

Fire District #1 Prudential Committee

Open Session Meeting March 29, 2016

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 meeting minutes for February 4, 2016 as presented
- RM- 2nd
- UA

- GS- motion to approve the open meeting minutes of the March 1, 2016 meeting as presented
- RM-2nd
- UA

Discussion on Fire District / Water District land use

The water superintendent and the board of water commissioners were in attendance. Bill Schenker was asking the PC as overseers of the district land to approve the donation of a parcel of land behind the leaping wells reservoir to the town for the express purpose of building of a new Council on Aging if the town wants it. The donation of the land would have a contingency that it could only be used for construction of a new COA.

- GS made a motion to offer the piece of land in question to the town of South Hadley on for the sole purpose of building a new Council on Aging
- RM-2ND
- UA

Update from the Chief & Ambulance Director on the process to collect past due ambulance fees / or abatements

Chief said the paperwork came in the day after our last meeting. He said that Capt. Schenker was scrubbing the list of things that may have already been taken care of. He thought he could get that back out to them by Friday.

Review status regarding scope of OPEB (retirees, health insurance, pension)

Monica said she talked briefly to the actuary and she had a draft of the work. She said he was willing to set a meeting but that would cost about \$500. Or we could arrange a conference call to discuss the details. There was discussion around some warrant articles that pertained to the OPEB. Monica said she had a couple of calls into Scanlon but haven't touched base.

Jeff Cyr asked Monica to confirm the number that she gave him for the water department liability was 2.2 million. She couldn't confirm because she didn't have it in her materials for the meeting. She said she could give it to him before she leaves.

KT mentioned this only represented the health insurance liability. Jeff Cyr mentioned he had heard that in addition to the 6.5% increase this year he was hearing an 8.5% increase for next year.

KT asked if the committee wanted to delegate to him having the conference call with the actuary. Monica asked Jeff Cyr, the water superintendent wanted to attend the conference call since it effects the water department as well. He said he did. Chief Authier did not ask to be on the call even though the department's liability was looking close to 6 million dollars and would likely have a significant impact on his future budgets.

Review updates of FY 2017 Budget and vote on budget, if necessary

The numbers remained the same from the last meeting.

- GS made a motion to approve the FY 2017 budget as presented
- RM- 2ND
- UA

GS had asked the chair of the PC just how many hours of his own time he spent in preparing the budget. KT said a lot of time, there were a lot of bad numbers, figuring it out and correcting it.

GS then asked Bill Schenker the chair of the Water Commission how much of his own time he spent preparing the budget for the Water Department. He replied that he didn't spend any time on the budget. GS surprisingly said, "None" and then asked if they got it all done in one meeting. To which commissioner Daly replied, "Yes". He said that Jeff Cyr had a great system in place that makes the process easy.

Review the annual meeting warrant, vote to approve and sign

KT said that at this point we can review it. The standard articles included with a couple of new articles in regards to the funding of the OPEB.

Monica said that she hasn't finalized the warrant because she could not find the adoption of an article from 1985 around the OPEB. KT asked if the state would have a copy of all the articles adopted from previous annual meetings. Monica said no, she doesn't send those to the state for filing.

The committee decided to hold off on signing the warrant for now.

District Clerk / Treasurer update on policy for personal use of fire district vehicles

Monica didn't have much to report. Monica asked if KT was asking her to write a policy. KT said after talking to Scanlon that Monica had a responsibility to report the imputed income from fringe benefits as the treasurer. KT didn't want to see her get in any trouble for not having the reporting done. Monica agreed but said that from her conversation with Scanlon it is her understanding that because the Chief's contract is expired there is no policy in effect. KT said that the PC hasn't changed anything around the assigned vehicle since the contract expired. Therefore, he still has it for personal use and not mandated to use it for all district purposes is defacto what the policy is at this point. KT said that based upon that policy and the tax fringe benefits implications of that, she may want to work with the Chief and his tax person to come up with a policy. KT believes that the existing policy may have some significant financial issues for fringe benefit recognition. Monica said she understood but also asked that since the contract is expired can we not put on a piece of paper saying this is the policy going forward. KT said we will take the words right out of the contract with specific uses for the vehicle in writing.

Roll call vote to enter into 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. This requires a roll call vote."

- GS- AYE
- RM- AYE
- KT- AYE

Entered executive session at 6:53pm

Return to open session at 7:26pm

Continuation and review of current Fire Department policies and procedures

KT asked if the Chief to submit more updated policies and procedures. He said he hadn't seen any since the first 5 he sent. Chief said that he didn't send anymore because he figured we would talk about the ones the PC had. KT said he wanted them to continue to be sent so we can review them, have them on hand and then pull them together after any committee comments or questions.

KT asked if there was policies on standard trainings like sexual harassment, HIPPA, Ethics, etc. Chief said they do the Ethics and sexual harassment every year. HIPPA comes when you become an EMT. KT asked if there were annual reviews on that. Capt. Schenker said if you chose to go to one but he hasn't brought training into the department in a while. KT said that will need to be looked at as well as public records laws. What constitutes a public record? Ex.- how much of a fire call is public record. KT wants to make sure everyone is made aware of what constitutes a public record.

Review of the new policy and procedure for the School Department regarding inspections

This was a follow up to a meeting KT and the Chief had with the school department earlier in the month. KT asked if the Chief had an update on providing the deliverables for that. The Chief said he didn't think there needed to be a new policy. He felt comfortable that everyone was on the same page in regards to the school inspections and expectations as well as a timetable for accomplishment.

KT said that one of the deliverable he had from the meeting was a list of infractions that the Chief would close the school for. This was because they had some issues that they felt they were under the threat of the school being closed. Chief said LT. Houle went to a fire prevention meeting and would be preparing a list for the school department. KT said it's important to address their concerns and to make sure they get that list. Chief agreed. The LT. would prepare a list that both parties agree to and have signatures from both sides that they are aware of the violations so there is no question upon re-inspection.

KT also asked that the Chief confirm with the Superintendent of Schools that the School Committee is briefed on what constitutes a violation. Chief said he would take care of it tomorrow. There was concern that fire lanes be properly marked around the schools so there are no surprises over what is considered a violation.

Review of the PC hiring freeze directive and implementation

The committee instituted a hiring freeze last fall and it was a surprise to the committee that the Chief recently announced the hiring of a new call FF. KT asked the Chief to speak to his recent actions in violating the policy. Chief responded that they recently had a loss of a call FF and the numbers were down. Chief said that he filled that spot bringing it to 18 call FF and we were budgeted for 20.

KT asked if there was something the Chief didn't understand about the hiring freeze. The Chief said it wasn't that he didn't understand it, he was interpreting the Strong Chief Statute one way and the committee was interpreting it another way so he has asked for an opinion from the attorney. Chief said in reading the statute it says that he does the hiring and discharging of all department personnel.

KT said the PC approved a policy that required approval of all expenditures until such time the Chief was notified otherwise because of our concern about the district's ability to make payments going forward. We instituted this hiring freeze that the Chief was aware of and yet the Chief added one person beyond the hiring freeze. The Chief acknowledged he did. KT said that all we asked for was the Chief to come to the PC to get permission for such expenditures based upon need. Chief said he believed what the PC had asked him to do was to bring us names and we would tell him if those people were ok to be hired.

KT said all expenditures for hires require PC approval. This means that the PC gives permission for the hiring expenditure which the Chief has failed to secure in this latest hiring. Chief continued to say that there is a disagreement between permission and authority.

GS-pointed to the meeting minutes of August 25, 2015 where the PC voted to implement a hiring freeze based on our financial concerns going forward, major discrepancies in free cash amount, ongoing labor negotiations and the search for a new Chief. This was not to say that the Chief could not come back

with a request for approval on a case by case basis. The vote was to freeze all hiring in the district without prior approval from the PC going forward.

GS then noted under the Strong Chief Statute to the Chiefs point about authority to hire and staff the department, which is in the statute. There is also bullet #7 that also reads as follows- In the expenditure of money the Chief shall be subject to such further limitations as the town may from time to time prescribe. In this case substitute town for Prudential Committee. So it appears that there are limitations that he is subject to under the statute.

GS said we approved the hiring freeze, which created limitations in the expenditure of money by the Chief as stated under the statute. GS commented he didn't know what the debate over interpretation is here. It seemed pretty clear between the meeting minutes of 8/25/15 and the Strong Chief Statute. KT commented that it seemed clear what the situation was. KT then asked if there were any other questions from the PC.

KT said that it was clear the Chief knew there was a hiring freeze. It's clear the Chief admits that he violated the freeze that the PC voted on. Chief asked if he could speak. Chief said that just so everybody is aware he didn't hire a full time FF with benefits etc. This is a call FF who has been budgeted for already. Who cost the district \$16hr and in his opinion it was a public safety issue because of the short numbers. He said we had a qualified individual pop up and he snapped at it.

GS asked to speak, GS then stated that in the open session minutes of October 22, 2015 a request was made to hire 2 call FF'S. The current staff was 14 and these hires would bring it to 16. It was suggested at that time that any future hiring's be brought to the committee on a case by case basis until further notice. There was a motion to approve the hiring of the two recommended call FF'S. GS suggested given this scenario the Chief seemed familiar with the prior vote to freeze all hiring without prior approval of the PC. However it seemed based on the Chief's recent actions somehow that process was now being disregarded. Chief commented that it was not disregarded. GS asked if it wasn't disregarded then why did he follow it in the past but not this time.

GS then asked the Chair what we were going to do about the Chief's disregard for the PC approved policy of imposing the hiring freeze without PC approval. Did we need to set a time to have a discussion as far as the violation of policy and any possible disciplinary action? Chief then asked if this was now a disciplinary hearing. GS commented, "No". What he was asking was when our Chief violates our policy what are the sanctions for doing so. KT said that it was going to be tabled at this time. Chief asked what the sanctions were when the PC violates the policy. GS asked for an example to which the Chief replied, which one.

KT said that to the extent there is disciplinary action that will follow the due process of MGL. But the issue is tabled for now.

Correspondence from the Chief regarding PC actions

KT said the Chief sent correspondence to the PC dated March 16, 2016 making certain assertions. KT asked if he stood by that letter or did he look to withdrawal it at all. Chief said he didn't wish to withdrawal the letter. KT then asked the Chief to explain what his concerns were. Chief then read his letter out loud. (See attached). Before reading he said it was an actual complaint, not correspondence. KT said correspondence is when the PC gets a letter.

KT responded that the 3 members received the letter and asked GS to respond in regards to the portion of the letter that the Chief is calling on him about.

GS responded-As you know, or may not know. As an elected official this position has many different roles and responsibilities. One of which is to follow up on concerns of district residents as it pertains to the fire district and department. It was brought to my attention that there may have been a lapse in professionalism during an inspection at a local business. I allocated time to follow up on this concern by making a visit to the business owner. I introduced myself by name as well as title, and my purpose. I told her as a PC member I was there to follow up on what I described as a potential rumor that either needed to be looked into further or dismissed as hearsay. I simply asked her if at any time during her inspections she felt that a line was crossed from a professional standpoint by any member of the fire department. At which time she responded "like talking dirty, no". I reiterated that my only concern was whether or not she felt there was a lack of professionalism to which she replied, "no". I then thanked her for her time and said I now considered the matter now closed.

GS then asked how that is harassing to the chief, how is that retaliation, and how did I personally benefit? Perhaps if there wasn't already of a prior history of unprofessional behavior. Maybe I wouldn't have felt the need to look into it. There was nothing to report back to the PC so it was never brought up.

Chief responded "so you admit you were there" to which GS responded "yes". Chief responded, "That's good enough for me, we can take it to the next level". GS responded "please do".

RM then asked GS if this was authorized by the PC. GS responded that it was not. RM commented that he didn't think that was a very professional thing to do. RM said that GS had mentioned the word professionalism and he was just highlighting the word. RM opinion that this is a 3 member board and we are all supposed to talk and tell each other what we are doing because he felt GS was sticking the board members neck out there and he didn't think it was right.

KT said to RM that he never got any indication that there was a complaint against the Chief that was substantiated. If someone can substantiate a complaint then the PC talks about it. That is the policy. KT said if GS got a complaint and he was trying to get to the bottom of it. KT asked if GS had any guidance if his actions were appropriate or not. GS initial response was no, but he then commented in later discussion that he has bounced the situation off counsel at which time counsel said it was perfectly within GS duties as a PC member. It was actually expected that members follow up on concerns of the citizens.

The Chief asked if he had been disciplined by the PC at all for incidents in the past. GS said "no but" To which Chief replied, "that's a no". GS replied that the Chief was correct; the PC never disciplined him for the FF Jeff Meon incident at the Halfway House in town. Chief said "oh that's bad". GS confirmed that the Chief was correct there was never discipline issued for that incident. KT asked to get back on topic.

KT then asked the Chief what he was referring to in his letter about the other recent events and decisions of the PC that were retaliatory. The Chief referenced a previous meeting where the PC voted to eliminate the Chief's holiday pay even though Chief's prior to him have received holiday pay. He said that cost him about 6k above and beyond his 102k salary. KT commented that it was explained to him that after his contract ended the policy for the district to reimburse administrative professional executive officers that aren't required to work on holidays is not to be reimburse for holidays on top of getting holidays off. KT said this is for district administrative employees that don't work shift duty which includes working holidays. It includes people like the Water Department Superintendent, the elected treasurer and all the other administrative people that work for the district. KT explained that was the reason behind the change. KT asked if the Chief had any other reasons besides the holiday pay. Chief commented that there was a laundry list of things but he wasn't prepared for this discussion. KT said when he wrote the letter to the PC there were many items, what were they. GS commented that the Chief not being prepared for these meetings seemed to be a theme, hence why we are just approving the FY17 budget at the end of March instead of by the 1st week of February as originally intended.

Chief said that he couldn't hear what GS was saying. To which GS replied that he had consulted with counsel in regards to the legality of following up on inquiries by the public and the elimination of holiday pay. Chief then said "you'll be represented by him, so that's ok". KT then said to the Chief is there anything else in his letter he wanted to address, since the Chief said he was being targeted and retaliated against. Were there any other examples. Chief replied multiple times that he would get back to him.

KT said the letter references the last meeting. KT then asked what's happened at the last meeting that the Chief wanted to discuss. The Chief said he would get back to him with a list. KT commented so at this time you have no other items to recognize from this letter. Chief said, at this point he will get back to him with a list. Chief commented that the PC took adverse action in the last meeting that cost him 6k in addition to his 102k salary.

Discussion and review of PC expectations of the Fire Chief

KT reiterated that the contract is over. KT had taken the expired contract terms of employment and marked them up to reflect a combination of Chief and district employment terms. However without a contract the Chief is a district employee and subject to the strong chief law but also subject to standard compensation for the district employees that are administrative in nature. It is one thing to be paid holidays if you are doing shift work but if you are taking holidays off you are basically already getting paid for them. KT didn't think that was right.

KT had asked PC members at a previous meeting to prepare a list of specific expectations each member would like to see in the job description of the Chief going forward. It was KT's intention to gather those comments and meld them into one document for a future meeting that the PC could vote on and give to the Chief going forward. KT and GS each had a list of expectations that they would like to have included going forward.

RM commented that he was taken completely off guard. Other members weren't sure why since this meeting was originally scheduled just to discuss our expectations going forward but ended up having additional agenda items added to it. There was confusion why RM didn't have any additional expectations of the Chief going forward when the meeting was planned for that purpose. RM commented that he had nothing to add to the expectations.

KT said that he was going to pull together the input from the committee into a document to be digested and discussed by the PC and presented to the Chief as expectations going forward.

New Business unforeseen 48 hrs. or less before this meeting

GS asked for clarification on a situation just brought to his attention. At the annual Fire Association business meeting in February there were people recognized for their service to the district. GS asked if there was any reason why one retiring call FF would be recognized and give a plaque of appreciation for their service but another not. Specifically, why would Peter Jasinowski receive recognition of service with a plaque but Dennis Hogan did not. FF Walsh asked to speak. He commented that it was an oversight on his part and arrangements were being made to correct the situation. There was no further comment.

Confirmation of agenda items for future meetings and next meeting date

Next meeting set for April 7, 2016 and April 14, 2016 at 8:12pm

Motion to adjourn

- GS- Motion to adjourn
- RM-2ND
- UA

Meeting adjourned at 7:41pm

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Greg Sheehan', with a long horizontal line extending to the right.

Greg Sheehan

Prudential Committee, Clerk