

**BOARD OF SELECTMEN
MINUTES OF JANUARY 5, 2016
SHEPARD MUNICIPAL BUILDING**

PRESENT: Dario F. Nardi, Chairman, Robert E. Lavash Sr., Vice-Chairman, James A. Gagner Jr., Clerk
ATTENDEES: See list (attached)

Chairman Nardi called the meeting to order at 7:00 and led the Pledge of Allegiance in the Selectmen's Meeting Room in the Shepard Municipal Building.

Chairman Nardi announced that tonight's meeting was being both video and audio taped and requested anyone in the audience to disclose if they are recording tonight's meeting. Ms. Colleen Montague acknowledged she was recording.

Minutes

Motion to accept the meeting minutes of December 29, 2015 as written made by Mr. Gagner; second: Mr. Lavash – unanimous.

Old Business

- None

Comments & Concerns

Mr. Stanley Soltys asked for an update on his request for a written response to his list of questions presented during the meeting where the K-9 unit was discussed. Mr. Lavash stated he did not prepare, citing a busy schedule. Mr. Soltys asked when he may expect it, to which Mr. Lavash responded – next week.

Mr. Barry Mongeon from the Finance Committee is present to update the Board on the following 5 items:

- 1) He asked the Select board if they were proposing a level funded budget for FY 2017, asking for guidelines from the Board. Additionally, asked for an update on any proposed changes to the wage classification and whether FinCom should prepare budget sheets to reflect same. The Board has not begun its discussion on the budget, but suggested FinCom prepare for updates in the wage schedule.
- 2) Finance Committee has set a goal to have budget reviews completed by mid-March. At their upcoming meeting, they will be assigning committee members to act as liaisons with Town departments in an effort to meet their spring goal. The only department that may need more time, would be the school department.
- 3) Mr. Mongeon was approached with concerns that there may be a conflict of interest with new committee member, David Delanski serving on Finance Committee. Mr. Mongeon researched the matter and following review with the Association of Finance Committees and with state agencies and the Town's by-laws, it is determined that no conflict exists.
- 4) Also, FinCom member Edward Lundergan was sought out to sit on the Board of Trustees for the Warren Public Library. Mr. Lundergan will file the necessary exemptions with the Town Clerk, citing no conflict of interest. Additionally, he will recuse himself during discussions involving the Library.
- 5) Finance Committee will be meeting this coming Thursday evening and reviewing a RAT request from the Board of Assessors, for the purchase of office computers, following the failure of one of their computers.

There was a brief discussion as to Finance Committee having a full complement of members, to which Mr. Mongeon replied they have filled their vacancies. Mr. Nardi suggested it would be beneficial for FinCom to attend the school budget meetings. Mr. Mongeon, stated there are two or three members assigned to school and subcommittee meetings. The Select board thanked Mr. Mongeon for the updates.

Correspondence

The Board reviewed the following:

1. The office received an email from ACO Sara Prideaux requesting to speak to the board regarding the Assistant ACO position. *Board requested that ACO be invited to the next meeting to discuss.*

2. The office received official notice from the Attorney General's Office that both Chairman Nardi and Selectman Gagner violated the Open Meeting Law during a phone call on the morning of September 3, 2015. The Board has been ordered immediate and future compliance with the OML and this matter is now considered closed. *Mr. Nardi noted this was discussed at last week's meeting.*
3. A meeting will be held on Thursday, January 14th at 6:30PM at the Ware High School Library in order to discuss the proposed consolidation of Baystate Mary Lane Hospital in Ware and Baystate Wing Hospital in Palmer under one license. Notice has been provided to both the Fire and Police Departments for their review. RSVP is required. *Mr. Nardi gave a brief synopsis of the memo that was received. Mr. Mongeon asked if there was any financial impact to the town of Warren. Fire Chief Lavoie remarked this could potentially be a loss to the community and could impact transport services. The Board members will check their schedules.*
4. Anyone wishing to dispose of their Christmas tree may do so at the highway barn located at 87 Brimfield Road. *Noted*
5. The office received the monthly report for December 2015 for Emergency Mgmt./CERT. *Noted*
6. The office received official notice from the Attorney General's Office that Selectman Lavash' Open Meeting Law complaint was beyond the appropriate time frame and the matter is considered closed. *Noted*

7:15 PM – Discussion with Chief Lavoie re: On-Call Roster Salary – Vote Expected

At a subsequent BOS meeting, Fire Chief Lavoie provided the Board with an updated Warren Fire Department Call Salaries Breakdown [Document]. The updated Document adds 1 Department Chaplin to the roster. The Document does not request additional appropriation. Chairman Nardi turned the floor over to Chief Lavoie for his statement on the matter. Questions and comments were as follows with the Chief's response in italics:

Chief Lavoie - this is not a full or part time position, this is a benefit to the fire department and the community. It is necessary and not costing the town anything.

Mr. Nardi – not questioning the position, question is how to pay for it this year and to document correctly for next year. How often do on call salaries get distributed? – *At the end of the fiscal year. All department staff get paid from the appropriation.* Mr. Nardi – This schedule was modified to include Chaplin. *Yes –*

Mr. Nardi – As change was not present last year – and position is paid out at end of year, chaplain was not labeled in the breakdown could the Board sponsor an article at the special to fund the chaplain. – *Don't think it is necessary as the fire on call salary breakdown was developed by former Chief Dolan. Under the Strong Chief there is authority to add/change on-call salaries. Strong Chief statues allows setting of salaries and personnel as needed, therefore do not believe this is an issue that should have to go before the Town. Town Council opinioned that this is completely appropriate.*

Mr. Nardi read an excerpt from an email from Town Council - ..."[the fire chief] ... shall appoint a deputy chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing. He shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation ..." If, however, the compensation plan (and the rates therein) have been applied to call firefighters, then I would recommend that Town Meeting vote to amend the compensation plan to include a wage rate for the new chaplain's position....

Chief Lavoie, stated he had not seen the email from Town Council, nor has he been approached over the concerns being discussed, therefore finds the discussion inappropriate - *there are numerous other towns that have a call chaplain appointed by the Fire Chief, I got off the phone with the head of the Fire Chaplain Core, they need a letter of recommendation from a Fire Chief when one is appointed to accept them into their core, this has been done with hundreds of communities. Fire Chiefs are doing this all over, Warren is not unique to this.*

Mr. Barry Mongeon - is that a new position? – *There is a misunderstanding. Fire Chief appoints the position, they create positions within the department that they feel are necessary for the department, as part of the statute.*

Mr. Nardi - question raised at this time is – there will be money there to fund the position, when the list was provided, it did not include the chaplain, where it does now , which is an amendment after the town meeting. Can the Board accept that change and pay the person out of that with this new call salary breakdown? – *Call Salary breakdown was done by former Chief Dolan, with several revisions done without town meeting, and he never had issues in past. It was modified between him and Board of Selectmen – again the Strong Chief statute allows to sets the salaries for all call members, with approval of the BOS, which is why I brought it to you several weeks ago.*

Mr. Robert Lavash— no one is questioning your authority – question is where it can come out of the FY16 budget.... - *If there is no dispute, then I can appoint as a Strong Chief. The omnibus budget states fire department salaries – does not say fire fighter salaries, lieutenant salaries, it says Fire Department Salaries.*

Ms. Madeline Witaszek – the budget that Adam presented to Selectmen and the Finance Committee clearly states that it is for on call personnel. Ms. Witaszek opinions that when town meeting votes on a budget it is put in based on this agreement which the selectmen are aware of along with the amount of money that he has to spend. Ms. Witaszek states there are ambulance wages; Chief wages; EMT stipends, and cannot pay him out of any of those lines; the account has always been for on call fire fighters – and he is an on call chaplain. - *I amended it to say – on call Chaplin and as stated, he is an on call personnel.*

Mr. Nardi recognized Mr. James Gagner to speak, Ms. Witaszek felt he should not say anything to which Mr. Gagner replied he can participate; just not vote on it. Mr. Gagner asked if the breakdown given was at the request of the Selectmen to be voted on by the Board or voted by the Town or as a curtesy by the Chief. Mr. Nardi opinions it is at the curtesy of the Chief; the BOS has not voted on the updated call sheet? Has the BOS voted in the past? Ms. Witaszek responded the original was voted on by the Selectmen. Ms. Witaszek in her opinion feels the town votes on call fire fighters, that’s all it’s ever had, in her opinion it needs to go back to town meeting, if the BOS accepts the changes, they will know when they vote on FY17 on call salaries, it will include the chaplain.

Mr. Nardi asked Finance Committee Chairman Barry Mongeon for his opinion. Mr. Mongeon feels it is a matter of semantics – seems fire fighter salary vs on call salary, he cannot make justification one way or another without paperwork in front of him. If vote for Fire Department Salaries is true – he would have to say personally, he would have to agree with Adam if wording is correct. Mr. Mongeon further stated he would agree with Adam, if he has the right as Strong Chief, if he has authority to spend that line, and not exceed it, he should be able to do it. Ms. Witaszek added, – with the approval of the Board of Selectmen and that her opinions given are professional and not personal.

Mr. Peter Krawczyk – feels that Adam should have the right to adjust salary as voted at town meeting – he is given a number and work within that number. Under his rule as Strong Chief, he should be able to do so and we shouldn’t be questioning it. At town meeting it can be brought up as clarification.

There was some additional remarks by the Board and Chief Lavoie as to payment at the end of the year, Chief Lavoie does not believe that the gentlemen will not continue to wait until the end of the year for a decision on receiving payment. Mr. Nardi stated it could be brought to a Special but the [Document] needed to be brought to a vote.

Mr. Nardi felt matter had been covered and asked his colleague Mr. Lavash for anything further. Hearing nothing, a motion to approve the Warren Fire Department Call Salary breakdown provided by the Fire Chief to include one (1) Chaplain; by Mr. Nardi; second: Mr. Lavash – 1 abstention (Gagner) A copy of the Warren Fire Department Call Salary breakdown is attached at the conclusion of this document.

7:30 PM – Discussion re: Use of MOB Gym – Vote Expected

Mr. Nardi stated that questions regarding liability concerns had been posed to MIIA, with no response at the time of this meeting, therefore, requested the matter be tabled. Mr. Gagner had no objection.

COA – Formula Grant – Vote Expected

Motion to approve and have Chairman sign, made by Mr. Lavash; second: Mr. Gagner - unanimous

Treasury Warrants and Invoices

Motion to approve the following warrants made by Mr. Gagner; second: Mr. Lavash – unanimous

<u>Date</u>	<u>Warrant #</u>	<u>Amount</u>
01/04/2016	91	35,109.52
	93	52,088.16

Motion to approve the following warrants made by Mr. Nardi; second: Mr. Gagner – 1 abstention

<u>Date</u>	<u>Warrant #</u>	<u>Amount</u>
01/04/2016	92	342.18

Motion to approve the following warrant made by Mr. Nardi; second: Mr. Lavash – 1 abstention

<u>Date</u>	<u>Warrant #</u>	<u>Amount</u>
01/04/2016	94	2,220.00

Motion to approve the following invoices made by Mr. Gagner; second: Mr. Lavash – unanimous

<u>Fiscal Yr</u>	<u>Invoice No.</u>	<u>Description</u>	<u>Payee</u>	<u>Amount</u>
FY14	#5 - Final	Pleasant St. Improvements Grant 12-740.1	Pioppi Construction	124,378.19

New Business

Mr. Nardi stated that the Shepard Municipal Building has been experiencing some issues with their internet/email systems and the issues should be resolved shortly. He apologized for the disruption in emails.

Next Meeting Date: January 12, 2016 @ 7:00 PM

Motion to Adjourn made by Mr. Lavash; second: Mr. Gagner – unanimous at 7:41 PM.

Respectfully submitted,

Lorena Prokop
Administrative Secretary

James Gagner, Clerk