

CONFIDENTIAL

Town of Shirley

BOARD OF SELECTMEN



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

Kendra J. Dumont, Chair

Robert E. Prescott, Jr, Vice Chair

Enrico C. Cappucci, Clerk

BOARD OF SELECTMEN

Executive Session MINUTES

September 26th, 2016

TOWN OFFICES

Chair Dumont moves to go into Executive Session under Massachusetts General Law Chapter 30A, Section 21, Paragraph A2. Mr. Prescott, Aye. Mrs. Dumont, Aye. Mr. Cappucci, Aye. All in favor.

Vice Chair Quinty moves to have the Library Board of Trustees go into Executive Session. Doris Barreiro votes Aye, Judy Stainslaw votes Aye, Charlie Waite votes Aye, Beth Quinty vote Aye. All in favor.

Session begins with Chair Dumont stating that this meeting is a result of the Library Board of Trustees requesting to meet with the Board of Selectmen to discuss overages in hours at the Hazen Memorial Library.

Trustee Quinty states that she believes it is not an issue of hours but more an issue of requested flexibility.

Town Administrator Garvin states that in her opinion the main obstacle is a grievance filed by the clerical Union. The grievance states that their contract is being violated by additional hours being allowed at the library. Garvin states the grievance has not been responded to at this point, and if this body can come to a conclusion she will see if the Union wishes to retract their grievance.

Mrs. Quinty states that when the Union first began to come together the trustees did a considerable amount of research into other communities and realized that since Libraries have very different hours from Town Offices, that most libraries were treated differently. This language did not make it into the initial contract, and she believes additional language needs to be created to obtain flexibility.

TA Garvin states that she believes they should try to fix the problem with the flexibility and then fix some of the bigger issues at the negotiation table. Garvin believes the issue at hand is allowing Deb Roy to staff a call out with additional hours. Garvin states that these hours could not be filled with non-benefitted employees.

Chair Dumont clarifies that non-benefitted employees cannot work over 19 hours per week, but full time employees can pick up additional hours as long as they do not go over 40 hours per week.

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Mrs. Quinty states that she is nervous about not getting a seat at the bargaining table again this year and if they take this fix now they will not be allowed to attempt to make some of the larger requests.

Chair Dumont states that if there is not a MOU then it opens the door for other departments to differ from contracted hours and not adhere to the contract.

Selectmen Cappucci notes that he feels the Library Trustees are a different issue because they are an elected board. He states their Director should have the authority to do what is needed.

Chair Dumont states that she believes that would cause mayhem.

Mrs. Quinty states that the Town Management is to do what is best for the entire Town, but her management is to do what is best for strictly the library.

Chair Dumont states that she understands it was not right that the library did not get a seat at the Union bargaining table, but she is not on the Union representation and has to think what is best for the entire town.

Attorney Maser states that his worry is giving non-benefitted eligible employees enough additional hours to make them benefit eligible.

Deb Roy asks what she should do if someone is out for a short but considerable time period.

Attorney Maser states that she would just need to make the situation known as a special situation and not something regular.

Garvin states that there are employees in the bargaining unit that are under 20 hours per week that could complain that they are not allowed to go over 20 hours per week but employees of the library may.

Selectmen Cappucci asks Mrs. Roy if she goes to the same person when she needs to fill a shift or if it rotates.

Mrs. Roy states it is usually different people and is decided by who has not gone over their hours for the week. She would also like the ability to allow someone to make up hours that they lose when they are sick.

TA Garvin states that there are people in the Union that would like that same treatment, and we cannot treat everyone different.

Trustee Stainslaw states that maybe the library employees could grieve that they have to work on Saturdays.

Garvin points out that there is a contract in place that states the library makes their hours.

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Deb Roy states that although she knows she was in breach of contract over the summer, but fixed and maintained a contracted amount of hours in mid-August. Of the 13 weeks to date all weeks average about 13 hours.

Attorney Maser states only an arbitrator can accuse someone of breach of contract.

TA Garvin states that if the Board of Trustees can get on board with an MOU regarding flexibility of hours then during negotiation they can hopefully work on other issues.

Trustee Quinty asks if the Library can have a seat at the negotiating table.

Attorney Maser states that this is something that would be controlled by the Union and only the Union. There is an opening on the Union representation, but it is their decision who fills that position.

Selectmen Prescott states that during Union negotiation a number of agendas impeded on what was best for the employees and town, and that is why they placed a one year contract. He is in hopes that this year will be much better. Prescott suggests a possible sub-committee to talk library needs.

Selectmen Cappucci states that this is a complex department with a unique situation. Sometime it is like a babysitting shop and he believes that they deserve a seat at the table to prevent problems that have happened in the past.

TA Garvin asks how the Trustees would like to move forward.

Trustee Waite asks Deb Roy what she feels.

Trustee Quinty believes that the Library Director should be the only person to approve additional hours, and not the Town Administrator.

Selectmen Prescott states that he would be fine if the wording states that the Library Director approves and makes the Town Administrator aware.

Director Roy asks if her assistant could approve in her absence.

All agreed.

TA Garvin states that she will edit this and send to the Trustees for approval before sending a MOU to the Union.

Attorney Maser states that both boards should make a motion

Selectmen Prescott motioned to allow Town Administrator Garvin to draft a Memorandum of Understanding to send to the Library Board of Trustees for approval. Selectmen Cappucci, Seconds. Selectmen Prescott votes Aye, Selectmen Cappucci votes Aye, Selectmen Dumont votes Aye. Motion passes

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Trustee Quinty motioned to allow Town Administrator Garvin to draft a Memorandum of Understanding to send to the Library Board of Trustees for approval. All in favor. Motion Passes.

Selectmen Prescott motioned to go back into regular session only to adjourn. Selectmen Cappucci, Seconds. Selectmen Prescott votes Aye, Selectmen Cappucci votes Aye, Selectmen Dumont votes Aye. Motion passes.

Respectfully submitted Nathan R. Boudreau

Date accepted: _____

Kendra Dumont, Chairman

Robert Prescott, Vice-Chairman

Enrico Cappucci, Clerk

PUBLIC COMMENTS

ANNOUNCEMENTS

- 1. Next Meeting: Monday 11/9/16 at 7:00 p.m.

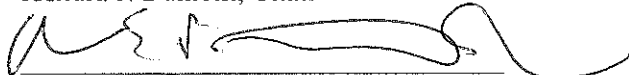
ADJOURNMENT

With no further business to discuss, *Selectmen Prescott motioned to adjourn at 8:32pm. Selectmen Cappucci Seconded., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.*

Respectfully submitted,
Nathan Boudreau, Executive Assistant

Date Accepted: JAN 3, 2017


Kendra J. Dumont, Chair


Robert E. Prescott, Jr., Vice Chair


Enrico C. Cappucci, Clerk

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.