

Fire District #1 Prudential Committee

Open Session Meeting October 22, 2015

Call to order @ 6:30pm

Members present- Kevin Taugher, Ray Miner & Greg Sheehan

Signing of the Warrants

Review and approval of minutes of previous meetings

- GS- motion to approve the open session meeting minutes for August 25, 2015 with an amendment on page 3 as presented
- RM- 2ND
- UA

- GS- motion to approve the open session minutes for September 17, 2015 as presented
- RM- 2ND
- UA

- GS- motion to approve the open meeting minutes for October 1, 2015 as presented
- RM- 2ND
- UA

The committee reviewed the executive session minutes from September 26, 2013 to determine if they were ready for disclosure. Under the public records act the minutes contain private information about an individual therefore they were not approved for public disclosure.

- GS- motion to keep the executive session minutes for September 26, 2013 sealed
- RM-2ND
- UA

The committee also reviewed the executive session minutes for November 18, 2013 and determined they should stay sealed because they involved an individual as well as attorney client privileged information with communication from the attorney.

- GS- motion to keep the executive session minutes from November 18, 2013 sealed
- RM- 2ND
- UA

Update on the District free cash position, status of DOR submittals

Monica said that Scanlon had some adjustments for her but they have not had a chance to get together. She said they are playing email tag. She said she will confirm but didn't anticipate free cash being too

far off from last year's number. EST 971k. KT told Monica if she doesn't hear anything from Scanlon by 11/1 to let him know and he will give him a call.

Timeline for 2017 Budget process

Talk of setting a preliminary timeline for budget review ensued. It was thought that we could start that process in December but new health rates won't be out until January. Probably have a joint meeting with the Water Department and Commissioners by the end of January with the budget wrapped up in the February meeting

Ambulance Director Report and recommendation for Ambulance receipts, including update of receipts and adjustments by month

- GS- motion to adjust the ambulance receipts through Medi-compts ending September 30, 2015 for the amount of \$4,619.51
- RM-2ND
- UA
- GS- motion to adjust the ambulance receipts from Comstar ending September 30, 2015 in the amount of \$54,323.75
- RM-2ND
- UA

Request from acting Chief to approve hiring of call firefighters, and vote to approve

The current staff of call FF is at 14, we had budgeted for 20 but at a previous meeting the Committee voted in a hiring freeze given the uncertainty of the numbers from the treasurer's office. It was suggested that any future hiring's brought to the Committee on a case by case basis until further notice.

- GS- motion to approve the request of the acting Chief to hire 2 new call FF
- RM-2ND
- UA

Review of roofing contract recommendations by Tighe & Bond, and vote to approve

The committee signed the contract for the roof project. The recommendation from Tighe & Bond was to award the contract to the 2nd lowest bidder during the process. The original winner of the bid could not secure the proper insurance which resulted in this new recommendation. Tighe & Bond has confirmed that the contract conforms to what was requested and it is there recommendation to proceed.

- GS- motion to approve the signing of the contract with R&H Roofing of Easthampton, Ma
- RM- 2ND
- UA

Chiefs monthly updates on events, spending vs. plan, administrative, interactions with town departments, inspections

There was no report on fire calls or inspections

There was a discussion about the P/S report that was handed out. Capt. Schenker said he wasn't sure what the Chief was giving the Committee for reports so he printed all the reports he could find.

KT asked who tracks overtime and determines whether it is attributable to the Ambulance or the Fire side of the house. Capt. Schenker said that the Chief would make that determination.

Discussion on structure and content of Fire Chief contract, job description and vote if required

KT asked Fred Sullivan (Labor Counsel) to attend open meeting and walk us through the process and discuss the concerns raised at the October 1 meeting. Specifically, the job description, contract, and approval of the Strong Chief Law.

Fred said there was a discrepancy between the agreements and the Strong Chief Statute. He said that the timely notice of termination has been given to the Chief which then poses the question of what action does the Committee wish to take with respect to the Chief. He explained that the Chief could continue as a Strong Chief under the statute. He could be, as any Chief in a similar situation terminated on the basis of cause after receiving notice and having a hearing.

Fred said there were a number of questions. Whether the District is going to continue with Strong Chief. Given the termination of the contract the question becomes whether the District is going to continue with the Statute with this Chief or the next Chief. If there is cause for the termination of a Chief then you could take action. In the absence of the cause the position continues. If the citizens change the statutory designation then we are in a different situation. The Committee would then assume the role of limiting the responsibilities of the Chief. Fred said there is always the possibility in any relationship of coming to some agreement whether voluntary or involuntary separation.

KT asked if there were any questions from the committee regarding Fred's information. RM said he had no questions at this time. GS asked that barring a change in the Strong Chief statute, regardless of the contract ending December 31, 2015. Unless we terminate for cause, he stays. Fred said that is essentially what it would be. GS asked then why even have a contract. KT said it comes back to the sequence of events around the job description, the hiring and then the implementation of the Statute and no one knitted it all together.

Fred said that although the Statute seems to indicate some kind of tenure status the question then becomes, what are the conditions of employment? The obvious change could be compensation as long as the individual is not civil service, compensation can be changed.

Roll call vote to enter executive session- in compliance with the provisions of Chapter 30A, Section 18(a) (Exception 3) and return to open session at the conclusion of executive session

KT- ““I move that we enter executive session to discuss strategy with respect to collective bargaining with the South Hadley District 1 Professional Fire Fighters Association because an open meeting may have a detrimental effect on the bargaining position of the district.

Open session will reconvene at the conclusion of the executive session.”

- RM- yes
- GS- yes
- KT- yes

Entered executive session at 7:05pm

Returned to open session at 7:43pm

New Business unforeseen 48 hours or less before this meeting

Capt. McClafin asked about the status of the letter the Committee has said they were sending him in regards to Interim Chief Status. KT explained that the letter in question was in regards to when the Chief's contract was up. According to the by-laws the next in command is to be asked and so on and so forth. While the Chief is still technically employed he can assign his duties in his absence. In this case they were assigned to Capt. Schenker.

Furthermore, the Committee asked Capt. Schenker to solicit interest from qualified staff about testing for Chief. Capt. Schenker said there was interest from most but one was wondering what the money was going to be like before making a decision to test. Capt. McClafin then had concerns about what exactly they would be testing for. KT expressed that this is part of the existing problem around the position. The contract and job description were never integrated together with the Strong Chief statute after the statute was passed. This is one of the issues we are seeking guidance from counsel. How do you make all three work best for the needs of the district residents? Now throw in the ongoing labor negotiations and how that effects the hiring of a new Chief.

There was discussion about getting some of these things squared away when the Chief comes back next week from leave. Capt. McClafin said that KT mentioned the Chief was coming back next week but there are some Captains that weren't even aware that Capt. Schenker was the acting Chief in the current Chief's absence. KT said he had directed Capt. Schenker to announce to the command staff and all personnel that until further notice he was the acting Chief. KT asked Capt. Schenker if he had notified all the staff. Capt. Schenker said everyone has been told. He also stated he didn't have written confirmation, only verbal that the Chief was coming back. KT said that Capt. Schenker had told him he had a note that says the Chief was excused from duty until October 27. KT said he was also under the impression that a letter was posted stating that Capt. Schenker was acting Chief. Capt. Schenker said it was posted upstairs but Capt. McClafin said he hadn't seen it. Capt. Schenker said he also put a letter

in everyone's mailbox but some people don't check their mailboxes. KT said without micro managing it appears that communication is not a strong suit of the department. KT also said that this is a good example of why you need a procedure manual so that when there is a change in command there is a proper procedure for effectively communicating that change. That clearly doesn't exist. Capt. McClafin said then if he read the letter correctly and the Chief wasn't coming back until the 27th and they aren't supposed to have any contact then the Chief shouldn't have been in the building working today. KT then asked the acting Chief what is the typical procedure for extended medical leave return to duty. KT was under the impression you need to get approval from Dr. Bombardier. Capt. Schenker responded "correct". GS commented that basically Chief Authier violated the letter that the interim Chief sent to him stating that he was not to come on premise until he was cleared to come back to work. Capt. Schenker said the letter didn't say he couldn't come on premise, just that he couldn't perform any duties. GS asked why else would you be on premise to which Capt. Schenker responded "it's a public building". Capt. Schenker said he understood what GS was saying but he didn't know why Chief Authier was there today but he had heard about it. KT said the reason for the required sign off for the fit for duty by the Dr. is to protect the health of the person on leave as well as the district from someone coming back prematurely and getting hurt. That's why it is there and has to be enforced.

Josh Clegg then asked about the funds that were set aside for representation during negotiations with the labor union. He wanted to know if those funds had been exhausted or was that going to suffice throughout negotiations. Was there going to be a need to appropriate more funds down the road. KT said the funds have not been exhausted. We are getting an estimate from counsel on what he thinks is going to be needed and if we need more money then we would have a special meeting to appropriate the funds.

Confirmation of agenda items for future meetings and next date

November 12, 2015

Motion to adjourn

GS- motion to adjourn

RM-2ND

UA

Meeting adjourned at 8:10PM

Respectfully submitted


Greg Sheehan

Prudential Committee, Clerk