



TOWN OF BLANDFORD
Board of Selectmen, Executive Session Minutes
January 12, 2015

Attendance: Adam Dolby, Andrew Montanaro, Attorney Timothy Zessin via speaker phone and Cara Letendre – Secretary

Open Meeting:

7:36 p.m. Mr. Montanaro motion to go into executive session to discuss an possible litigation, Cara called a roll call vote, Mr. Montanaro – yes, Mr. Dolby – yes, unanimous vote.

Posted:

1. Mr. Montanaro asked Mr. Zessin about the letter sent to the BOS looking for information with a deadline of January 20, 2015. Mr. Zessin is gathering that information and will have it returned on time.
2. Mr. Montanaro: Will employees who are on call and do not have regular hours be included in a Union vote?
 - a. Mr. Zessin: doesn't think so. It's up to the Labor Board. He will send them the information on those employees and our recommendations and they will decide.
3. Mr. Montanaro: Will the Highway Superintendent be included in the Union vote?
 - a. Mr. Zessin: Not sure yet, the Labor Board will have to decide, they include the manager/supervisors about 50% of the time. It depends partially if that employee has the ability to reprimand.
4. Mr. Dolby: Does the fact that the Highway Superintendent is appointed by the Selectboard have any bearings on this decision.
 - a. Mr. Zessin: no, there is no distinction between hired and appointed employees.
5. Mr. Dolby: If the Highway Superintendent does become a Union member, doe his membership impact the Selectboard's ability to remove him at the end of his term? There is currently no contract and the Selectboard has been documenting performance. Mr. Levakis stated that although the Selectboard appointed the Highway Superintendent to a three year term, legally the term should be one year.
 - a. Mr. Zessin: Unsure, will follow-up.
6. Mr. Montanaro: Can we amend his term after it's been voted one?
 - a. Mr. Zessin: Believe the statutory term is one year. Will follow-up with Mark Reich. Terminating the Highway Superintendent at this point in the Union process would be looked upon poorly by the labor board, doesn't recommend. Keep documenting warnings in writing and make sure that Mr. Curry is clear about receiving them. Will follow-up on appointment details.
7. Mr. Montanaro: Town employees are currently paying less than the 30% agreed upon amount (27%) due to a rate adjustment. The Selectboard would like to adjust the payroll to rectify this, does Mr. Zessin recommend doing so at this time?

- a. Mr. Zessin: Sounds like a clerical error. As long as the change happens with all employees and not just Highway employees he does not see a problem. Recommends sending a memo in the next paycheck, will help draft language if needed. “Before (date) the Town policy was _____ the adjustment was not made in the payroll and we will have to do so now.”
- 8. Mr. Montanaro: The Selectboard is discussing the possibility of forming a DPW. How would this effect the Union process?
 - a. Mr. Zessin: that could make things messy at the moment, a bit more cumbersome. Union may argue against moving all employees into one unit.
- 9. Mr. Montanaro: What is the time frame for Union process?
 - a. Mr. Zessin: Our response it due on January 20th, 2015. After that we will hash things out informally between the Union and the Labor Board. When we agree on a proposed unit we will set a date for a vote. No incentive for the Town to speed things up, prefer to delay.
- 10. Mr. Montanaro: We have 2 full-time Highway Department Employees, 1 Superintendent and a handful of per diem employees. If only the two full-time employees are able to vote and one votes “no” will the vote pass?
 - a. Mr. Zessin: I don’t believe it would, need 51% to pass, but will follow-up. The union will most likely argue to include the per diem employees. The Selectboard really needs to make a decision about going to a DPW or not. In the future it would be easier to move positions around with a DPW, however the downside is it creates a larger voting pool.
- 11. Mr. Montanaro: The Selectboard recently implemented sick and vacation policies. The Highway employees are arguing that they have accruals to carry over. The Board reviewed them and found discrepancies with the documents used to record accruals and time cards. Up until recently, the employees were tracking their own accruals based on a policy that was being considered, but never adopted. Can the Selectboard decide what accruals to apply to the banks?
 - a. Mr. Zessin: Yes, you can. Discussion about documents used to record accruals. Generally, most companies don’t allow vacation carry over time, but do allow carry-over of sick days. Recommend sending memo about paid leave/accruals. State that you are currently auditing the policy and payroll records to determine the number of accruals and will let each employee know what they have carried over.
 - b. Mr. Montanaro: How do we audit without a past policy? Mr. Zessin: not so much an audit as an investigation.
 - c. Mr. Montanaro: We need to specify there are no accruals on the Vacation Policy.
- 12. Board will continue to ask Mr. Zessin any policy questions before acting on them.
- 13. Mr. Zessin will CC Board the response to the Labor Board.

8:30 p.m. Mr. Montanaro motion to adjourn, Mr. Dolby second, Cara called a roll call vote to adjourn, Mr. Dolby – yes, Mr. Montanaro – yes, unanimous vote.

Submitted by:
Cara Letendre

Adam Dolby – Clerk

Andy Montanaro - Member