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CONFIDENTIAL

Board of Selectmen and Personnel Board Joint Meeting Minutes Executive Session April 19, 2013

Attendance: Anthony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Town Administrator Fred Turkington, Personnel Board Members Nancy McCarthy, Maryanne Peabody, Phil Schneider, Nick Willard, Assistant Town Administrator/Human Resources Director John Senchyshyn, Public Building Director John Moynihan, Labor Counsel Elizabeth Valerio

Purpose: The session was called at 8:15 a.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) of the Board of Selectmen in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of collective bargaining strategy discussions with respect to pending Teamsters Local 170 and AFSCME Local 690 grievance hearings as a discussion in an open meeting may have a detrimental effect on the Board's position.

Discussion: J. Senchyshyn distributed copies of the AFSCME Local 690 grievances and the respective contract language. He also stated that several engineers had toured the building on Tuesday, April 16, at the request of J. Moynihan. An executive summary of the engineers' findings was distributed.

E. Valerio commented that the Teamster grievance referenced existing contract language to support the grievance. The AFSCME grievance was not based on specific language and may not be a legitimate grievance under the contract, and as such, may not be arbitrable. E. Valerio noted that employees were likely seeking a vehicle to be heard. She also stated that OSHA regulations do not apply; the Commonwealth has its own language which closely follows OSHA. Members discussed their tour of the DPW facility. J. Moynihan commented that there was a high probability that the facility could be closed if state officials inspected the building. E. Valerio offered several options ranging from trailers for administrative staff to renting garage space from neighboring towns. She also noted that closing the building could trigger several negative effects for the unions, such as contracting services or layoffs.

D. Leard asked if the grievance had been brought up previously by the unions. T. Boschetto inquired if the Town and unions had worked cooperatively to resolve the issues. S. Correia requested a list of all repairs completed over past several years.

T. Boschetto raised the value of discussing the issues with the unions in advance of the hearing. He also questioned why the process hadn't followed the contractual steps. J. Senchyshyn responded that it didn't appear within the DPW Director's ability to resolve a Step 1 grievance, nor was it within the Personnel Board's ability to resolve a Step 2 grievance. After consulting with N. McCarthy, the joint hearing with the two boards was recommended. Members from both boards discussed the merits of the open grievance

hearing as proposed. J. Nolan and S. Correia indicated that they did not have strong feelings for an open session or executive session hearing.

Members decided to propose to the unions that the unions make a joint presentation to the boards regarding their concerns of the DPW facility prior to a hearing. The hearing could be scheduled for the following week, but held as an executive session hearing rather than the proposed open hearing. J. Nolan reiterated the earlier request for a list of repairs to the facility. He also requested a short-term priority list of items for repair with accompanying cost estimates.

By motion of E. Collins, seconded by S. Correia, by roll call vote, it was unanimously voted to exit executive session at 9:25 a.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the April 19, 2013 Meeting

1. AFSCME Local 690 Grievance and the Respective Contract Language