

TOWN OF HADLEY
BOARD OF SELECTMEN

February 9, 2011

EXECUTIVE SESSION MINUTES

Meeting convened at 7:05 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz (Chair), David Moskin, and Brian West.

Absent: Gloria DiFulvio.

Also in Attendance: David Nixon (Town Administrator).

Executive Session

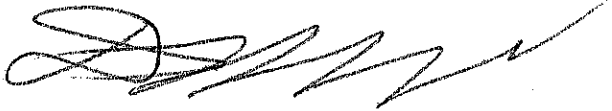
- I. Chair Dudkiewicz announced that the members would enter into executive session to discuss litigation negotiations with union and non-union personnel and not to reconvene in open session. Chair Dudkiewicz read a statement that having a discussion on the matters at hand in open session would have a deleterious impact on the public interest and town business. Motion made and seconded at 10:15 p.m. to enter into executive session to discuss litigation and not to reconvene in open session. Motion unan. approved by roll call vote (Chunglo = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).
- II. Paradigm V. Town of Hadley: Chair Dudkiewicz reported receiving a letter from attorney Mark Tanner representing Paradigm Design/Build LLC. The Select Board had previously offered a settlement of \$42,000. Mr. Tanner rejected the offer and stated that his client would accept \$75,000 plus attorney's fees and costs to date. The Select Board rejected the counter offer. Upon advice of counsel, motion made and seconded to increase the Town's offer by \$10,000. Motion unan. approved (Chunglo = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).
- III. [REDACTED] Complaint: Chair Dudkiewicz reported receiving from Ralph Galarneau, Business Agent for Local 404, a letter requesting that [REDACTED] pay be increased \$1.59/hour. [REDACTED] made this complaint because two new employees within the same bargaining unit were hired at rates higher than his (he is an employee in his fourth year). The requested rate would give [REDACTED] parity with the new hires. Motion made and seconded to reject the complaint. Motion unan. approved (Chunglo = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

IV. Town Administrator's Contract: D. Nixon asked about the Select Board's progress on completing the evaluation forms that he had provided. No progress to report. Contract negotiations placed on hold until February 23rd.

Motion made and seconded at 10:31 p.m. to adjourn the executive session.
Motion unan. approved by roll call vote (Chunglo = yes; Dudkiewicz = yes;
Moskin = yes; and West = yes).

Meeting adjourned at 10:31 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'David Nixon', written in a cursive style.

David Nixon
Town Administrator

TOWN OF HADLEY
SELECT BOARD

February 23, 2011

MINUTES

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Gloria DiFulvio, Daniel Dudkiewicz (Chair), and David Moskin.

Absent: Brian West.

Also in Attendance: David Nixon (Town Administrator).

Executive Session

- I. Chair Dudkiewicz announced that the members would enter into executive session to discuss negotiations with union and non-union personnel and not to reconvene in open session. Chair Dudkiewicz read a statement that having a discussion on the matters at hand in open session would have a deleterious impact on the public interest and town business. Motion made and seconded at 7:59 p.m. to enter into executive session to discuss litigation and not to reconvene in open session. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; and Moskin = yes).

The Select Board agreed with the first three items on the union's February 17 letter (i.e., combining Highway/Water and Wastewater into a single DPW contract, withdrawal of union proposals #4, #5, and #7; and maintaining the current language regarding call-outs).

The Select Board did not agree to retain Paragraph 84 of either the former Wastewater contract or the Highway/Water contract, except as proposed in the Select Board's February 4 letter.

The Select Board agreed to add "consecutive days" language for when a doctor's note is required.

The Select Board affirmed that a possible wage calculation error is not part of union contract negotiations. The Select Board is willing to look at any error in calculating pay on a case-by-case basis and to make adjustments where justified. D. Nixon reported that [REDACTED] and [REDACTED] wanted a pay increase due to a purported error made in calculating wages many years ago. D. Nixon reported that he had requested specific information that would illuminate the alleged miscalculation, and that [REDACTED] had provided a document describing a problem with pay. D. Nixon reported that he had investigated the alleged problem and he was not able to verify that

any problem regarding the calculation of pay existed that would have resulted in a loss of earnings. On the contrary, D. Nixon reported that in reviewing pay records, he found out that [REDACTED] has been overpaid since November 6, 2009 (he had been paid \$28.03/hour instead of \$27.82/hour) and now owes the Town \$730.85. [REDACTED] pay has been corrected, and now he is earning the right amount (\$27.82/hour).

J. Chunglo moved, and G. DiFulvio seconded to confirm the Select Board's position relative to the DPW union contract and further to have [REDACTED] pay the Town of Hadley \$730.85 by whatever means is deemed appropriate by the Town Treasurer (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; and Moskin = yes).

Chair Dudkiewicz stated that the Select Board would address D. Nixon's contract. To date, two of the five Select Board members had not completed D. Nixon's evaluation. Chair Dudkiewicz stated that the evaluations should be completed as soon as possible, and that he would meet with D. Nixon on March 1. D. Nixon pointed out that the evaluation process is subject to open meeting laws and must be conducted in open session. Chair Dudkiewicz will schedule a time on the Selectmen's agenda for the evaluation. No action taken.

Motion made and seconded at 8:38 p.m. to adjourn the executive session. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; and Moskin = yes).

Meeting adjourned at 8:39 p.m.

Respectfully submitted,



David G. Nixon
Town Administrator

TOWN OF HADLEY

SELECT BOARD

March 9, 2011

EXECUTIVE SESSION

MINUTES

Meeting convened at 7:00 p.m., Room 203 Town Hall.

Present: Joyce Chunglo, Gloria DiFulvio, Daniel Dudkiewicz (Chair), David Moskin, and Brian West.

Absent: None.

Also in Attendance: Dennis Hukowicz (Chief of Police) and David Nixon (Town Administrator).

Executive Session

- I. Chair Dudkiewicz announced that the members would enter into executive session to discuss negotiations with union and non-union personnel and litigation and not to reconvene in open session. Chair Dudkiewicz read a statement that having a discussion on the matters at hand in open session would have a deleterious impact on the public interest and town business. Motion made and seconded at 9:16 p.m. to enter into executive session to discuss contract bargaining with union and non-union personnel and litigation and not to reconvene in open session. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Police Union: Chair Dudkiewicz reported that the mediator had met with the Town negotiating team and the Police union and had achieved agreement on all issues. B. West moved and J. Chunglo seconded to ratify the Police union contract. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes). The Police union will hold a separate vote to ratify.

DPW Union Contract: D. Nixon reported that the DPW workers had not ratified the proposed contract, specifically Paragraph 84 of the former Highway/Water Department continues to be a problem. That paragraph provides that any water or highway worker doing a job in the Sewer Department shall be paid at the highest rate for the Sewer Assistant Chief Operator. In addition, the paragraph provides that any highway or water worker performing the task of being second person as a safety precaution on any sewer job shall receive a \$1.00 per hour stipend above pay. The Town

had specifically requested that the first enhanced payment provision should be eliminated, but had agreed to the \$1.00/hour stipend. D. Nixon reported that the union had rejected the Town's amendment to Paragraph 84. The members expressed disappointment that the contract had not been settled yet. The members stated that it was important that the workers recognize that the department had combined into a unified DPW, and that the former divisions within the work force no longer apply. B. West moved and G. DiFulvio seconded to mediate a union contract. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Dike: D. Nixon reported on the countersuit by Stantech against the Town. The Town's attorney will continue working on this issue.

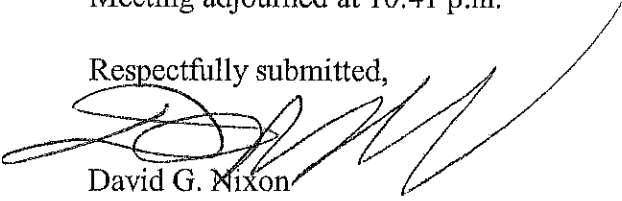
Paradigm v. Hadley: D. Nixon reported that opposing counsel is talking with his client to see if a settlement agreement can be reached.

Town Administrator Contract: Chair Dudkiewicz stated that the members would continue working on a contract for the Town Administrator. D. Nixon offered to withdraw his request for deferred compensation (amounting to \$15,000) in exchange for the three remaining requests (i.e., a three-year contract, clarification of conflicting language concerning resignation terms, and salary). J. Chunglo moved and B. West seconded to approve the contract as proposed with the item concerning deferred compensation deleted. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Motion made and seconded to adjourn the executive session at 10:40 p.m. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 10:41 p.m.

Respectfully submitted,



David G. Nixon
Town Administrator

TOWN OF HADLEY

SELECT BOARD

March 23, 2011

EXECUTIVE SESSION

MINUTES

Meeting convened at 7:02 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Gloria DiFulvio, Daniel Dudkiewicz (Chair), David Moskin, and Brian West.

Absent: None.

Also in Attendance: David Nixon (Town Administrator).

Executive Session

- I. Chair Dudkiewicz announced that the members would enter into executive session to discuss negotiations with union and non-union personnel and litigation and not to reconvene in open session. Chair Dudkiewicz read a statement that having a discussion on the matters at hand in open session would have a deleterious impact on the public interest and town business. Motion made and seconded at 9:15 p.m. to enter into executive session to discuss contract bargaining with union and non-union personnel and litigation and not to reconvene in open session. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

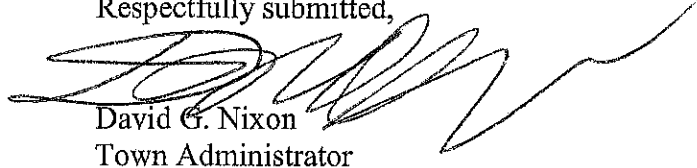
- B. West moved and J. Chunglo seconded accept the mediated agreement between the Town and the Dispatch union. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

- D. Nixon gave a report on the status of various litigation matters. 1. The town's suit against Stantech and Mass West Construction for the dike failure is proceeding. Stantech and Mass-West are countersuing. Town counsel is managing the case. 2. The Opaleniks have filed a suit against the town in the matter concerning their arrest and conviction for marijuana that was later overturned. The Town has yet to be served. 3. Paradigm has modified their claim of \$85,000 plus attorney fees. Now, they want \$75,000. The Town has previously authorized an additional \$10,000 for a total of \$52,000 to settle.

Motion made and seconded to adjourn the executive session at 9:24 p.m.
Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes;
Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Nixon", written over a printed name and title.

David G. Nixon
Town Administrator

TOWN OF HADLEY

SELECT BOARD

April 27, 2011

EXECUTIVE SESSION

MINUTES

Meeting convened at 7:02 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Gloria DiFulvio (arrived at 7:20 p.m.), Daniel Dudkiewicz, David Moskin, and Brian West (Chair).

Absent: None.

Also in Attendance: David Nixon (Town Administrator).

Executive Session

- I. Executive Session: Chair West announced that the members would enter into executive session to address litigation and labor negotiations. Chair West stated that having a discussion in open meeting would have a detrimental effect on the Town's interests. J. Chunglo moved and G. DiFulvio seconded at 9:47 p.m. to enter into executive session to address litigation and labor negotiations and not to reconvene in open session. Motion unan. approved by roll call vote (Chunglo= yes; DiFilvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Chair West reported that the Dispatch Union and the Police Union have requested that the bargaining units and the Select Board negotiating team meet informally before taking the next step toward arbitration. The members discussed their concerns that the bargaining units have not acted in good faith in that both contracts had been mediated to a settlement, and the Select Board voted to ratify both settlements. The bargaining units voted against the settlements. The members instructed D. Nixon to talk to Ralph Galarneau and inform him that the Police Department budget for FY 2012 has been cut \$80,000, that the Select Board has dealt in good faith to settler the contracts, and that at this time, the Select Board is willing to continue discussions, but only after July 1.

D. Nixon reported on pending litigation. For the Paradigm lawsuit, the Town is waiting for an offer from Paradigm. Paradigm has previously offered to come down to \$85,000 and to drop the attorney's fees. Counsel will ask Paradigm to make a firm offer, before the Town will respond.

For the suit against Stantech Consulting, Town Counsel had indicated that Stantech hinted that if the Town were to make an offer, Stantech would

consider it. Town Counsel recommended a figure of about \$550,000 as being defensible out-of-pocket costs that the Town incurred, and a figure that would not drive Stantech immediately to continue the lawsuit. After discussion, the Board stated that it would allow Town Counsel to suggest a range from \$550,000 to \$600,000 for a period of two weeks (subject to the condition that the Commonwealth of Massachusetts will not seek reimbursement on the \$800,000 grant), and see what Stantech's position is.

D. Nixon gave brief updates on the Opalenik, Keith, and [REDACTED] cases. No action necessary.

Motion made and seconded to adjourn the executive session at 10:12 p.m.
Motion unan. approved by roll call vote (Chunglo= yes; DiFilvio = yes;
Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 10:13 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Nixon', written in a cursive style.

David G. Nixon
Town Administrator



TOWN OF HADLEY
Executive Session
 MINUTES
 June 1, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Gloria DiFulvio, David Moskin, and Brian West (Chair)

Absent: Joyce Chunglo, Daniel Dudkiewicz

Also in Attendance: David Nixon (Town Administrator), Peg Jekanowski (Administrative Assistant),

Executive Session: Gloria DiFulvio made a motion to go into Executive Session at 9:30 PM for the purposes of discussing litigation having to do with the Paradigm case, and not to reconvene in open session. Motion was seconded by David Moskin. Chairman West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the town of Hadley." The motion to move to Executive Session was unanimously approved by a roll call vote:

(Moskin-yes West-yes DiFulvio-yes)

EXECUTIVE SESSION

David Nixon referenced a note from Town Council dated May 18th regarding litigation with Paradigm. It currently stand that the Town offered \$52, 000.00 to settle the matter. Paradigm will not move from the \$70,000.00 and wants to schedule a deposition that would be very expensive.

Attorney - Client
 Mr. Nixon also pointed out that opposing Counsel would depose the previous Sewer Commission and at best we would have a weak case. The strengths are we have a waiver that was signed by Paradigm that they waived their right to challenge the fee, but the attorney gives a 50/50 chance of positive outcome. [REDACTED] but Brian West and David Moskin suggest no longer discussing money with them. Mr. Nixon summarized the strengths and weaknesses of the case as follows:

Strength: Paradigm did sign a waiver saying that they would never come back to the Town and contest the Sewer Impact Fee.

Attorney - Client
 Weakness: [REDACTED] Paradigm is saying that the calculation does not make sense. The rate is \$15.50 per cubic foot of water, the real rate would have been approx \$12.00. There is also the risk of further impact of other litigation if this is not settled. There could potentially be more in attorneys' fees, and the fact is that the Town has a weak case.



TOWN OF HADLEY
Executive Session
MINUTES
June 1, 2011

Further comment was that it may need to go before voters at next Town Meeting to take these funds from Sewer Impact Fees.

Motion was made was made by Brian West to offer a settlement fee of \$65,000.00 to Paradigm, seconded by Gloria DiFulvio.

Roll Call Vote: **Moskin-yes** **West-yes** **DiFulvio-yes**

Motion to adjourn executive session was made and seconded at 9:46 PM, approved by roll call vote:
Moskin-yes **West-yes** **DiFulvio-yes**

Meeting adjourned at 9:47 PM

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
June 15, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz, David Moskin, and Brian West (Chair)

Absent: Gloria DiFulvio

Also in Attendance: David Nixon (Town Administrator), Peg Jekanowski (Administrative Assistant)

Executive Session: Dan Dudkiewicz made a motion to go into Executive Session at 8:25PM for the purposes of discussing litigation having to do with the dike case and DPW contract negotiations, and not to reconvene in open session. Motion was seconded by David Moskin. Chairman West read the following statement:

“As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the town of Hadley.”

The motion to move to Executive Session was unanimously approved by a roll call vote:
(Chunglo-yes Moskin-yes Dudkiewicz-yes West-yes)

EXECUTIVE SESSION

DPW negotiations were finished-there is now one contract instead of two for DPW: sewer, water and highway are now unified contractually. There were a lot of concession made regarding overtime and the Town should be better able to control overtime costs-an important advancement.

Key issue is the issue of pay. In addition, the Town decided not to pursue reducing the hourly rate for water/highway workers who perform work in the sewer division.

David Nixon will write up an MOU for the Board to sign at their next meeting.

We are supposed to be going into arbitration with the police-Ralph Galarneau has requested an informal meeting. It was noted that the mediator has moved to another job so we are without a mediator now. Discussion is over how many shifts on weekends during the school year, and Chair West has agreed that the Town will meet with them one more time to discuss this matter.

Third discussion is regarding the schools (teacher and clerical). David Nixon reported that the Schools were likely to oppose a one-year contract. The board discussed a three-year rather than annual contracts. David Nixon will contact Dr. Young to discuss moving to three-year contracts.



TOWN OF HADLEY
Executive Session
MINUTES
June 15, 2011

Regarding the dike and litigation -, Mr. Nixon updated the Board on a meeting with the Town Attorney, the engineer and the Town Administrator to go over all the evidence and the case. A deadline on the settlement offer to Stantec came and went with no response from Stantec. Stantec will try to push the Town as far as they can and make things so expensive for the Town that we will get tired of it. Stantec also maintains that MassWest and the engineer that are at fault to some degree. So they are going begin deposing the Town, David Nixon in particular, sometime in August, and it will be expensive.

In terms of the Town's case, there may be a couple of "smoking guns" in that in a picture from the construction site, a Geotrack fabric roll is questionable in size. It is supposed to be 10 feet, but in the picture it looks to be approx 8 feet. Stantec's field notes say nothing. Thus it is possible that Stantec was not using care in their field monitoring, in that nothing is noted in the field notes.

Another potential smoking gun is a design from Stantec(in the possession of the attorney) illustrating the force of drive versus the force of resistance. They calculated the highest number possible for the soil type's force of resistance. With the force of drive, the ratio Stantec came up with was 1.1. The standard for safety is 1.3. But we need more information about where the information came from, and we need to subpoena the information regarding Stability Analysis.

The purpose of this discussion is to inform the Board that it is going to get more expensive before we can settle this. There are funds in the amount of \$80,000.00 from an article, plus \$36,000.00 from Select Board budget for legal expenses. The remaining money for the dike project in the amount of approx \$170,000.00 cannot be used because it was raised specifically to build the dike, not for legal expenses. We may need to raise more funds at Fall Town Meeting. Discussion of the risk/benefit of continuing to pursue this case with a company the size of Stantec. It was agreed that no matter what the Select Board owes it to the Town to hold the engineer and the construction company accountable for the poor job.

Motion to adjourn executive session was made and seconded at 9:00 PM, approved by roll call vote:
(**Chunglo-yes** **Moskin-yes** **Dudkiewicz-yes** **West-yes**)

Meeting adjourned at 9:00 PM

Respectfully submitted,

Margaret J. Mekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
July 06, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Daniel Dudkiewicz, David Moskin, and Brian West (Chair).

Absent: Joyce Chunglo and Gloria DiFulvio.

Also in Attendance: David Nixon (Town Administrator) and Oriel Strong (Administrative Assistant).

Executive Session

Chair West announced at the Board would convene an executive session. D. Dudkiewicz moved and B. West seconded at 9:15 p.m. to convene an executive session for the purpose of discussing contract negotiations with union personnel and to discuss litigation associated with the dike project and not to reconvene in open meeting.

Chair West read the following statement:

As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into Executive Session, and I state that the discussion of the matter in open session would have an adverse effect to the town of Hadley.

Motion unan. approved by roll call vote (Dudkiewicz = yes; Moskin = yes; and West = yes).

#1. Chair West reported receiving a memorandum of understanding for the DPW collective bargaining unit. D. Dudkiewicz moved and B. West seconded to sign the memorandum of understanding.

Motion unan. approved by roll call vote (Dudkiewicz = yes; Moskin = yes; and West = yes).

#2. D. Nixon reported the latest developments concerning the dike litigation with Stantech Consulting Services and Mass-West Construction. He stated that it appeared that counsel for Stantech was trying to work with Mass-West and Stantech's subcontractors, Haley and Aldrich, to come up with a counter offer to the Town's demand for settlement. D. Nixon explained that Stantech and Haley and Aldrich have a mutual defense clause in their contract, and therefore, Stantech cannot sue Haley and Aldrich for design deficiencies. Furthermore, the Town never had a contract with Haley and Aldrich, and therefore Haley and Aldrich is not incurring significant legal expenses. Hence, Haley and Aldrich is probably not interested or motivated to come up with any money to offer the Town.

D. Nixon reported that Town Counsel has recommended that the Town amend its suit and bring in Haley and Aldrich as another party to the suit. That way, Haley and Aldrich would start incurring significant legal fees, which might make them more interested in offering money in a settlement. D. Nixon stated, however, that there is some risk that by adding Haley and Aldrich to the law suit that the Town's legal expenses would rise and a settlement offer is not guaranteed. D. Nixon recommended that the Board take this information under advisement and defer any decision until the full Board could meet and discuss the matter. Chair West requested that Town Counsel meet with the Board to discuss this matter at the next Select Board meeting.

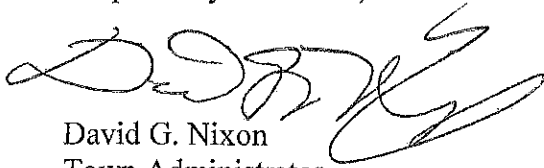


TOWN OF HADLEY
Executive Session
MINUTES
July 06, 2011

D. Dudkiewicz moved and B. West seconded to adjourn the executive session at 10:10 p.m. Motion unan. approved by roll call vote (Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 10:11 p.m.

Respectfully submitted,



David G. Nixon
Town Administrator



TOWN OF HADLEY
Executive Session
MINUTES
July 20, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz, Gloria DiFulvio, David Moskin, and Brian West (Chair).

Absent: None

Also in Attendance: David Nixon (Town Administrator) and Peg Jekanowski (Administrative Assistant), Attorney Rick Holland (Kopelman & Page)

Executive Session

At 7:58 p.m. D. Dudkiewicz moved and Gloria DiFulvio seconded to convene an executive session for the purpose of discussing litigation associated with the dike project and not to reconvene in open meeting.

Chair West read the following statement:

As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into Executive Session, and I state that the discussion of the matter in open session would have an adverse effect to the town of Hadley.

Motion unan. approved by roll call vote (Dudkiewicz = yes; Moskin = yes; and West = yes, Chunglo = yes, DiFulvio = yes).

Attorney-Client

#1. Litigation Pertaining to the Dike:

[REDACTED]



TOWN OF HADLEY
Executive Session
MINUTES
July 20, 2011

Attorney-Client

[REDACTED]

Joyce Chunglo made a motion that Town Counsel proceed with asserting a claim against both Hailey and Aldrich, as well as the Risk Insurer for MassWest, seconded by Gloria DiFulvio. Motion unan. approved by roll call vote (Dudkiewicz = yes; Moskin = yes; West = yes, Chunglo = yes, DiFulvio = yes).

Attorney-Client

#2. Paradigm

[REDACTED]

#3. Dispatcher Negotiation

Passed over until a later meeting.

Motion made and seconded to adjourn the executive session at 8:35 p.m. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Margaret J. Jekanowski
Town Administrator



TOWN OF HADLEY
Executive Session
MINUTES
August 3, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz, Gloria DiFulvio, David Moskin, and Brian West (Chair).

Absent: None

Also in Attendance: David Nixon (Town Administrator), Peg Jekanowski (Administrative Assistant), Police Chief Dennis Hukowicz

Executive Session

At 8:50 Dan Dudkiewicz made a motion that was seconded by Gloria DiFulvio, to move from Open Meeting to Executive Session to discuss strategy with respect to collective bargaining for police and dispatch as per MGL Chapter 30A, Section 21 (a) (3) and to consider filing of criminal complaints as per MGL Chapter 30A, Section 21 (a) (5), and also to discuss litigation, and not to return in open session.

Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect on the Town of Hadley."

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: Chunglo-yes: DiFulvio-yes

A discussion was held regarding the current status of Police negotiations. Dan Dudkiewicz stated that after a meeting with Police representatives he thinks they are going to petition for arbitration. Their main request at this time is for specials to man extra shifts on the weekend. Mr. Dudkiewicz further stated that the Police also expressed frustration with the Select Board, stating that staffing is important for police morale and officer safety. Chief Hukowicz suggests staffing another officer from 2:00 PM – 10:00PM, and 10:00PM – 6:00AM. This will provide an extra officer during the busiest time and meets the Police halfway in their demands. The Board agrees this is a good compromise and may help the Town avoid arbitration. Dan Dudkiewicz made a motion to move forward with the Chief's proposal and to contact Ralph Galarneau with said proposal, seconded by Joyce Chunglo, and passed unanimously by a roll call vote:

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: Chunglo-yes: DiFulvio-yes

The contract for Emergency Dispatchers is ready for signature by the Select Board. The Town is not aware of any vote taken by the Dispatchers at this time. Dan Dudkiewicz made a motion to sign the Contract for Dispatchers, seconded by Gloria DiFulvio, and passed unanimously by a roll call vote:

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: Chunglo-yes: DiFulvio-yes

The Select Board discussed possible litigation on sewer impact fees with Performance Motoring given the discussion with Attorney David Noonan earlier in the evening. Chair West discussed the need to get clear clarification/justification from the DEP about their classifications and fees. It was further discussed that the Town re-examine the current sewer impact fees. No vote taken.



TOWN OF HADLEY
Executive Session
MINUTES
August 3, 2011

[At this time Peg Jekanowski left Executive Session.]



A discussion was held on matters of law enforcement. A vote was taken to follow legal procedure.
Roll Call vote: Moskin-yes: Dudkiewicz-yes: West-yes: Chunglo-yes: DiFulvio-yes

Executive Session adjourned at 9:45 PM.

Respectfully submitted

Margaret J. Jekanowski
Administrative Assistant

David Nixon
Town Administrator



TOWN OF HADLEY
Executive Session
MINUTES
August 17, 2011

Executive Session

At 8:58pm Dan Dudkiewicz made a motion that was seconded by Brian West, to move from Open Meeting to Executive Session to discuss contract negotiation and not to reconvene in open session.

Chair West read the following statement: *"As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the town of Hadley."*

Motion to move to executive session was unanimously approved by roll call vote:

Dudkiewicz-yes **West-yes** **Chunglo-yes** **DiFulvio-yes**

The Board reviewed the latest information from negotiations with the Police Union. A vote on the Police Union Contract negotiations was passed unanimously.

Dudkiewicz-yes **West-yes** **Chunglo-yes** **DiFulvio-yes**

Motion made and seconded to adjourn Executive Session at 9:01PM.

Dudkiewicz-yes **West-yes** **Chunglo-yes** **DiFulvio-yes**

Meeting adjourned at 9:02 pm.

Respectfully submitted,

David J. Strong for

Oriel Strong
Acting Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
September 7, 2011

Executive Session

At 8:45 Dan Dudkiewicz made a motion that was seconded by David Moskin, to move from Open Meeting to Executive Session to discuss strategy with respect to litigation regarding the dike and Police contract negotiation, and not to return in open session.

Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: DiFulvio-yes

1.) Police Negotiations:

A discussion was held regarding the current status of Police negotiations. The Board reviewed the MOU's updated language. Dan Dudkiewicz mad a motion to approve the MOU subject to editorial changes.

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: DiFulvio-yes

2.) Litigation regarding the dike (Town of Hadley vs. Stantech)

A discussion was held in regard to status of litigation regarding the dike. Mr. Nixon explained that a settlement offer was made. The Town asked for \$600,000.00; \$100,000.00 was the settlement offer. The Board discussed a counter offer, considering the figures of \$141,000.00 in invoice that the Town has not paid, plus \$100,000.00; but Dan Dudkiewicz stated that the Town could do better. Brian West agreed, stating the settlement offer on the table is just a first offer, and a better offer can be negotiated. The Board discussed a counter offer of \$400,000.00 plus invoices. Mr. Nixon stated that the legal fees will mount up if depositions start. Discussion continued regarding holding out for better offer but watch legal fees. Gloria DiFulvio stated that the lawyer will have strategy regarding the language of negotiation. Mr. Nixon stated that in thinking about this for the Town, the tax payers deserve more than \$100,000.00. It was decided not to use a specific number, but to decline the offer on the table and continue to negotiate a better offer.

A motion was made by Gloria DiFulvio, seconded by Dan Dudkiewicz to decline the current offer and continue negotiations:

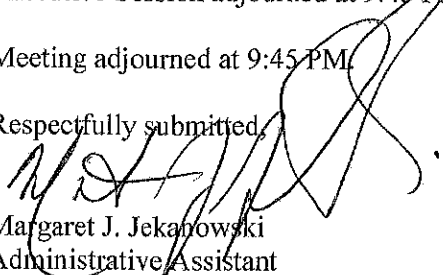
Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: DiFulvio-yes

Motion made and seconded to adjourn the executive session at 9:45 p.m. Motion unan. approved by roll call vote (DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Executive Session adjourned at 9:45 PM.

Meeting adjourned at 9:45 PM.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES

September 21, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz, Gloria DiFulvio, David Moskin, and Brian West (Chair).

Absent: None

Also in Attendance: David Nixon (Town Administrator), Peg Jekanowski (Administrative Assistant)

Executive Session

At 8:47 pm Dan Dudkiewicz made a motion that was seconded by Joyce Chunglo, to move from Open Meeting to Executive Session to discuss strategy with respect to litigation regarding the dike and personnel matters, and not to return in open session.

Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: Chunglo-yes: DiFulvio-yes

A discussion was held about the status of litigation having to do with the dike.

David Nixon reminded the Board that the current status was a settlement offer of \$100,000.00, which the Board refused. Town attorneys need to know what the Board is willing to settle for. Dan Dudkiewicz said his number was \$325,000.00 plus unpaid bills. His reasoning is that we did not get the job we wanted, and Stantec was negligent. There was also discussion about money that was received from the State at the time the dike was being repaired, and that the thought was that there would be surplus from that money to pay for any dike maintenance down the road. Now that money is gone. Joyce Chunglo stated that her number was \$660,000.00, due to the time and lawyers fees and other associated costs. Gloria DiFulvio stated her number was \$300,000.00 plus fees. Brian West stated \$300,000.00/350,000.00 plus fees-due to the fact that upcoming depositions would end up draining more money. Joyce stated that she is sure that the Town did everything right which gives confidence in the higher amount. After further discussion the Board decided on \$400,000.00 plus unpaid bills. The figure (\$400,000.00) will not be revealed to Stantec, but only for use by the Town's attorney in order to negotiate a meaningful settlement. Brian West restated that these figures are to give the Town attorney something to go on, they will ask for more.

A motion was made and seconded to notify Town Counsel that a settlement offer from Stantec in the amount of \$400,000.00 plus unpaid bill would be acceptable to the Board, and passed unan. by roll call vote.

Roll Call Vote: Moskin-yes: Dudkiewicz-yes: West-yes: Chunglo-yes: DiFulvio-yes

[REDACTED SECTION]



TOWN OF HADLEY
Executive Session
MINUTES
September 21, 2011

[REDACTED]

A motion was made and seconded to accept [REDACTED] and passed (3-2-0) by a roll call vote:

Moskin-Yes: Dudkiewicz-No: West-Yes: Chunglo-Yes: DiFulvio-No

Motion was made and seconded to adjourn executive session at 10:00 p.m. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
October 5, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz, Gloria DiFulvio, David Moskin, and Brian West (Chair).

Absent: None

Also in Attendance: David Nixon (Town Administrator), Peg Jekanowski (Administrative Assistant), Bruce Merriam, Ralph Galarneau

Executive Session

At 9:27 pm Dan Dudkiewicz made a motion that was seconded by Joyce Chunglo, to move from Open Meeting to Executive Session to discuss litigation regarding the dike and a labor issue, and not to return in open session.

Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: Moskin=yes: Dudkiewicz=yes: West=yes: Chunglo=yes: DiFulvio=yes

A discussion was held about a grievance filed by DPW (Water Div) employee [REDACTED] (Copy of grievance attached to these minutes.) Discussion was held regarding the position of Distribution (D2) License and Treatment (T2) License, and [REDACTED] current job responsibilities. [REDACTED] current Grade Level is at 7, he wishes to be at Grade 8, as he is doing the same work. His main duties are Distribution Manager and back up duties are Treatment Plant operator. The difference in pay if brought up to Grade Level 8 is \$2.65 per hour. Brian West made a motion that when the new contract is effective, to bring [REDACTED] up to a Grade Level 8, Step 4, not retroactive. (Response from Ralph Galarneau was "You've got a deal.") Joyce Chunglo seconded the motion, and passed unan. by a roll call vote:

Chunglo=yes; DiFulvio=yes; Dudkiewicz=yes; Moskin=yes; West=yes

Next Mr. Galarneau spoke about an issue regarding weekend work on the fuel logs and time that employees are paid. They are paid for 2 hours, even though they are only there for 15 – 25 minutes. Mr. Girouard is stating that the employees should only be paid for actual time, so if they are to be paid for 2 hours they must stay and work for the full two hours. Mr. Galarneau says there is a safety issue because they are there alone. Mr. Galarneau suggests that the Board uphold past practice and pay the full two hours even if they are only there 15 minutes. The Board stated that the employees need to perform the 2 hours of work as required by the contract.

Next discussion was regarding equalizing overtime for the waste water department. The Board declined to amend the contract to benefit the sewer division.

Next discussion was regarding changing language in the DPW Contract in paragraph 21, it does not change the intent or meaning, it is a word change from "...for four consecutive sick days" to "...after



TOWN OF HADLEY
Executive Session
MINUTES
October 5, 2011

four consecutive sick days.” The Select Board agreed to make the amendment through the formal memorandum of agreement process.

Next discussion about a dispatcher [REDACTED] who was called in to work on Thanksgiving. He was paid time and a half, but did not receive comp. time, which, per Mr. Galarneau, he is entitled to according to the contract. No decision will be made until the Board has a chance to discuss the matter with Chief Hukowicz.

Litigation with Paradigm, \$65,000.00 settlement has to go to Town Meeting. Joyce Chunglo made a motion, seconded by Gloria DiFulvio, to approve the settlement with Paradigm in the amount of \$65,000.00, subject to Town Meeting approval. Roll call vote:

Chunglo=yes; DiFulvio=yes; Dudkiewicz=yes; Moskin=yes; West=yes

Discussion of Chipotle-in 2007 Mr. McQueeney, the owner of property at the corner of Route 9 and North Maple Street, filled out an application for a sewer permit. He was granted the permit paying the amount of \$27,750.00 for the entire property. In 2008 the Sewer Commissioners took a vote, signed by 2 out of 3 commissioners, to grandfather Mr. McQueeney and the property for any future impact fees. In 2009 the sewer commissioners changed the sewer regulations saying that sewer permits were only good for one year. Mr. McQueeney was denied a building permit for this reason, and in discussion between Brian West and Gary Girouard, Mr. Girouard stated he never saw the letter regarding the grandfather clause. Mr. West stated that he wanted to issue a directive to Mike Pequinot and Gary Girouard to issue the sewer permit to Mr. McQueeney. Further discussion regarding discrepancies in the Sewer Impact Fees ensued, including key language: “The Sewer Commissioners...may assess” and that the Town must be “fair and consistent” in applying fees. Discussion for informational purpose.

Motion was made and seconded to adjourn executive session at 10:29 p.m. Motion unan. approved by roll call vote (Chunglo = yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Meeting adjourned at 10:29 p.m.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
October 19, 2011

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Daniel Dudkiewicz, Gloria DiFulvio, David Moskin, and Brian West (Chair).

Absent: None

Also in Attendance: David Nixon (Town Administrator), Peg Jekanowski (Administrative Assistant)

Executive Session

At 10:07PM Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing labor dispute, and not to reconvene in open session. Motion was seconded by Joyce Chunglo. Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote:

Moskin=yes; Dudkiewicz=yes; West=yes; Chunglo=yes; DiFulvio=yes

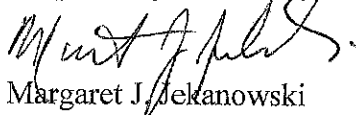
A discussion was held in regard to a labor dispute (dated 10/06/11 attached here for review). This will need to go to arbitration if the Board chooses to fight it. The Board discussed challenging the grievance, and gave David Nixon permission to seek counsel to go to arbitration.

Motion made and seconded to adjourn the executive session at 10:15p.m. Motion unan. approved by roll call vote (Chunglo=yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Executive Session adjourned at 10:15 PM.

Meeting adjourned at 10:15 PM.

Respectfully submitted,



Margaret J. Jekanowski
Administrative Assistant



TEAMSTERS LOCAL 404 GRIEVANCE FORM

CLASS ACTION

NAME OF MEMBER: HADLEY DPW (HIGHWAY DIV) DATE: 10-6-11 **RECEIVED**

EMPLOYED BY: TOWN OF HADLEY **OCT 12 2011**

CONTRACT VIOLATION: TOWN VIOLATED PAST PRACTICE DATE OF VIOLATION: _____
BOARD OF SELECTMEN

NATURE OF GRIEVANCE (STATE YOUR CLAIM, INCLUDING NAMES, DATES, TIMES AND ALL SUPPORTING FACTS):

EMPLOYEE'S WHO ARE SCHEDULED TO COME INTO WORK ON THE WEEKEND TO FILL OUT THE FUEL LOG HAVE ALWAYS PERFORMED THE WORK WHICH TAKES APPROX. 25 MINUTE. AND THEN WENT HOME AND WERE PAID THE 2 HOUR MIN. THE TOWN IS NOW REQUIRING THE EMPLOYEES TO REMAIN AT THE GARAGE FOR THE COMPLETION OF THE TWO HOURS

STATE THE ADJUSTMENT OR REMEDY YOU REQUEST: _____
RETURN TO THE ESTABLISHED PRACTICE.

CLASS ACTION

MEMBER'S SIGNATURE

STEWARD'S SIGNATURE

DATE: 10-6-11 BUSINESS AGENT'S SIGNATURE [Signature]

TO BE FILLED IN AT UNION OFFICE

Date grievance filed with Union: _____

Date grievance discussed with Employer: _____

Person representing Employer: _____

Final Disposition: _____



TOWN OF HADLEY
Executive Session
MINUTES
November 2, 2011

Executive Session:

At 8:27 PM Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing labor negotiations and litigation, and not to reconvene in open session. Motion was seconded by Joyce Chunglo. Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote:

Moskin=yes; Dudkiewicz=yes; West=yes; Chunglo=yes; DiFulvio=yes

A discussion was held in regard to a labor grievance made by dispatcher [REDACTED] Chief Hukowicz stated that the grievance of the matter came in four months after the date of occurrence. In following the labor contract; page 9 of the contract states that no grievance may be brought forth more than seven calendar days from the date of the occurrence. A motion was made and seconded to enforce the contract, and passed unan. by roll call vote:

Moskin=yes; Dudkiewicz=yes; West=yes; Chunglo=yes; DiFulvio=yes

A discussion was held in regard to ongoing litigation regarding the matter of the dike. First, AECOM is billing an additional \$5,000.00 to serve as the Town's expert witness who will testify on our behalf against the defendants. A motion was made by Joyce Chunglo, seconded by Gloria DiFulvio, to authorize an additional cap of \$5,000.00 to AECOM to serve as expert witness, and passed unan. by roll call vote:

Moskin=yes; Dudkiewicz=yes; West=yes; Chunglo=yes; DiFulvio=yes

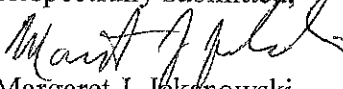
Further discussion of the litigation involving the dike included next steps in the process. Stantech made an initial offer of \$100,000.00; the Town countered with \$500,000.00. The Town then received a letter from Stantech with a list of those they intend to depose. The Town is going to start spending large amounts of money when depositions start, Mr. Nixon estimates \$40,000.00 or more. Gloria DiFulvio stated that we have to push to the point of depositions before we settle. It was decided that the next course of action is to have Atty. Holland (for the Town) send a letter out stating who the Town intends to depose.

Motion made and seconded to adjourn the executive session at 8:55 p.m. Motion unan. approved by roll call vote (Chunglo=yes; DiFulvio = yes; Dudkiewicz = yes; Moskin = yes; and West = yes).

Executive Session adjourned at 8:55 PM.

Meeting adjourned at 8:55 PM.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
February 15, 2012

Executive Session:

At 8:20 PM Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing personnel and litigation, and not to reconvene in open session. Motion was seconded by Joyce Chunglo. Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes;

Personnel: Mr. Nixon updated the Board on the status of a complaint of police misconduct made by Ronald Keith against [REDACTED]. Mr. Nixon explained that Attorney David Jenkins investigated the matter and concluded that there were no facts to support Mr. Keith's complaint.

Dan Dudkiewicz made a motion to accept no finding of police misconduct and that Officer Adam Bartlett is exonerated from this complaint. Motion was seconded by Joyce Chunglo and passed by a roll call vote:

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes;

Litigation: Mr. Nixon updated the Board on the status of litigation having to do with the Dike. Depositions began last week with Mr. Nixon being deposed by attorneys for Stantech and Mass West. Hailey and Aldrich are going to be deposed next week by the Town's attorney. The process will continue to move forward.

At 8:35 PM Gloria DiFulvio made a motion to adjourn Executive Session, seconded by Joyce Chunglo; Motion passed unan. by a Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes

Executive Session adjourned at 8:35 PM.

Meeting adjourned at 8:35 PM.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
March 7, 2012

Executive Session:

At 8:20 PM Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing collective bargaining agreements and litigation, and not to reconvene in open session. Motion was seconded by Joyce Chunglo. Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

Collective Bargaining: David Nixon stated that letters were received from the Union (Police, Dispatch and DPW) regarding commencing of negotiations of contracts. Mr. Nixon stated that a 1% COLA increase will be anywhere from \$30K-50K. There was discussion of moving to three year contracts. Joyce Chunglo and Dan Dudkiewicz volunteered to serve as Select Board representatives at union negotiations, and David Moskin volunteered to serve as an alternate if either were not available. There was also discussion of changing current sick time policy to discourage call outs.

LITIGATION:

[REDACTED SECTION]

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

2.) Mr. Nixon updated the Board on the status of litigation regarding the dike. The Town's attorney has been holding depositions. The following information has been gathered:

- Alex Smith never designed a dike before
- There was language that stated "I don't think what you're putting together is safe."
- The bids that came in were low and it turns out that Mass West did not have the qualifications to do the work
- There was a letter that went out re Stantech communicating with MassWest Construction masking their lack of qualification before the bids were even awarded

At 9:10 PM Dan Dudkiewicz made a motion to adjourn Executive Session, seconded by Joyce Chunglo; Motion passed unan. by a Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

Executive Session adjourned at 9:10 PM.

Meeting adjourned at 9:10 PM.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY

Executive Session

MINUTES

March 21, 2012

Executive Session:

At 9:02 pm Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing personnel and litigation, and not to reconvene in open session. Motion was seconded by Joyce Chunglo. Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

[REDACTED]

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

[REDACTED] told the Board that he was sorry.

LITIGATION:

The Select Board discussed the Sewer impact fee and the ongoing problems this presents for the Town. The most recent dispute is with a new pet hotel that is proposed in Town, and if the impact fee is assessed the developers may opt not to go forward with the business. The regulation does say the Impact Fee can be assessed on a case by case basis, but the Board discussed the fairness of assessing one business and not another. The calculation of the Sewer Impact fee was also discussed, as many



TOWN OF HADLEY

Executive Session

MINUTES

March 21, 2012

businesses have come forward to dispute it. Hadley is one of only three towns that has such a fee. It was discussed how to dispense with the fee. Joyce Chunglo made a motion not to assess the Sewer Impact Fee for the pet hotel, seconded by Dan Dudkiewicz.

Further discussion included the consequence of waiving the fee for one business and not for another. Joyce Chunglo withdrew her motion. Mr. Nixon will seek legal counsel regarding how to proceed before any decision is made regarding the Sewer Impact Fee for the pet hotel.

At 9:50 PM Gloria DiFulvio made a motion to adjourn Executive Session, seconded by Joyce Chunglo; Motion passed unan. by a Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

Executive Session adjourned at 9:50 PM.

Meeting adjourned at 9:50 PM.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant

APPROVED 04/10/2012



TOWN OF HADLEY
Executive Session
 MINUTES
 April 4, 2012

Executive Session:

At 9:18 pm Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing litigation and contract negotiations, and not to reconvene in open session. Motion was seconded by Joyce Chunglo. Chair West read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

Litigation:

The Board reviewed a letter from the attorney for plaintiff Eli Damon requesting a settlement demand for \$10,000.00 and agreement to cease and refrain from interfering with the plaintiff's use of Route 9 and all other public ways in Hadley.

Joyce Chunglo made a motion NOT to make any offer of settlement to Eli Damon, seconded by Gloria DiFulvio. Motion passed unan. by a roll call vote:

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

Carole Lynch, attorney representing the Town in the matter of former employee [REDACTED] asked the Board to reconsider its decision not to negotiate with him for a settlement. (See Executive Session 03/07/2012.) Board discussed risks and benefits of negotiating a settlement with [REDACTED] in light of the fact that it may cost the Town more not to settle. Brian West made a motion to negotiate with [REDACTED] with a settlement offer (capped at \$3,000.00), motion seconded by Dan Dudkiewicz. Motion passed by roll call vote:

Roll Call Vote: DiFulvio=no; Chunglo=no; West=yes; Dudkiewicz=yes; Moskin=yes

Mike Pequignot from the Waste Water Division of the DPW was present to explain the calculation of the sewer impact fee for a proposed kennel on Route 9. He stated that the reason the fee is so high is due to the nature of the business. The fee is based on a formula that is based on the number of kennels and each kennel's estimated water used based on DEP Title V calculations. The Town is now at 76.9% of WWTP capacity and at 80% DEP steps in and requires action plans from the Town to reduce flow.

A discussion ensued about Title 5 Flow Rates.

Mr. Nixon stated that he spoke with Town Counsel and posed the following questions:

1. [REDACTED]

Attorney-client



TOWN OF HADLEY
Executive Session
MINUTES
April 4, 2012

Gloria DiFulvio stated that she was "okay" with a Sewer Impact Fee, but the Town needs to make sure it is not an arbitrary rate, and suggests looking at a formula with Tighe and Bond. Further discussion ensued as to whether or not Hadley wants to have "wet" industries. ***Brian West made a motion to bill the proposed kennel the Sewer Impact Fee of \$63,500.00, seconded by Gloria DiFulvio. Motion passed by roll call vote:***

Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

The Board discussed having Tighe and Bond rework the Sewer Impact Fee rate with a target date for change on July 1 for a new rate.

Contract Negotiation:

There will be a meeting with the Union on Tuesday, April 10, 2012. David Nixon proposed a 2% increase for the next three years, with no other changes to the contracts. Brian West proposed a 2% increase but wants to see changes to policies in regard to use of over time. Discussion ensued that across the Board COLA's (for all employees, not just union) at a rate of 2% plus step would cost \$78,000. David Moskin stated that if we give an increase across the Board, what should be asked of employees in return. Mr. Nixon stated that employees have given more (use of VADAR budgeting system, preparation of Virtual Town Hall). Brian West asked the Board to consider this increase and how to cover it.

At 10:10 PM Joyce Chunglo made a motion to adjourn Executive Session, seconded by Gloria DiFulvio; Motion passed unan. by a Roll Call Vote: DiFulvio=yes; Chunglo=yes; West=yes; Dudkiewicz=yes; Moskin=yes

Executive Session adjourned at 10:10 PM.

Meeting adjourned at 10:10 PM.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
 MINUTES
 April 18, 2012

Executive Session:

At 9:00 pm Joyce Chunglo made a motion to move to Executive Session for the purpose of discussing litigation and contract negotiations, and not to reconvene in open session. Motion was seconded by Brian West. Chair DiFulvio read the following statement: "As Chair of the Hadley Select Board I state that the Board has moved and seconded to enter into Executive Session and I state that the discussion of the matter in open session would have an adverse effect to the Town of Hadley."

Roll Call Vote: West=yes; Chunglo=yes; DiFulvio=yes; Dudkiewicz=yes; Moskin=yes

I. Litigation:

[REDACTED]

A motion was made and seconded to authorize the settlement for \$35,000.00, and passed by roll call vote: DiFulvio=yes; Chunglo=no; Dudkiewicz=yes; West=yes; Moskin=yes

II. Litigation : RE: Dike repair: Stantech and MassWest

Mr. Nixon updated the Board that Attorney Holland (Town Counsel) will be prepping Mike Klimoski and David Nixon for depositions that will be held next week.

III. Contract Negotiations:

Joyce Chunglo and Dan Dudkiewicz presented the Board with a list of proposals from the Police Department, Dispatchers, and DPW contracted employees from the latest contract negotiations. Discussion ensued regarding items of agreement, items to reject, and other items to bargain on. Ms. Chunglo and Mr. Dudkiewicz will return to discussions with recommendations from the Board.

Also, Mr. Nixon presented an analysis of where the Town of Hadley is in comparison to other Towns in terms of high and low rates of pay. David Moskin noted that although there is disparity in rates of pay throughout town Departments, but Public Safety is paramount to consider as the Town moves forward with decisions. Job descriptions also need to be reviewed.

At 10:07 pm Joyce Chunglo made a motion to adjourn Executive Session, seconded by Brian West; Motion passed unan. by a Roll Call Vote: West=yes; Chunglo=yes; DiFulvio=yes; Dudkiewicz=yes; Moskin=yes

Executive Session adjourned at 10:07 pm

Meeting adjourned at 10:07 pm

Respectfully submitted,


 Margaret J. Jekanowski
 Administrative Assistant



TOWN OF HADLEY

Executive Session

MINUTES

July 11, 2012

At 8:46 pm, Brian West made a motion to move to Executive Session for the purpose of discussing labor and litigation and not to reconvene in open session; motion seconded by Dan Dudkiewicz. Acting Chair Chunglo stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and that I state that discussing the matter in open session will have an adverse effect on the Town of Hadley." **Roll Call Vote: Dudkiewicz-Yes; Chunglo-Yes; Moskin-Yes; West-Yes**

EXECUTIVE SESSION:

Ralph Galarneau of Teamsters Local 404 was before the Board regarding a dispute for DPW employee [REDACTED]. The situation was that an alarm went off at the water plant and the employee was called for service early in the morning before his regular shift. The matter under dispute was whether the employee was "called out" and thus due 4 hour minimum pay, versus whether this was an extension of his shift. It was agreed by all parties that the language in the contract is unclear and needs to be clarified in the next contract. *David Moskin made a motion to pay the employee the 4 hour minimum, motion seconded by Brian West, and passed by roll call vote: Roll Call Vote: Dudkiewicz-Yes; Chunglo-Yes; Moskin-Yes; West-Yes*

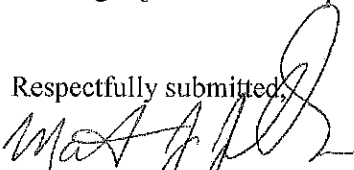
A litigation matter was tabled until next meeting in order to have Town Counsel available for comment.

At 9:00 pm David Moskin made a motion to adjourn Executive Session, seconded by Brian West.

Dudkiewicz-Yes; Chunglo-Yes; Moskin-Yes; West-Yes

Meeting adjourned at 9:00 pm.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant

APPROVED 08/01/12



TOWN OF HADLEY

Executive Session

MINUTES

July 18, 2012

At 9:15 pm, Joyce Chunglo made a motion to move to Executive Session for the purpose of discussing litigation and not to reconvene in open session, Motion seconded by Brian West. Chair DiFulvio stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and that I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: West-Yes; Chunglo-Yes; DiFulvio-yes; Dudkiewicz-yes; Moskin-yes

Attorney-Client

EXECUTIVE SESSION:

[REDACTED SECTION]

Joyce Chunglo made a motion allow Attorney Holland to continue to negotiate a settlement with a low number of \$300,000.00 plus unpaid invoices, and allowed for one day mediation. Motion seconded by Daniel Dudkiewicz. Motion passed by a roll call vote:

Roll Call Vote: West-Yes; Chunglo-Yes; DiFulvio-yes; Dudkiewicz-yes; Moskin-yes

At 9:50 pm Brian West made a motion to adjourn Executive Session, seconded by Joyce Chunglo.

Roll Call Vote: West-Yes; Chunglo-Yes; DiFulvio-yes; Dudkiewicz-yes; Moskin-yes

Meeting adjourned at 9:50 pm.

Respectfully submitted,

Margaret J. Jekanowski
Administrative Assistant

TOWN OF HADLEY

SELECT BOARD

EXECUTIVE SESSION MINUTES

August 15, 2012

Meeting convened at 7:00 p.m., Room 203, Town Hall.

Present: Joyce Chunglo, Gloria DiFulvio, Daniel Dudkiewicz, and Brian West (Chair).

Absent: David Moskin.

Also in Attendance: David Nixon (Town Administrator).

Executive Session

Chair DiFulvio announced at the Board would convene an executive session. J. Chunglo moved and B. West seconded at 7:47 p.m. to convene an executive session for the purpose of discussing contract negotiations with union personnel and to discuss litigation associated with the dike project and not to reconvene in open meeting.

Chair DiFulvio read the following statement:

As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into Executive Session, and I state that the discussion of the matter in open session would have an adverse effect to the town of Hadley.

Motion unan. approved by roll call vote (Chunglo = yes, DiFulvio = yes, Dudkiewicz = yes; and West = yes).

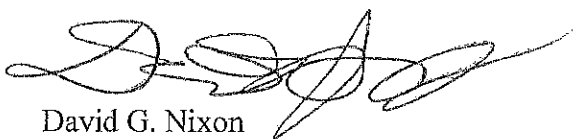
[REDACTED] The members agreed to hold their position and work with Town Counsel to get a better offer.

Attorney -
Client

B. West moved and J. Chunglo seconded to adjourn the executive session at 8:08 p.m. Motion unan. approved by roll call vote (Chunglo = yes, DiFulvio = yea, Dudkiewicz = yes; and West = yes).

Meeting adjourned at 8:08 p.m.

Respectfully submitted,



David G. Nixon
Town Administrator



TOWN OF HADLEY

Executive Session

MINUTES

September 5, 2012

Executive Session

At 9:52 pm Brian West made a motion to move to Executive Session for the purpose of discussing labor negotiations and litigation, and stated that the Board would not reconvene in open session. Motion seconded by Joyce Chunglo. Chair DiFulvio stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: Moskin – Yes: Dudkiewicz=Yes: DiFulvio – Yes: Chunglo – Yes: West – Yes

1. A discussion was held regarding the labor dispute. Mr. Nixon reviewed a recent arbitration hearing regarding police/dispatch workers who wanted to receive 4 hours of comp time for being called in. The Town has a strong case, as the grievance was not filed within 14 days of the incident, but the arbitrator recommends a compromise of splitting the difference and offering 2 hours of comp time. One of the reasons to compromise, even though the Town has a strong case, is that ongoing arbitration will cost the Town in legal fees. Discussion ensued regarding giving the 2 hours and then taking it up in contract negotiations to remove this language.

Joyce Chunglo made a motion to pay two hours in comp time, motion seconded by David Moskin. Discussion ensued and motion failed.

Roll Call Vote: Moskin=Yes, Dudkiewicz=No, DiFulvio=No, Chunglo=No, West=No.

2. A discussion was held on litigation regarding Dike. Mr. Nixon stated that the settlement offer was not at \$350,000.00 plus unpaid bills. A Release and Settlement statement was still being worked out. *Dan Dudkiewicz made a motion to agree to settlement offer of \$350,000.00 plus unpaid invoices subject to final approval of council, motion seconded by Brian West.*

Roll Call Vote: Moskin=Yes, Dudkiewicz=Yes, DiFulvio=Yes, Chunglo=Yes, West=Yes.

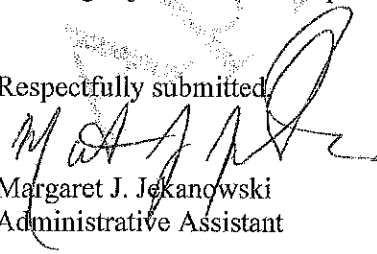
3. A discussion was held regarding labor negotiations and strategy, including discussion to offer a 2% increase and step (for both union and nonunion employees) and stipulate at police department union negotiations that an extra shift on weekends be removed, and at dispatch negotiations that sick time be cut by 3 days, and any concession specified by Gary Girouard, DPW Director.

At 10:40 pm Brian West made a motion to adjourn Executive Session, seconded by Joyce Chunglo.

Roll Call Vote: Moskin – Yes: Dudkiewicz=Yes: DiFulvio – Yes: Chunglo – Yes: West – Yes

Meeting adjourned at 10:40 pm.

Respectfully submitted,


Margaret J. Jekancowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
September 19, 2012

Attorney
Client

[REDACTED]

The Board passed over Collective Bargaining/Negotiations, as well as litigation regarding MEGA and the dike.

Discussion ensued regarding strategy for litigation brought by Kevin Michelson, pro se, against the Town of Hadley. Kopelman and Paige will represent the Town, Ms. DiFulvio and Mr. Nixon. One strategy discussed is the right of the defendant(s) to file to have the case moved from Hampshire Superior Court to US Federal Court. After discussion, *Brian West made a motion, seconded by Dan Dudkiewicz, to authorize Kopelman and Paige to remove pending case (Michelson v Town of Hadley) to Federal Court. Motion passed with roll call vote.*

Moskin-Yes: Dudkiewicz-Yes: DiFulvio - recused: Chunglo - Yes: West - Yes

The lawsuit names David Nixon, Gloria DiFulvio (twice), once personally and once as Chair of the Select Board, and Trident insurance. *Joyce Chunglo made a motion, seconded by Brian West, to acknowledge receipt of a disclosure statement by Kopelman and Page that they are representing multiple clients in the same litigation. Motion passed with roll call vote.*

Moskin-Yes: Dudkiewicz-Yes: DiFulvio-recused: Chunglo - Yes: West - Yes

Dan Dudkiewicz made a motion to indemnify David G. Nixon and Gloria T. DiFulvio individually, motion seconded by Brian West. Motion passed with roll call vote.

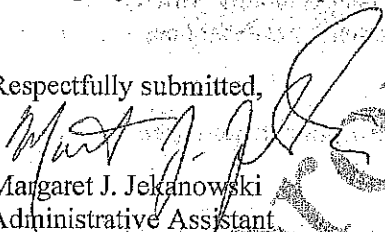
Moskin-Yes: Dudkiewicz-Yes: DiFulvio-recused: Chunglo - Yes: West - Yes

At 10:15 p.m. Brian West made a motion to adjourn Executive Session, seconded by Joyce Chunglo.

Roll Call Vote: Moskin - Yes: Dudkiewicz-Yes: DiFulvio - Yes: Chunglo - Yes: West - Yes

Meeting adjourned at 10:15 p.m.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant

APPROVED



TOWN OF HADLEY
Executive Session
MINUTES
October 3, 2012

Executive Session

At 9:15 pm Dan Dudkiewicz made a motion to move to Executive Session for the purpose of discussing collective bargain negotiations and litigation. Brian West seconded the motion. Acting Chair Chunglo stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: West – Yes

A discussion was held regarding a collective bargaining relative to dispatch. Contract proposals were reviewed and it was discussed that it is close to settlement if the union will agree to points 1 & 2, and the town agrees to their point 4, 7 & 9. Brian West made a motion to accept these terms, seconded by Dan Dudkiewicz. After discussion the motion passed by roll call vote:

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: West – No

Regarding Police negotiations, it was discussed to hold out for the 3rd shift (elimination) on Sundays.

~~A discussion was held regarding litigation regarding the dike. The Board is in receipt of a settlement offer in the amount of \$350,000.00 plus invoices relating to the dike. The Board reviewed a release and settlement agreement from Stantec/MassWest/Haley and Aldrich and the terms of the Settlement. Brian West made a motion seconded by Dan Dudkiewicz to accept the settlement offer and all terms of the settlement contract, and passed by roll call vote.~~

A motion was made by Brian West not to pay the back charges, motion seconded by Dan Dudkiewicz and passed by roll call vote:

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: West – Yes

A discussion was held regarding litigation involving the dike. The Board is in receipt of a settlement offer in the amount of \$350,000.00 plus invoices relating to the dike. The Board reviewed a release and settlement agreement from Stantec/MassWest/Haley and Aldrich and the terms of the Settlement. Brian West made a motion seconded by Dan Dudkiewicz to accept the settlement offer and all terms of the settlement contract, and passed by roll call vote.

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: West – Yes

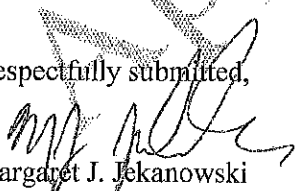
At 10:00 pm Brian West made a motion to adjourn Executive Session, seconded by Dan Dudkiewicz.

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: West – Yes

Adjournment

Meeting adjourned at 10:00 pm.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
November 14, 2012

At 9:07 pm Dan Dudkiewicz made a motion that the Board move to Executive Session for the purpose of discussing labor negotiations, and not to reconvene in open session, motion seconded by D. Moskin. Chair DiFulvio stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Yes: Chunglo – Yes:

The Board discussed points of the contracts with Dispatch, Police and DPW negotiations. Regarding Dispatch, Chief Hukowicz told the Board that he does not agree with point number one regarding paying out 4 hours at time and a half if someone is called in. Regarding paragraph 88 regarding pulling in additional dispatch staff during busy times, Chief stated that this should be at the Chief's discretion.

Regarding Police, Board members told the Chief to schedule a part time or special officer for Thursday – Sunday, this is not being done at this time.

Regarding DPW – scheduled start times were discussed, as were definitions of certain terms. The Board also discussed staff cell phones and were in agreement not to have the Town provide them. It was decided to go back to discussions and counter their proposals. The loss of the work release program with the Hampshire County Sheriff's Department was discussed, as it was brought to the Town's attention that workers from this program were treated poorly by more than one DPW employee. Joyce Chunglo is going to try to get more information from Sheriff Garvey.

Adjournment

At 9:50 pm D. Dudkiewicz made a motion to adjourn, seconded by J. Chunglo and passed by roll call vote:

Roll Call Vote: Moskin – Yes: Dudkiewicz-Yes: DiFulvio – Yes: Chunglo – Yes:

Meeting adjourned at 9:50 pm

Respectfully submitted,


Margaret J. Jeklanowski
Administrative Assistant

APPROVED 12/05/12



TOWN OF HADLEY
Executive Session
MINUTES
December 5, 2012

At 9:15 pm Dan Dudkiewicz made a motion that the Board move to Executive Session for the purpose of discussing labor negotiations, and not to reconvene in open session, motion seconded by Brian West. Acting Chair Chunglo stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: Moskin – Yes: West – Yes

Executive Session

FL Roberts made an offer to pay \$20,000.00 for the water meter that was installed at Golden Nozzle Car Wash in 1988 but was never read. Brian West made a motion to accept the offer, seconded by Dan Dudkiewicz and passed by roll call vote:

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: Moskin – Yes: West – Yes

The Board discussed points of the contracts with DPW negotiations. Discussion included how much overtime would be paid if an employee is called in or stays after their regular shift. The town wants 2 hours paid overtime rather than the 6 hours currently in contract. The union also wants to change overtime back to seniority rather than using "the wheel." The Town wants to keep the wheel. The Town also wants to stay at 2% wage increase.

The Board also discussed the problem with the Work Release Program. The Sherriff's office no longer participates with the Town of Hadley in the Work Release Program due to alleged harassment by DPW employees. The Board wants DPW Director Gary Girouard to investigate scenarios of who was working that day and who they were assigned to work with. The Board further discussed having the Town's insurance company provide sensitivity training and sexual harassment training. The Town has to prove to the Sherriff's office that we are making efforts to improve working conditions for his people.

In terms of Dispatch negotiations, things are going well and we are close to wrap up.

A motion was made and seconded regarding amending contract language, motion approved by roll call vote.

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: Moskin – Yes: West – Yes

Adjournment

At 9:50 pm D. Dudkiewicz made a motion to adjourn, seconded by J. Chunglo and passed by roll call vote:

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: Moskin – Yes: West – Yes

Meeting adjourned at 9:50 pm.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant



TOWN OF HADLEY
Executive Session
MINUTES
December 19, 2012

At 8:50 pm Dan Dudkiewicz made a motion that the Board move to Executive Session for the purpose of discussing labor negotiations and litigation, and not to reconvene in open session, motion seconded by Brian West. Chair DiFulvio stated "As Chair of the Hadley Select Board, I state that the Board has moved and seconded to enter into executive session, and I state that discussing the matter in open session will have an adverse effect on the Town of Hadley."

Roll Call Vote: Moskin – Yes: Dudkiewicz – Yes: DiFulvio – Yes: Chunglo – Yes: West - Yes

Executive Session

The Board discussed points of the contracts with Dispatch, Police and DPW negotiations.

The Board discussed points of the contracts with Dispatch and DPW negotiations. There were various concessions between the Town and Union. Union wants to redefine overtime, but the Town is holding to 2 hours if someone is called in off shift. Another point is the Union wants cell phones. This could be a bargaining point, but the Town is against supplying phones to DPW workers. Another point with Union is being called in by Seniority versus "the wheel." The Town wants use the "wheel" system rather than seniority. A motion was made and seconded regarding contract language, and making this the Last/Best/Final offer. Motion approved by roll call vote:

Roll Call Vote: Dudkiewicz-Yes: Chunglo – Yes: Moskin – Yes: West – Yes

Regarding Dispatch negotiations, Last/Best/Final has been offered. The Town is waiting to hear back.

There are more police negotiations coming up; 2 more meetings have been scheduled. Some of the talking points are wage scale, supervision, shift supervisor and a Sunday shift. The negotiations will continue as needed.

A discussion was held in regard to litigation having to do with the Damon case. David Nixon and Chief Hukowicz will be attending mediation in Boston regarding this case. Mr. Damon is a bicyclist who rides down the middle of Route 9 and feels that his rights were infringed upon by the Hadley police. Mr. Nixon will report the results of mediation back to the Board at a subsequent meeting.


Adjournment

At 9:30 pm D. Dudkiewicz made a motion to adjourn, seconded by J. Chunglo and passed by roll call vote:

Roll Call Vote: Moskin – Yes: Dudkiewicz – Yes: DiFulvio – Yes: Chunglo – Yes: West - Yes

Meeting adjourned at 9:30 pm.

Respectfully submitted,


Margaret J. Jekanowski
Administrative Assistant