



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

Gordon Clark, *Chairman*

Carolyn Smart, *Vice-Chairman*

Andrew J. Sheehan,
Town Administrator

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MINUTES
OCTOBER 20, 2015, 6:00 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA

I PRELIMINARIES

- 1.1 Chairman called the meeting to order. Roll called showed Carolyn Smart (CS) and Gordon Clark (GC) present.
- 1.2 Pledge of Allegiance observed
- ~~1.3 Announce that the meeting is being tape recorded.~~
- 1.4 Chairman's Additions or Deletions: Delete 2.3.2, 2.3.3
- 1.5 Town Administrator updates and reports: Town Administrator, Andrew Sheehan (AS), had no reports.
- 1.6 Board of Selectmen announcements, updates, and reports:
 - CS provided GC and AS with a Selectmen's Office policies and procedures booklet and a board and committee handbook for review, feedback, and discussion at a later date.
 - CS spoke to Eric Demas from Melanson & Heath regarding notifications for the red flag program. He suggested the Town Administrator and Town Accountant. CS wants to discuss whether a member of the Board of Selectmen should receive notifications. Will discuss at next meeting.
 - GC asked about approving closing Town Hall on the day after Thanksgiving. CS suggested closing the building to the public and leave it up to the Department Heads. Will discuss at next meeting.
 - GC is handling the water department issues and addressed a letter from the Chairman of Water Commissioners to the Board of Selectmen asking when the Superintendent would be put back on the on call rotation. GC said that once Counsel advises the Board will address the issue.
 - GC said that the mileage reports from Highway and Water take home vehicles were in the Board's mail and he requested that the mileage reports from Water specifically reflect commuting mileage, just like Highway.
 - GC said he spoke to a representative of the Division of Open Government regarding the Open Meeting Law complaints against the Board.
- 1.7 Approval of meeting minutes:
 - Open Session: September 8, 2015, September 15, 2015, September 29, 2015, October 6, 2015, and October 13, 2015. CS moved to approve meeting minutes from September 8, 2015, September 15, 2015, September 29, 2015, October 6, 2015, and October 13, 2015. GC seconded. Unanimous.
 - Executive Session: September 15, 2015, session 1, September 15, 2015, session 2, September 29, 2015. Tabled until October 27, 2015 meeting.

II APPOINTMENTS AND HEARINGS

- 2.1 6:00 Executive Sessions

- 2.1.1 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints or charges against public officials or individuals. Deborah Kristoff, Treasurer/Tax Collector, (DK), was notified of the Executive session and requested that this item be held in open session. GC explained that the Board is going to extend DK's probationary period for another 90 days and that this was not a disciplinary action, but there are a lot of ongoing issues. GC said that DK works extremely hard. CS said that she met with DK a few days ago about extending the probation on Town Counsel's recommendation. DK said that there has been a great deal of transition that she had to deal with, the support staff had not received as much training as she thought so she has had to take the time to train them on Vadar software. DK objected to the extension of her probationary period as she is a financial officer and is bonded. DK said if the Board is not satisfied with her work, write warnings that lead to termination. GC said that the extension was not about termination, acknowledged training staff is time consuming, but he had to be fair to the citizens and is working for the people. He said he received employee complaints that needed to be addressed. GC believes that in 3 months DK will be in a good place. DK asked about complaints, but GC stopped the conversation and said that DK would need to talk to CS about the complaints in private. CS said that DK was in receipt of the complaints and there are still many issues ongoing. DK said that she has asked for the complaints and has not been provided with them. Cindy King (CK), Finance Committee Chair, said the agenda refers to complaints, but now the Board is not addressing those complaints. CS said that labor counsel advised the Board on how to proceed with this executive session. CK said that she has met with DK and the Town Accountant, and due to the many changes in the Treasurer/Collector office as well as the software changes, there are valid reasons DK is behind on cash reconciliation. CK said that the auditors had commended DK's abilities. CK said that if DK quits, the Town will be in big trouble. GC said that the probation would remain as there are too many unknowns and things have not gone the way they should, but does not want to talk about DK leaving. CS said that she has full confidence in DK's abilities. CK asked what question was posed to Town Counsel that led to the extension of DK's probationary period; did counsel recommend extending the probationary period or was the question simply can it be extended? GC said that he will not get in to specifics as legal counsel's opinion is privileged information. Veronica Kell said that she was in attendance because she usually watches the meeting on TV, but since this was not televised, she came in person. She asked if CS has full confidence in DK what is to be gained from the probationary period extension. GC said that he thought this meeting would be in executive session and that the access coordinator had a conflicting assignment, so the meeting would not need to be televised. GC said extending the probationary period is not about casting judgment but there are many unanswered questions, and that this was standard administrative procedure on the advice of legal counsel. Paul Rafuse, Water Supervisor, said that DK inherited a mess, as well as a lot of changes and restructuring in that department, which were hurdles that DK had to deal with, and asked the Board to support their employees and drop the probationary period. GC said that this decision to extend the probation was based on the needs of the people, and that GC does support DK; the extension was not disciplinary nor a reflection of DK's work, but things are not where they should be and this issue should have been discussed in executive session so no one would know about the probation extension. DK said that she takes offense to the probation and does not accept it. GC said he serves the people and the people's questions are unanswered. DK repeated that she would answer any and all questions that are posed to her. She is a certified Treasurer and a certified Collector with 21 years of experience and she is governed by Mass Law. GC said that this was not meant to be offensive but there are questions as to what is going on. DK repeated that she will answer any questions. GC said that this was an administrative decision and is not convinced that everything is answered. CS said that 3 years ago, the Town had a material weakness and the Town is back in the same position, which is why the extended probation is necessary, even though CS believes DK to be capable and intelligent. CS said that she had provided DK with the employee complaints. DK said that in regards to employee issues

there is one outstanding issue that is beyond her control and predates her; furthermore the auditors were happy with the way DK handled audit. CS moved to extend DK's probationary period for 90 days. GC seconded. Unanimous. DK asked what the next step would be if she refused to work under these conditions. GC said that he will not facilitate that request and that he answers to the people. DK said the she answers to the people as well.

- ~~2.3.2 Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining associated with the request for voluntary recognition of a new collective bargaining unit representing supervisory employees. Votes may be taken.~~
- ~~2.3.3 Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. Votes may be taken.~~

III MEETING BUSINESS

- 3.1 Review and discuss response to the Open Meeting Law complaints filed against the Board of Selectmen by Sue Lisio. CS said that legal counsel, Brian Riley drafted a response to the complaints and sent it via email. CS moved to approve the response provided by Brian Riley in response to the Open Meeting Law complaint filed against the Board of Selectmen by Sue Lisio. GC seconded. Unanimous. CS discussed the complaint which indicated that specification was required when entering into an executive session to discuss union negotiations. The response acknowledges the issue and the Board will be more careful going forward. GC advised AS to update agendas accordingly. AS said that he would, but also the Board has final say of the agenda and asked that edits be brought to his attention if necessary. AS asked if individuals should be named in executive session involving complaints or charges. CS said that is not necessary cited the email from Town Counsel from October 19, 2015. CS moved to consider the outline town counsel provided on an email dated 10/20/2015 from Brian Riley. GC seconded. Unanimous.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Appoint Fire-EMS Chief Mark Boynton, Town Administrator Andrew Sheehan, and Boxborough Police Chief Warren Ryder to the Police Chief Screening Committee with terms from October 21, 2015 until the completion of the Committee's charge. CS moved to Appoint Fire-EMS Chief Mark Boynton, Town Administrator Andrew Sheehan, and Boxborough Police Chief Warren Ryder to the Police Chief Screening Committee with terms effective October 21, 2015 until the completion of the Committee's charge. GC seconded. Unanimous. GC asked AS to notify Robert Pomeroy of BadgeQuest that the Committee had been formed. AS said that BadgeQuest has requested a salary amount from the Board for the new Police Chief to start advertising for such. The Board discussed pay ranges of \$95,000-\$105,000 with an educational incentive. AS said that because of Chief Marshall's buyout, a supplemental appropriation may be required to cover the cost of the recruitment and the new Chief's salary. GC suggested a range from \$95,000-\$125,000. CS moved that the salary range would be \$95,000-\$125,000 subject to on feedback from BadgeQuest. GC seconded. Unanimous. Karen Chapman asked why items 2.3.2 and 2.3.3 had been removed from the agenda. CS said that Counsel was to attend the meeting but was ill and unable to attend.

V WORK SESSION

- 5.1 Review and sign payroll and bills payable warrants. CS moved to review and sign payroll and bills payable warrants outside of session. GC seconded. Unanimous.

CS moved to adjourn at 7:01PM. GC seconded. Unanimous.

Note: documents used or referenced during the meeting are available at http://www.townsend.ma.us/Pages/TownsendMA_BOSAagenda/ or in the Selectmen's Office.

