

BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES

March 17, 2010

Approved on April 7, 2010

An executive session meeting of the Orleans Board of Selectmen was held in the Nauset Room of the Town Hall on Wednesday, March 17, 2010. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly, Assistant Town Administrator Myra Suchenicz and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 5:30 pm.

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted by way of roll call, to enter into executive session for the purpose of discussing collective bargaining. The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller and Mr. Carron all voting aye.

Mr. Kelly updated the Board on the status of the collective bargaining agreement with the Orleans Federated Police Union. The Board's most recent offer to the Union has failed by a voted of 6-9. Mr. Kelly asked Paul Hodnett to explain to the Union that there are 2 separate votes that the Town is asking the union for. The first vote is for a release for the 2008-2009 Quinn Bill reimbursements. Mr. Donlan has indicated that the union will agree to the release. Mr. Hodnett will draft the release and the Union will sign the agreement. In terms of going forward, the Police Chief, Deputy Chief and Lieutenant will have to sign the same release.

Mrs. Fulcher joined the meeting at 5:45 pm.

Mr. Kelly explained that Board originally budgeted without \$35,000 for the dispatcher, based on the union's vote, there is no way to replace the dispatcher, if the Board reinstates the position, the union will use that against the town and make it much more difficult to negotiate in the future. The clerical union is claiming that the Town is not eliminating the dispatcher position but moving it to a different union.

As it stands right now, the Chief will have to order an officer to cover the dispatch hours on a daily basis. The Town must figure out a way to communicate that the \$35,000 is not in the budget, the best way to communicate this, would be to take the money out of the overtime budget. This does put the Chief in a difficult position, as he would have to scrutinize any short shifts. There is really no other way to take the money out of the police budget.

Mr. Kelly recommended that the Board reinstate the dispatcher position for FY11, in the amount of \$35,500 and cut the necessary \$35,500 from the Police Department's overtime budget line.

Mr. Carron stated that he wished that the Board could meet with the union to discuss the issue.

Mr. Kelly explained that the union members had declined the invitation to participate in the meeting.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to reinstate the dispatcher position for FY11, in the amount of \$35,500 and cut the necessary \$35,500 from the Police Department's overtime budget line. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller Mrs. Fulcher and Mr. Carron all voting aye.

Mr. Dunford asked what arbitration would mean in the first year of the new contract in FY12.

Mr. Kelly replied that the odds are more in the towns favor than they had ever been, and that having the first year of the new contract, with the Police union, begin with a 3% increase would weaken the town's position. Mr. Kelly further stated that because of the agreements with the other unions, the Board needed to hold their 0% increase position.

Mr. McGrath stated that one of the most important things that the Board is trying to accomplish is to replace the Quinn Bill and if the Board were to accept the unions written offer, it would extend the Quinn Bill for another year.

Mr. Carron asked if the Town Administrator could offer furlough days to the employees, and Mr. Kelly explained that furlough days would have to be negotiated.

Mr. Fuller asked if Mr. Kelly could have Town Counsel prepare a statement for the Board to read, should the contract negotiations be brought up from the floor of the Annual Town Meeting.

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to approve the Town Administrator's recommendation to reinstate funding in the amount of \$24,154 for the Chief of Police, Deputy Chief of Police and Lieutenant, for their Quinn Bill payments, and ask the Police Lieutenant, to sign an agreement to waive his cost of living increase, and to consider making the necessary language changes to his contract with the town and that the Police Chief, Deputy Chief and Lieutenant sign the necessary waiver for the Town. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller Mrs. Fulcher and Mr. Carron all voting aye.

Chief Roy asked what would happen with the Quinn Bill payments for April; Mr. Kelly replied that there would be no change in the payments.

Mr. Kelly presented the Board with information on the threat of litigation should a position be eliminated from the FY2011 budget. The Board asked that Mr. Kelly schedule another executive session for 6:00 pm, on March 24, 2010 for further discussion.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted by way of roll call, to return to open session. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller Mrs. Fulcher and Mr. Carron all voting aye.

Respectfully submitted,

Kristen Holbrook

Released on 10/20/10

Sims McGrath Jr., Clerk