



Office of the
BOARD OF SELECTMEN
272 Main Street
Townsend, Massachusetts 01469

Nicholas Thalheimer, *Chairman*

Sue Lisio, *Vice-Chairman*

Robert Plamondon, *Clerk*

Andrew J. Sheehan,
Town Administrator

Office (978) 597-1700
Fax (978) 597-1719

SELECTMEN'S MEETING AGENDA
FEBRUARY 12, 2013 - 7:00 P.M.
SELECTMEN'S MEETING CHAMBERS

I PRELIMINARIES

- 1.1 Call the meeting to order and roll call
- 1.2 Notice that the meeting is being tape recorded
- 1.3 Chairman's Additions or Deletions
- 1.4 Review/Approve Meeting Minutes: January 29, 2013. Votes may be taken.
- 1.5 Review/Approve Executive Session Minutes from December 18, 2012; January 8, 2013; January 15, 2013; and January 29, 2013. Votes may be taken.

II APPOINTMENTS /HEARINGS

- 2.1 7:05 Susan Funaiolo, Town Clerk: Present winner of #1 dog tag. Votes may be taken.
- 2.2 7:15 FY14 North Middlesex Regional School District budget: Joint meeting with the Board of Selectmen and Finance Committee. Votes may be taken.
- 2.3 7:30 Fire Chief Don Klein: requesting permission to apply for SAFER Grant and request to fill a second Deputy Chief position. Votes may be taken.

III MEETING BUSINESS

- 3.1 Sign employment contract with Fire-EMS Chief, Don Klein. Votes may be taken.
- 3.2 Vote to increase Snow & Ice deficit spending authorization. Votes may be taken.
- 3.3 Approve change of Town Election schedule. Votes may be taken.
- 3.4 Personnel Policies manual: discussion of revisions to manual. Votes may be taken.
- 3.5 Award Water Department Radio Read Project contract. Votes may be taken.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

None

V WORK SESSION

- 5.1 Board of Selectmen Updates/Reports
- 5.2 Town Administrator Updates/Reports
- 5.3 Review/Sign Payroll Warrant
- 5.4 Review/Sign Bills Payable Warrant

Executive Session: under G.L. c. 30A, s. 21(a)(2) to conduct contract negotiations with Lieutenant David Profit and Town Administrator Andrew Sheehan. Votes may be taken.



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SELECTMEN'S MEETING MINUTES
JANUARY 29, 2013 - 7:00 P.M.
SELECTMEN'S MEETING CHAMBERS

I PRELIMINARIES

- 1.1 The Chairman called the meeting to order at 7:00 PM and roll call showed Chairman, Nicholas Thalheimer (NT) and Clerk Robert Plamondon (RP) in attendance.
- 1.2 NT gave notice that the meeting is being tape recorded.
- 1.3 The Chairman added 3.3 and executive session topics to the executive session.
- 1.4 Motion was made by RP to approve meeting minutes of January 8, 2013. NT seconded. Unanimous. Motion was made by RP to approve meeting minutes of January 15, 2013. NT seconded. Unanimous.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Mr. Sheehan noted that the Cable Television Advisory Committee is still working on the franchise renewal. He recommends reappointment of the members. RP moved to reappoint the following members for terms from January 1, 2013 to December 31, 2013: Jerry Racette, Steve Cloutier, Kathleen Spofford, John D'Angelillo, and Stan Dillis. NT seconded. Unanimous.

III MEETING BUSINESS

- 3.1 Personnel Policy and Procedures Manual: discussion of revisions to manual. Tabled until there is a full complement of the Board.
- 3.3 Vote to accept the LAND grant from the Commonwealth of Massachusetts for the purchase of the Genova property and authorize Town Administrator Andrew Sheehan to execute contract documents for same. RP so moved. NT seconded. Unanimous.

II APPOINTMENTS /HEARINGS

- 2.1 7:15 Fire-EMS Headquarters Building Committee update with Kaestle Boos (initiated at 7:06). Fire Chief Don Klein spearheaded the presentation. This included a history of the buildings used for the Fire Department and the process to determine how to best move forward for the future of the Department. It is believed that consolidation of the buildings in the Center and West Townsend is the answer. He presented initial drawings of a combined headquarters station. The current project cost at this time is \$11,313,000. The anticipated tax impact would be \$20.17 per month or \$242 per year for the average household. He is asking for support from the Board before moving forward. The next steps are retaining the support of the Capital Planning and Finance Committees, refining the project cost, holding informational forums for the general public, presentation at Town Meeting, and passage of a debt exclusion vote (if successful at Town Meeting). He has already talked to the Energy

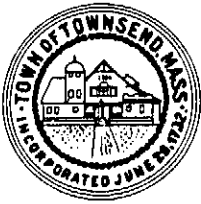
Committee and wants to meet with the Town Properties Committee to discuss what will be done with the current facilities when they are no longer needed.

- 3.2 Charter changes: discussion of the Charter Committee's recommended changes. Mr. Sheehan has discussed the proposed changes to the Charter with legal counsel. The Board can put the article(s) on the warrant for Town Meeting. If approved, they will be forwarded to Senator Flannigan and Representative Harrington to be filed for approval. The Board cannot put a Charter Commission on the ballot, but significant changes can be made by a Charter Committee appointed by the Board. The date of completion would probably be sometime in 2014 or later. We can either approve some of the smaller changes at Town Meeting or all of the changes at once at a later date. RP moved to request the Charter Committee's assistance in drafting an article for Town Meeting to approve minor changes to the Town Charter. NT seconded. Unanimous.

V WORK SESSION

- 5.1 Board of Selectmen Updates/Reports
RP announced a fundraiser for Glen Roberts on February 2, 2013 from 6-9PM at the Meeting Hall.
NT declared that he will not be seeking another term as Selectmen.
- 5.2 Town Administrator Updates/Reports
Mr. Sheehan said the governor has released his budget. It is positive with respect to local and school aid. He should be getting school and health insurance information within the next few weeks. The deadline for departments to get their budgets to him is February 15, 2013.
- 5.3 Review/Sign Payroll Warrant: RP moved to sign warrants out of session. NT seconded. Unanimous.
- 5.4 Review/Sign Bills Payable Warrant: RP moved to sign warrants out of session. NT seconded. Unanimous.

Executive Session: NT moved at 8:01 to enter into executive session under G.L. c. 30A, s. 21(a)(6) to discuss real property; under G.L. c. 30A, s. 21(a)(1) to discuss discipline, dismissal or complaints or charges against an employee or official; and under G.L. c. 30A, s. 21(a)(2) to conduct negotiations with the Fire Chief, Don Klein; Police Lieutenant, David Profit; and Town Administrator, Andrew Sheehan; and to adjourn directly from executive session. RP aye, NT aye.



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MEMORANDUM

TO: Board of Selectmen

FROM: Andrew J. Sheehan, Town Administrator

DATE: January 24, 2013

RE: Personnel Policies & Procedures Manual
Methods of Revising Manual

The Board previously directed me to review the Personnel Policies & Procedures Manual (the Manual), offer recommendations for updates, and describe alternative methods of adoption. This memo addresses this request.

Karin Canfield, Executive Assistant to the Town Administrator, has gone through the manual and identified some edits. I have also reviewed the manual and have on numerous occasions discussed it with labor counsel David Jenkins.

The Manual is significantly longer than it needs to be and would benefit from a substantial rewrite. The 36 articles that make up the Manual cover 73 pages. Another 8 pages are devoted to appendices. Many of the articles are covered by state or federal law. Whenever a state or federal rule changes it immediately makes the manual inconsistent and out of date. Unless we are going beyond the state or federal standard there is no compelling reason to mimic those standards at the local level.

That being said, many of the articles do need to be included in the Manual. Many of them, however, are wordy or poorly written. Often in writing policies and bylaws there is a desire to account for every potential scenario, no matter how remote. This is virtually impossible and generally just results in unnecessarily verbose policies. Those articles that need to remain should be revised in plain language.

I am more than willing to undertake a revision of the policies. I suggest that the Board instruct me to assemble a small working group to prepare a revised Manual.

The last question involves the method of adoption and amendment of the Manual. General bylaw Chapter 90, Personnel Policies, provides: "Any noncontractual personnel policy and/or procedure of the Town as affirmatively voted and signed off by the majority of elected boards and commissions shall be applicable to all noncontractual Town employees." This is a very unusual provision and one that Town Counsel does not recall seeing in any other community. There are other methods of adopting personnel rules. Some towns utilize a personnel bylaw that is voted by Town Meeting. Other towns allow the chief executive to promulgate personnel policies. Town Counsel advises this latter approach.

Adoption of personnel policies by vote of the Board of Selectmen is a sensible and expeditious approach. To my knowledge the Manual has not been revised since its initial adoption in 2004. The process laid out in c. 90 of the bylaws is cumbersome and time consuming and likely has played a role in it not being amended despite its obvious flaws. The attached bylaw amendment would accomplish this goal.

Personnel policies need to be revised as times and situations change. The process for revising them needs to be easy and quick. We all get frustrated by red tape. We should avoid creating red tape in which only we will get ensnared.

I look forward to discussing this in more depth and bringing our policies up to date.

Draft Bylaw Amendment

To see if the Town will vote to amend the general bylaws, Chapter 90, Personnel Policies, by deleting the existing language which reads:

S. 90-1. Adoption of noncontractual personnel policies and procedures.

Any noncontractual personnel policy and/or procedure of the Town as affirmatively voted and signed off by the majority of elected boards and commissions shall be applicable to all noncontractual Town employees.

S. 90-2. Promotions and transfers.

When an employee in the Town's wage matrix is promoted or transferred to a higher-rated position, he/she shall enter it at the minimum rate for that position. If his/her existing rate is higher than the minimum rate of the new position, he/she will advance to the next step above his/her present rate. He/she may also receive a one-step increase at the time of promotion, if the department head so recommends in writing, and as warranted by the employee's qualifications and performance, subject to the approval of the Board of Selectmen.

If an employee in the Town's wage matrix is transferred to a lower-rated position, he/she shall enter it at his/her rate in the position from which he/she is transferred. The pay rate of such employee shall be adjusted to the appropriate rate for his/her new position within one year by such adjustments as the Board of Selectmen shall determine.

And inserting the following in its place:

The Board of Selectmen shall, by majority vote, adopt personnel policies and procedures to address employment related matters. Such personnel policies and procedures shall include but not be limited to performance evaluation, grievance procedure, disciplinary action, layoff, employee safety, employee compensation and benefits, affirmative action, and sexual harassment.

Employees shall be provided an opportunity to review and comment on any proposed personnel policy prior to the Board's vote by to adopt.

Or take any other action in relation thereto.

