden	X	
Mr. Leary	X	
Mr. Conley	X	

**AT 8:40 A.M., MR. LEARY MOVED TO EXIT OUT OF EXECUTIVE SESSION AND MOVED TO OPEN SESSION AFTER A FIVE MINUTE BREAK. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

**AT 8:45 A.M., THE BOARD EMERGED FROM BREAK AND MOVED TO OPEN SESSION.**

Andrea Minihan Administrative Assistant joined the meeting

### **TOWN MEETING WARRANT**

Mr. Marsden asked if there was a reason to open the Town Meeting Warrant. Mr. Le Beau said that since it closed on the 19<sup>th</sup> of September, the Housing Trust has inquired about a condo on Burnap Road. Mr. Le Beau said that the Town took the property for non-payment of taxes. The Housing Trust would like that property to be transferred to them.

Mr. Le Beau said that they would like to make the condo affordable housing. Mr. Le Beau said a transfer of this condo to the Housing Trust needs Town Meeting approval. Mr. Le Beau also said that the Conservation Commission has come forward looking at property off Shaw Farm Road. They would like that property transferred to them. Mr. Le Beau said that the Conservation Commission has property that abuts this piece of land. Mr. Le Beau said that it would need to go to Town Meeting for a vote.

Mr. Leary asked about the back taxes. Mr. Le Beau said that the Selectmen can waive back taxes. He said that for the property on Burnap Road, there are Condo fees that are out-standing and they will need to be paid.

**MR. CONLEY MOVED TO RE-OPEN THE TOWN MEETING WARRANT FOR OCTOBER 24, 2011, FOR THE HOUSING TRUST AND THE CONSERVATION**

**COMMISSION. THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

**ACCESS EASEMENT – MOUNT HOLLIS**

Mr. Marsden said that this will give permission to the Water Department to travel over private property in order to get to the Mount Hollis water tank.

**MR. LEARY MOVED TO AUTHORIZE THE CHAIRMAN TO ACCEPT AND SIGN THE EASEMENT FOR THE MOUNT HOLLIS WATER TANK ACCESS. THE MOTION WAS SECONDED BY MR. CONLEY. ALL IN FAVOR.**

Mr. Marsden said that a letter to Axton Cross to start a payment plan for their back taxes will be sent to them. Also, the Town would like a percent of the rent that Axton Cross gets from their renters.

Chief Moore was present to talk about the Lieutenants position, and whether the applicant's personnel files should be looked at by the Selection Committee. Chief Moore said that for any promotion, the personnel files should be open. He said that the file would have a history of the officer, good or bad. He said that he thinks that the Chiefs would want to see the personnel files. And he sees no need to prevent them from looking at them. He also said that labor counsel has looked this over and he has issued an opinion that the files can be accessed with approval of the candidates.

Mr. Le Beau said that it is acceptable with the releases.

Chief Moore said that he has releases for four candidates.

Mr. Marsden said that when they named Chief Moore as the new Chief, they had a conversation about this then. He said that there were civilians on the Police Chief Committee. He also said that most were law enforcement. Mr. Marsden said that the Selectmen looked at the records of the candidates for the Police Chief and there were no problems with it. Mr. Marsden said that he thought that it worked out well. Mr. Marsden said that the Committee will have a good idea of what they are looking for. He said that he was hoping to follow the same path that they took for the Police Chief. Chief Moore said that this is a different position to begin with. He said that with civilians on the Committee, there is always the possibility of them misinterpreting something in the file and possible spreading it around Town. He said that they will have three police professionals that have done this before; they are from out of Town. Chief Moore said that the files are essential in future promotions.

Mr. Leary asked, why, did Chief Moore get releases without knowing if this is something that the Selectmen would want? Chief Moore said that in any promotion it is part of the process. Chief Moore said that there favorable things in everyone's file and why deny the Committee looking at it? Chief Moore said that they want a complete process. Chief Moore said that if the files are not released, then the process will be tainted. Chief Moore said that the process for promotions and hiring has changed. He would like to see it standardized. Chief Moore said that if he were not able to give the

Committee the files, they may say that they can't give a complete assessment. Chief Moore said that he would not have a problem with any board looking at his file.

Mr. Conley said to give the Committee the more information the better. He said that they can now make a more informed decision. He said that they would be able to see the growth in the file. Chief Moore said that any Committee that has been put in place to hire or promote whether or not there are civilians on that Committee, they should be able to see the personnel files.

Mr. Leary asked if Chief Moore wanted a Lieutenant that he can work with as opposed to a Lieutenant getting picked. Mr. Leary said that when Chief Moore was named Chief, you got a staff, some you got along with and others you did not. Mr. Leary said that he is hoping to pick the best Lieutenant for the job. And the Chief and the Lieutenant will have to work together. Chief Moore said that he is new to the Chief position, but you have to trust him and his judgment. He said that it has to be someone who will be good for the Department. He said that the Selectmen should take credit in the recommendation of the Chief. Chief Moore said that the Chief and the Lieutenant work closely every day. Mr. Leary said that he is looking for the best person for the job. He also said that the input from the Chief would be important.

Mr. Leary asked if Chief Moore has made any entries into any of the personnel files since he has been named Chief.

Mr. Conley asked if the Committee would be working together or independently. Chief Moore said they would be working together. Chief Moore said that the Committee will meet together for the first time in October and he will go over their package with them. He would like the Committee to start interviewing the candidates in late November or early December. Chief Moore said that he would not be present when the Chiefs do the interviews. Chief Moore said that after the Committee interviews all the candidates, they will rank them and then write a report. Mr. Conley asked who would get the report. Chief Moore said that he and the Selectmen will get a copy of the report. Chief Moore said that he will then write up his recommendations as well. Then he said that everything will be in the hands of the Board of Selectmen. Mr. Conley said that after the ranking the final two will be presented to the Chief for his pick.

Mr. Le Beau said that as he understood it, the three Chief Committee would interview and assess each candidate. The panel would meet with each candidate separately and go through the process of interviewing and assessing them then put together their thoughts and assessments of the four candidates. Then they would be given the personnel files to review and then they could do an addendum to the assessment or a separate assessment. Chief Moore said he thought before they issued any written findings they would look at the files. Mr. Le Beau asked if people would be more comfortable if the Chiefs wrote their assessments based on the interviews and then based on the files? Chief Moore thought it would fragment things. Mr. Leary said the Board of Selectmen had looked at the possibility of interviewing all four candidates. Chief Moore said the Board of Selectmen would interview all four. Mr. Marsden said that the conversation was whether they then give Chief Moore one or two names, for the final decision.

Mr. Leary said that if they decided to bring the personnel files into the interview the file should be looked at after the ranking of the interview. Mr. Leary said that the personnel file clouds judgment; he prefers that they are not used.

Mr. Leary said that there should be standard procedure going forward.

Mr. Leary asked if there have been officers overlooked for promotion because of something in their personnel file? Chief Moore said that he was only granted permission to see the files seven month ago when he became Chief. Chief Moore said that nothing goes into those files without the officer knowing about it. If the officer is not happy with something going in to their file they can file a grievance.

The Selectmen will take it into consideration and will make a decision by next Monday meeting.

### **RFP FOR COMPENSATION STUDY**

Mr. Conley said that this is a study that was done too quick before Town Meeting in the spring. Mr. Conley said that we are going to put in all our time and money for 1% of the towns workforce. He thinks that it is misguided. He would like to see a study done on the whole town's workforce. He said union and non-union.

Mr. Conley said that we should compare all of the town's workforce, not just a few, with companies like Wilde Corp, Lista, Fiskes General Store and many more.

Mr. Marsden said that to make a comparison with companies is difficult to do. Mr. Marsden said that we should see what is going on in our own house before we look outside.

Mr. Leary read the vote that was taken at the spring 2011 Town Meeting.

"To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money for the purpose of conducting an independent compensation benefits and human recourses study to cover all town employees.

The motion was to move that the town vote to raise and appropriate the sum \$30,000 for purpose of enabling the Board of Selectmen and Finance Committee to engage a qualified independent compensation and benefits consultant to conduct a comprehensive study for the town's compensation and benefits employment practices and report back to the Board of Selectmen and the Finance Committee their findings. The study should cover all town employees including those governed by collective bargaining agreements, provide a base-line of evaluations of current compensation and benefit levels including a comparison of the Town practices verses the selection of other comparable towns and include guide lines with respect to the steps necessary to undertake any recommendation for change developed as a result to this study and to develop a long range strategic plan for the purpose of addressing the Town's long term liability for employee pensions and other posts."

Mr. Marsden said that this is the exact language that should be used.

Mr. Dowd said that prior to Town Meeting, he was approached by the Finance Committee relative to his articles on the Town Meeting Warrant for longevity and sick leave buy back. He said that it would make more sense to look at these after a study, assuming that Town Meeting approves it. He said that if the study passed Town Meeting

he would be happy to move for indefinite postponement. He said that the draft RFP omitted any reference to either of those two benefits and compensation practices.

Mr. Dowd said that it did not include sick leave buy back or longevity pay practices.

Mr. Dowd said that it is under section 1, under efficiencies.

Mr. Dowd said that between accidental death and dismemberment and short and long term disability he inserted 4 bullets.

1. vacation pay
2. personnel leave
3. sick leave
4. sick leave buy back

Mr. Leary said that they will make changes to the recommendations on the RFP.

Mr. Le Beau said that the ad for the RFP will be published. He said that the final RFP will be completed by the Finance Committee on October 4.

Mr. Leary said that he will not be able to be a part of Celebrate Holliston. He has another obligation. He also said that he could not attend the meeting at the Senior Center on October 3<sup>rd</sup>.

**AT 10:00 A.M., MR. CONLEY MOVED TO ADJOURN. THE MOTION WAS SECONDED BY MR. LEARY. ALL IN FAVOR.**

Respectfully submitted,

Donna A. Muzzy

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