

BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES

September 10, 2009

Approved on March 3, 2010

An executive session meeting of the Orleans Board of Selectmen was held on Thursday September 10, 2009 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairwoman Margie Fulcher, Clerk Sims McGrath, Selectman Mark E. Carron, Selectman David M. Dunford, Town Administrator John Kelly, Assistant Town Administrator Myra Suchenicz, Orleans Police Chief Jeffrey Roy and Orleans Labor Counsel Paul Hodnett.

Chairman Fuller called the meeting to order at 9:10 am.

On a motion by Mr. Carron and seconded by Mr. Dunford, the Board voted, by way of roll call, to enter into executive session for the purpose of discussing strategy with respect to collective bargaining. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

Town Administrator John Kelly presented the Board with the information he had gathered regarding the projected budgetary short falls in relationship to the Quinn Bill reimbursement funds.

Mr. Kelly recommended that the Board take the negotiations slowly and in incremental steps. He further recommended that the Board ask the Police Federation reopen their current contract in exchange for the forgiveness of the 2009 Quinn Bill overpayment.

Orleans Labor Counsel Paul Hodnett, explained to the Board, his opinion, in regards to the legal ramifications of the Commonwealth of Massachusetts failure to fully fund the Quinn Bill payments, and the protection language that had been placed into the current union contract for the Town to recover payments when the commonwealth fails to fully fund the Quinn Bill payments. Mr. Hodnett stated that, in his opinion, the Town of Orleans would prevail should litigation result in the Town of Orleans enforcement of the contract's payment recovery actions.

Orleans Police Chief Jeffrey Roy urged the Board not to make the Quinn Bill payments if they were going to consider taking it back. He further stated that it would negatively impact the morale of the entire Orleans Police Force if the Town were to take that course of action.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to agree to forego the Town's right to seek reimbursement for the overpayment in fiscal year 2009 that resulted in the Commonwealth of Massachusetts failure to fully fund it's 50% share of the 2009 Quinn Bill payments, subject to the

Federated Police Union being willing to enter into an agreement with the Town of Orleans that this decision in no way constitutes a practice or precedent under the agreement. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

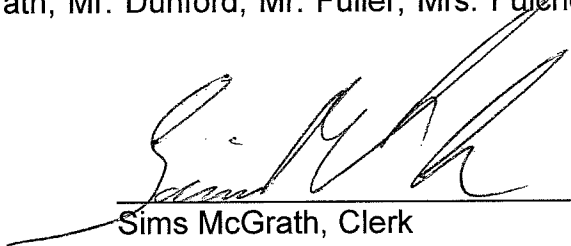
Mr. Dunford stated that his focus would still be in moving forward toward a lasting agreement with the Police Federation.

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to send a letter to the Police Federation indicating the Board's desire to meet with the union to discuss reopening the current collective bargaining agreement with the Police Federation, to address the Town of Orleans projected budgetary shortfall, and the Commonwealth of Massachusetts' failure to fully fund their 50% share of the Quinn Bill payments, and to direct the Town Administrator and the Chief of Police to draft possible proposals for the Board to consider that they are willing to present for negotiations with the Police Federation. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to adjourn. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fuleher and Mr. Carron all voting aye.

Transcribed by,

Kristen Holbrook



Sims McGrath, Clerk

released 10/6/10