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EXECUTIVE SESSION MINUTES TOWN CLERK

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DUXBURY, MASS.

BOARD OF SELECTMEN MINUTES

Present: Shawn Dahlen, Chair; David J. Madigan, Vice Chair; and Theodore J. Flynn, Clerk

Absent:

Staff: René J. Read, Town Manager and C. Anne Murray, Administrative Assistant

I CALL TO ORDER

The meeting was called to order at 6:35 pm in Open Session in the Duxbury Town Hall (Mural RM), 878 Tremont ST, Duxbury.

II ENTERED EXECUTIVE SESSION

After convening in Open Session, Mr. Flynn moved that the Board of Selectmen go into Executive Session for the purpose of:

- 1.) Conducting contract negotiations with non-union personnel (Fire Chief), and
- 2.) Discussing strategy with respect to collective bargaining (RE: Letter of Mutual Intent, Duxbury Firefighters Local 2167) as an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and to reconvene in open session immediately afterward, in accordance with Mass. General Laws Chapter 30A, Section 21

As Chair, Mr. Dahlen declared the need to enter Executive Session to:

- (1) conduct contract negotiations with non-union personnel (i.e., the Fire Chief) and
- (2) to discuss collective bargaining with the Duxbury Firefighters Local 2167, as to do so in open session may have a detrimental effect on the Town's bargaining and/or litigating position."

A second to the motion was made by Mr. Madigan. ROLL CALL VOTE: Mr. Flynn –Aye; Mr. Madigan – Aye; and Mr. Dahlen – Aye.

OTHERS PRESENT FOR BOTH EXECUTIVE SESSIONS:

Ms. Jeannie Horne, HR Director; and Fire Chief Kevin M. Nord.

1.) CONDUCTING CONTRACT NEGOTIATIONS WITH NON-UNION PERSONNEL (FIRE CHIEF)

Mr. Read gave an overview of the contract, which has been negotiated with Chief Nord. He mentioned the following with regard to the new contract:

- Overall it is similar to the existing contract but with some changes to align it with the Police Chief's recent contract;
- **Salary:** In this contract all compensation is included in the salary provision. For the three years as follows: 1st yr. at \$156,000; 2nd yr. at \$165,000; and 3rd yr. at \$170,000 with an extension of one additional year possible and to be negotiated. Vacation: was 20 days and has been increased to 25 days.

- **Vacation:** Terms have remained the same.
- **Duties:** This section was expanded upon to more clearly reflect duties that the Fire Chief performs.
- **Section 17 Professional Development:** Added to this provision the Fire Chief is allowed to also attend the New England Association of Fire Chief's Conference.
- **Section 19. Suspension / Termination:** Language has been amended to indicated suspension or termination may be implemented "for cause" whereas it previously was "for just cause."

Mr. Dahlen asked what is the percentage increase? The answer provided was about 10% from \$141,000.

In the Selectmen packets was an email from Atty. Fred Dupere, the Town's Labor Counsel. Mr. Read mentioned that the amendment to the Town Manager's Act purposely left out authority for the Town Manager to authorize Town Employment Contracts. The Town Manager is still a signer of the Town Employment Contracts, but Mr. Read asked for the Board's authorization to execute the Fire Chief's contract.

Mr. Flynn moved to authorize Town Manager René J. Read to execute the Fire Chief's contract. Second by Mr. Madigan. ROLL CALL VOTE: Mr. Flynn – Aye; Mr. Madigan – Aye; and Mr. Dahlen – Aye.

This item of business concluded at approximately 7:42 PM.

2.) DISCUSSING STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING (RE: LETTER OF MUTUAL INTENT, DUXBURY FIREFIGHTERS LOCAL 2167)

Chief Nord took the lead on explaining this item of business. It was explained that there was the need for the EMS Manager to be a day-time position as the duties needed to be done during regular business hours. So this involved impact bargaining with the union as firefighters work on shifts around the clock.

The Chief mentioned that the union pushed for an increased salary, but the person filling the position would be manager; not a supervisor. It was also pointed out the shift differential in salary was provided because of night hours and this position would be a day-time position. A compromise was reached for a stipend increase from \$300. to \$3000. because the position includes responsibility for overseeing drugs.

Mr. Flynn moved to the approve the signing of the Letter of Mutual Intent between the Town of Duxbury and the Duxbury Firefighters Local 2167, as presented. Second by Mr. Madigan. ROLL CALL VOTE: Mr. Flynn-aye; Mr. Dahlen – aye; Mr. Madigan – aye.

ADJOURNED EXECUTIVE SESSIONS & RE-CONVENED IN OPEN SESSION

Having completed the Executive Sessions, Mr. Flynn moved that the Board of Selectmen adjourn the Executive Sessions and re-convene in Open Session at 7:00 PM. Second by Mr. Madigan. ROLL CALL VOTE: Mr. Flynn-aye; Mr. Dahlen-aye; and Mr. Madigan-aye.

Minutes respectfully submitted by C. Anne Murray

LIST OF DOCUMENTS (see next page.)

Executive Session documents kept in confidential file until such time they are released.

- 1) Agenda – Board of Selectmen*
- 2) Coversheet with suggested motions for entering and adjourning from the Executive Session*
- 3) EXEC. SESSION 1: New proposed contract between the Town of Duxbury and Fire Chief Kevin M. Nord; 07-14-17 Email from Atty. Fred Dupere, and Copy of Chapter 4 of the Acts of 2016 –An Act Further Regulating the Authority of the Town Manager in the Town of Duxbury to Negotiate and Execute Certain Contracts;*
- 4) EXEC. SESSION 2: Town of Duxbury and Duxbury Firefighters Local 2167 Letter of Mutual Intent – Articles to be modified or added: EMS MANAGER. And copy of Duxbury Permanent Firefighters Association LAFFF, Local 2167 Collective Bargaining Agreement.*