

Town of *Dunstable* Selectboard
Executive Session Minutes
July 13, 2016
Town Hall, Dunstable, MA 01827

Entered Executive at Session: 7:09 pm

Present: Walter F. Alterisio, Leah D. Basbanes, member(s); Police Chief James G. Downes, Lieutenant James Dow, Police Dept.

Police Chief Retirement & Police Lt. Discussion of Non-Union Benefits

The Chief started off the discussion by announcing his retirement to be effective upon the approval of his retirement by the Middlesex County Retirement Board. He expects the date to be around August 31st. From there he thanked the Board for the 30 plus years of service he has had with the town. The Board was surprised by the Chief's announcement, but thanked him for his service. From there discussion included the matter of an Interim Chief. Chief Downes recommended Police Lieutenant Dow as Interim Chief. Further he stated he would like to see Lt. Dow replace him as Chief. In the meantime Chief Downes indicated he would begin to take the necessary steps to ensure a smooth transition and would begin to use some of his earned time. For this process Chief Downes asked that Lt. Dow immediately be allowed to come on to the day shift with updates and training on the day to day activities of the Chief position. From there Chief Downes discussed the scheduling of a necessary exit interview and indicated that this was not an easy decision. The transition will take some time as the retirement process will need to be finished. He also informed the Board that he has not announced his decision to anyone but the Board and Lt. Dow.

The Board stated that they appreciate the Chief's service and dedication and expressed sadness at this decision. From there the Board turned to discussion regarding how to move forward. The Board would like to keep Chief Downes as part of the discussion as how to move forward. This includes identifying problems, and what the mutual agreement should be. Most major problems start out small, and become bigger. There was some discussion as to what led to this situation, including the incident that occurred on July 8th. The Board was concerned by the Chief's reaction to that incident. Chief Downes responded that he does not seek to rehash this event. He would like to leave the town on good terms. He was blunt, however, in stating that there has been questioning of his leadership of the department that has worsened over the past year. This prompted the Board to discuss the issues with the function of the department since 2010 and the steps that have been taken since then. The Board noted that it is a part time elected body, and elaborated on some of the short comings of elected officials to manage every aspect of management of the town day to day. There has to be accountability, reporting, and respect. This includes those who run day to day affairs having respect for each other, and a willingness to work together. The Board feels that what occurred on July 8th was detrimental to this.

Chief Downes responded by stating that he is not here to argue. He countered that, in his opinion, he has been bullied and harassed. Statements have been made, he stated, that are not accurate. He also stated that his department has exceeded the standards set by the Commonwealth. The Board recognized the department's accomplishments. But the Board noted some concerns they've had with the Chief's recent letter to the Board and took exception to some of his statements therein, especially regarding the Personnel Policy and the work of the Personnel Board. Chief Downes responded by again reiterating his desire not to enter into a conflict. The Board expressed the desire to learn from the events that have led to this. Dunstable needs day to day operations to be headed by the best qualified individuals. And all such individuals need to work together and trust each other with mutual respect. The Board does not wish to see Dunstable become like other towns that have had controversy in such situations. What Dunstable has done is attempt to re-orient the town in the last two years to bring a Town Administrator on board and change how the town does things. This included the Interim Town Administrator and the eventual hiring of a Town Administrator. We must not be afraid of change.

Chief Downes responded by stating he is not afraid of change. And he agrees that there has not been a team approach in the past and he would like to see that change. He turned discussion to the history of the changes in personnel policies over the years and the unionization of the department. He expressed great affection for the town and the community in particular. He did feel that the Board should have had more of a hands on approach
Approved and adopted on 7/27/16

in the last few years to help with the transition. The Board responded that it was their belief that the Police Department had the structure to operate effectively in the town, where the Board saw other departments that were not as well structured. As a result, the Board was not as worried about the Police Department. Lt. Dow addressed the Board regarding the situation as he is aware of it and the discussions he's had with the Personnel Board. The process that has been ongoing has been confusing. Lt. Dow noted that the new Personnel Policy as being proposed does not fit the Police Department as it functions. The Board responded as to the intention of the policy and the desire to be fair and equitable to all. Lt. Dow responded that the policy needs to fit. He stated that no one is looking for special treatment, simply to have what they already have. There was further discussion as to the policy and the process behind its generation. Including how the wage and compensation plan was done and the towns that were used. Chief Downes noted his struggles with the Personnel Board in regards to providing information regarding compensation. It was originally asserted that the Chief was overpaid in the wage and compensation plan, and there was reluctance to accept data that contradicted that.

Discussion turned back to the issue of promises made in the past and the contention that management has been left behind. The Board noted that the union has received 3 percent each year. All other employees have received 2 percent. Chief Downes and Lt. Dow expressed concern about reduction of benefits in the face of lower compensation. The Board recognized these concerns and noted that they are committed to improving compensation to be fair and equitable. It was further noted that the new Personnel Policy has not even been adopted and changes may still be made to it. Lt. Dow expressed some thoughts regarding the policy and what seems to be disappearing, things that were granted as benefits in the past in lieu of raises. Discussion briefly turned back to the events of July 8th and the use of lights by the Chief when he came to the Town Hall. Chief Downes insisted that his lights were not on. There was some contention that the Chief's cruiser was parked in front of the building with its lights on. But discussion was promptly moved back to the issue of benefits. Chief Downes explained some of the benefits provided within the budget which covers financial compensation, and elaborated on some distinctions between the Police Departments benefits and the rest of the town employees. This included the fact that many of these benefit differences are not being covered in the Personnel Policy. Compounding the concern regarding benefits it was noted by Lt. Dow that union employees are covered by contract, but management is not. Lt. Dow expressed the desire, personally, to have the comfort of a contract to protect what he has. The Board responded with understanding and expressed the desire to get a better handle on the concerns at play here.

Discussion then centered on some of the grandfathering of benefits. Lt. Dow asked the Board what he should do moving forward. The Board's response was that it needs to get up to speed on what benefits he is concerned with and to better understand the proposed Personnel Policy. There was more discussion of the interim period. Including how to potentially replace Lieutenant Dow should he become Chief as well as during any interim period. Chief Downes elaborated on some ideas of how to move forward in the transition to a new chief and gave some recommendations on how to manage the department. The Board expressed the intent to start with settling the benefits matter. The Board noted that they have already consulted with the town's Labor Counsel. Labor Counsel does not recommend a contract per se, but suggests an appointment agreement. Labor Counsel has determined that the Chief may be a contract employee, but expressed reservations about the Lieutenant having a contract for various legal reasons. Lt. Dow responded by stating that this is troubling and he is aware of Lieutenants having contracts. The Board expressed concern about confusion as to this matter and stated this issue will remain a high priority. Lt. Dow asked to be put on the agenda for the next meeting to move forward. In the meantime, Lt. Dow asks that the minutes reflect that his benefits remain unchanged at this time. The Board so instructed. Lt. Dow's benefits remain unchanged at this time. Discussion turned to how to move forward, including department heads meetings and a possible meeting of all town employees. It was, as the Board stated, never the intent of the policy to take away benefits. Rather it was intended that the benefits be fair and equitable. Further, the wage and compensation plan and the research accompanying it was done with the intent of making the town competitive in compensation. Chief Downes finished by reminding the Board that his retirement is not effective until approved by the retirement system. In the meantime, he will take the balance of his vacation.

A motion to adjourn and exit Executive Session was made by Leah D. Basbanes at 8:24 pm. The motion was seconded by Walter F. Alterisio. The motion was adopted without objection by Walter F. Alterisio and Leah D. Basbanes.

Approved and adopted on 7/27/16

Respectfully submitted by

A handwritten signature in black ink, appearing to read 'Jakob K. Hamm', with a stylized flourish at the end.

Jakob K. Hamm
Admin. Assistant to the Selectboard & Town Administrator

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