

BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
September 12, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054

CALL TO ORDER: Chair Andrea Wagner called the meeting to order at 7:30 p.m. The following persons were present: Chair Andrea Wagner, Vice Chair Donald Hendon, Clerk Charles Vecchi, Administrative Assistant Jennifer Cederberg and Town Administrator Charles Aspinwall.

ANNOUNCEMENTS: Sel. Vecchi made announcements for the Millis Cultural Council concerning a grant opportunity and their fall art show at the Veterans Memorial Building. Mr. Aspinwall noted that the bulk of the brush pickup from the storm is nearly complete. He said that information is due to MEMA tomorrow concerning potential damage reimbursement to the Town.

PERSONNEL PLAN: Mr. Aspinwall introduced Mary Aicardi and Town Counsel Brian Mazor who have participated in the development and review of the revised Personnel Plan. He explained the logic and history behind the development of the new plan. He explained that there are many federal laws in effect that employees are unaware of including FLSA, FMLA, SNA and HIPPA. He informed the Board that there were two meetings held to discuss the plan with employees. Mr. Aspinwall stated that a salary review was performed as part of the survey which will be further reviewed with the Board by Ms. Aicardi. He stated that these policies also effect Board and Committee members.

Mr. Aspinwall reviewed the Table of Contents and commented on each section and why it is included as part of the Personnel Plan. He highlighted the new policies, additions and changes in existing policies. He reviewed suggested changes by employees such as vacation time accrual, sick leave buyback, and bereavement time.

Attorney Brian Mazor addressed the Board and stated that the policies are acceptable as to form and are generally seen throughout municipalities. He stated the policies are helpful in respect to liability issues for the Town and they are very well-written and clear. He specifically addressed the Social Networking Policy which was discussed in detail at both employee meetings. Att. Mazor stated that this policy boils down to a first amendment rights issue and whether or not the employee is speaking as a private citizen or as an employee on work-related matters that impact the Town. He noted that this relates to things such as offensive comments or offensive photographs. Mr. Aspinwall pointed out the improper practices or uses of social media. Sel. Hendon stated his objection to certain aspects of the policy as it relates to what people might say that has nothing to do with their job or their employee status.

Sel. Wagner asked if there were other sections of the policy which caused upset among employees. Mr. Aspinwall noted that there was discussion surrounding the term "at-will employee". Sel. Wagner asked if these policies would be going to Town Meeting. Mr. Aspinwall stated that he has a call into the Town Moderator but it appears as though a Town Meeting vote is unnecessary and non-binding.

Mr. Aspinwall reviewed the comments from the Treasurer/Collector and noted that all employees are being encouraged to come forward with comments. He then asked Mary Aicardi to come forward to review the salary survey portion of the review. She went on to review the comparable communities and the survey results and which positions she is recommending be moved up within the pay scale. She stated that overall the Town is underpaying its employees by 3-4%. She noted that there is one position she is recommending be moved down the pay scale (the Assistant Assessor) but that more research needs to be done on this position and responsibilities in other comparable towns.

Ms. Aicardi clarified that the hourly rates used were from FY11 but that she could revisit the study and contact the comparable towns to see what increase they had across the board for cost of living for FY12. She stated that the discrepancy in the numbers shown is probably higher than what the actual numbers are as FY12 numbers for the Town of Millis were used.

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Sel. Hendon asked for clarification on how the comparable communities were chosen and whether or not the School/Town budgetary splits were looked at. Ms. Aicardi stated that they were not. Mr. Aspinwall stated that it has not been the practice of the Town to move positions beyond the mid-point of the comparable salary range and went on to review what the Town unions and School Department received for raises last year. Mr. Aspinwall stated that to move the salaries up by approximately 3-4% would cost the Town approximately \$170,000. He stated that this would have to go to Town Meeting to vote. Sel. Wagner stated that she would like to pursue this for November given that some employees were given 13 or 15% increases where others received 0%.

Mr. Aspinwall will do a union contract survey and Ms. Aicardi will update the spreadsheet with FY12 numbers.

DEPUTY FIRE CHIEF/CELL PHONE POLICY: Mr. Aspinwall reviewed the organization of the Fire Department and noted that the issue of a Deputy Fire Chief and its reclassification came up during the Fire Chief's review. He stated that the Deputy Fire Chief is at a PS7 and he would like to reclassify it to a PS9. Sel. Wagner questioned why this position was not included in the salary survey. Mr. Aspinwall stated that they can go back and re-survey for this particular position but that the monetary issue would need to go to Town Meeting. Chief Warren Champagne noted that he would like this to be a full-time and not an on-call position and this would be an additional position in the Department. Mr. Aspinwall stated that he would like to proceed with filling this position and then requesting the additional position at the May Town Meeting but that there would be a 9-month transition position period.

Chief Champagne stated that there is a need to have a cell phone policy in place to address things such as taking pictures at emergency scenes and making multiple personal phone calls during work hours. He said that the use of personal cell phones needs to be limited. Sel. Hendon stated that this policy needs to be closely looked at. Sel. Vecchi stated that the policy needs clarification and refining in the language.

50 UNION STREET: Mr. Aspinwall reviewed the case of the long-term water leak and noted that the family requested that this item be postponed until the next meeting so that they can attend.

21 HILLTOP DRIVE: Sel. Wagner recused herself from the discussion. Mr. Aspinwall reviewed the history of the case where it had been apparent that water was being fed to the garage without a meter being installed. He stated there were several years of use of water before the issue was discovered. He reviewed the meter tampering and theft of water bylaws and past charges and disposition of theft of water at Pine House Road. Sel. Hendon reviewed his recommendations. Sel. Vecchi stated that Mr. Aspinwall would have to calculate what the homeowner would owe over the last 3 years. Sel. Hendon suggested \$500 each for water theft and meter tampering plus cutting and capping the pipe at the homeowner's expense. This item will be discussed again at the 9/26 meeting.

VACATION TIME: Mr. Aspinwall reviewed the extension request from the Treasurer's Office employee and noted that he followed up with the Treasurer who verified that the employee would have been given the time off if it had been requested. He then went on to review a request from a Firefighter who was on vacation and called in to work, therefore losing 14 hours of vacation time.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to deny the vacation time extension request from the Treasurer's Department. The motion passed unanimously.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the request for vacation time extension from the Fire Department. The motion passed unanimously.

POLICE CHIEF RECRUITMENT: Mr. Aspinwall stated that the Search Committee is recommending that the salary range for the new Police Chief be \$105,000-\$120,000. He noted that this is higher than it was when the last

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Chief was in place as he earned \$103,000. He said that this position was dramatically underpaid as the results of a salary survey showed.

MPO ELECTION: Mr. Aspinwall stated that the Town of Needham contacted Millis to request our support for the candidacy of their Chair of the Board of Selectmen for one of the two "At Large Town Seats" for the upcoming election of the Boston Region Metropolitan Planning Organization.

Motion by Sel. Hendon, seconded by Sel. Vecchi, that we approve the nomination of Moe Handle of Needham for one of the two at large town seats for the Boston MPO election for this fall. The motion passed unanimously.

UNITED NATIONS DAY:

Motion by Sel. Hendon, seconded by Sel. Vecchi, that we do proclaim October 24, 2011 United Nations Day in the Town of Millis. The motion passed (2-1-0) with Sel. Hendon in opposition.

MUTUAL AID LAW:

Motion by Sel. Hendon, seconded by Sel. Vecchi, to execute the Mutual Aid Opt-In Form for the Town of Millis for the Statewide Public Safety Mutual Aid Agreement and the Statewide Public Works Municipal Mutual Aid Agreement. The motion passed unanimously.

SIDEWALK BID:

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the bid from ERA Equipment from Ipswich, MA, for the Pleasant Street Sidewalk Project in the amount of \$64,900 pending satisfactory reference checks. The motion passed unanimously.

MEETING MINUTES:

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve the regular session meeting minutes from 8/29/11 and 9/1/11. The motion passed with Sel. Vecchi abstaining.

CONTRACT AMENDMENT:

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve the contract amendment to PW Brown for the additional structural fill in the amount of \$27,156.00. The motion passed unanimously.

ADJOURN: At 9:35 p.m.,

Motion by Sel. Hendon, seconded by Sel. Vecchi, to adjourn. The motion passed unanimously.

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant