

Boxborough Selectmen Executive Session Minutes of 2015
Released November 28, 2016

Meeting of:

1/5/2015

1/12/2015

2/4/2015

2/11/2015

2/22/2015

2/23/2015

3/3/2015

3/9/2015

3/24/2015

4/6/2015

4/13/2015

4/27/2015

5/4/2015

9/14/2015 *with Redactions*

12/18/2015

12/21/2015



Released
11/28/2016

Approved: January 12, 2015

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
January 5, 2015**

PRESENT: Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Les Fox, member; Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee; Randolph White, Fire Chief

Selectman Bob Stemple was not present until end of meeting, after discussions regarding Firefighters' CBA had been completed.

Chief White provided a PowerPoint presentation to the Board, which included his recommendation to modify the Fire Department's command structure by eliminating a Per-diem Deputy Chief position and providing for a Full-time Captain position. The chain of command would be maintained within the FT staffing, instead of relying on a PT position to be second in command. The position of Captain would also provide an opportunity for growth within the union. The intent would be to promote one of the FT Lieutenants to the position. The Chief believes that the Captain position would not have a negative budgetary impact, since the delta in wages would be met by transferring the amount of the Deputy's earnings from the Call FF Callback budget to the FT FF salary budget. Further details may be found in the presentation, which is included with the minutes.

The Chief then presented his proposal to move the department to 24-hour shifts and add a fifth FT FF. The Chief believes that he will be able to provide better coverage and there would be less need for overtime. Further details of the Chief's rationale and budget model are included in the aforementioned PowerPoint presentation.

There was not sufficient time for the Town Administrator to review and discuss further input from Chief Ryder on Police and Dispatch negotiations, nor time for the Board to discuss strategy moving forward.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Released
11/28/2016

Approved: 2/4/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
January 12, 2015**

PRESENT: Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Les Fox, member; Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee; Warren Ryder, Police Chief

In advance of the meeting, Chief Ryder had provided the Board with information on a number of items to be discussed:

- 1) Proposed creation of Police Lieutenant position
- 2) Proposed addition of fifth Public Safety Dispatcher
- 3) Officer Safety Directive and minimum staffing requirements
- 4) Summary and update on status of Officer Injured on Duty

Chief Ryder reviewed each of these matters with the Board in the order above. He reported that the CBU had provided him with a letter in support of the Lieutenant position, provided that the Lieutenant does his share of overtime shifts. The CBU supported the opportunity for upward mobility that this position would provide. The Chief believes that the position, which would follow a 5-2 schedule, would provide increased coverage in the department. The position would be exempt, but the position would be expected to take some overtime shifts. Chief would like a side agreement regarding overtime shifts and the payment of overtime. The Chief discussed the span of control, referring to the department as a paramilitary organization. The Chief would be in charge of the Lieutenant; the Lieutenant would be in charge of the 2 Sergeants and 2 Detectives; and each of the Sergeants would be responsible for 3 police officers. The Board asked the Chief to provide further information, including an organizational chart, the incremental costs attributable to the position, the budgetary impact, and the extent to which overtime would be controlled. The Board also wanted to understand why the second in command in the police department would be a non-union position, while the proposed second in command in the fire department would be a member of the CBU.

Moving on to Dispatch, the Chief explained that a fifth dispatcher would result in decreased overtime costs. Every 6 days, two open shifts need filling and it has been difficult to get part-timers to fill the open shifts. Expected cost with a fifth dispatcher would be \$265k (excluding additional benefits costs) compared to \$256k with 4 full-timers. The Chief said that the CBU has indicated their support for the hiring of an additional dispatcher. The Chief would seek to move the supervisor to a flex shift along with the new dispatcher and said that there would be 16 hours of coverage when both a dispatcher and supervisor would be on shift together. He noted that the supervisor's responsibilities include scheduling and tracking certifications.

The Chief next discussed his directive. Concerned with the safety of his officers, the Chief issued a directive, which included a requirement that each shift be staffed by two officers as well as mandatory wearing of body

armor. In response to the directive, the CBU filed a grievance, which the Chief reported was currently in abeyance.

With just a few moments remaining, the Chief reported that he is seeking to hire a non-benefitted part-time (special) police officer to temporarily work 40 hours per week to provide necessary coverage for an officer out due to injury on duty. TA noted that if the individual is working 20 hours or more per week, he/she would be entitled to benefits. TA will confirm with Town Counsel.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Released
11/28/2016

Approved: 2/11/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
February 4, 2015**

PRESENT: Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Jim Gorman, member

ABSENT: Les Fox, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee

The Town Administrator provided the Board with spreadsheets displaying FY 2015 compensation data for Police Officer, Police Sergeant, Dispatcher, Dispatch Supervisor, Firefighter/EMT, and Fire Lieutenant. Selectmen Stemple was not present for the discussion regarding the Firefighter comps, nor was he given a copy of the comparative data for the Fire Department positions. The Board agreed that they would not like to share the data with the CBU's; the data was compiled to educate the selectmen and to provide them with information to be used in negotiations. The selectmen agreed that wage proposals should be made based upon what the Board thinks is reasonable to ask the town's residents to pay.

Brief discussion on new positions that had been proposed by the Chiefs. General agreement to hold the positions in abeyance for the present as the Board considers the sustainability of providing the necessary services to Boxborough's residents with our own police and fire forces. The Board discussed the possibility of exploring a study to examine the potential of a regional approach to public safety.

Selectman Bak provided some suggested proposals:

- Dispatch – Move to a 5 – 2 schedule. This would have the benefit of providing additional coverage at straight time (instead of overtime).
- Police – Article 14, S 2- Strike out “promotion”; replace with “assignment”

Selectman Bak asked Selectman Gorman if Chief White had considered any other scheduling models, and requested that alternatives be provided along with a cost comparison.

Town Administrator will provide a compiled list of proposals at next executive session, scheduled for February 9 at 6:30 PM.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Released
11/28/2016

Approved: 2/23/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
February 11, 2015**

PRESENT: Vince Amoroso, Chair; Susan Bak, member; Les Fox, member Jim Gorman, member

ABSENT: Bob Stemple, Clerk

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair

The Town Administrator sought guidance from the Selectmen on the financial limits of the packages to be offered to the CBU's. There was general agreement, supported by the FinCom Chair, that the total package for Police and Dispatch should not exceed 3.6% per year on average over the term of the successor agreement, **including steps**. The percentage was comprised of 1.6% COLA plus 2%. Because the Firefighters are well situated competitively, it was agreed that the increase for their unit should not exceed 1.6% COLA.

TA distributed suggested updated proposals to present to the CBU's, copies of which are included with the file copy of the minutes. The Selectmen agreed that if a 5-2 schedule was proposed for Dispatch, it should also be proposed for the Police. The Police should be informed that it's become apparent that Boxborough has become a very inefficient place and has reached a state of peak inefficiency, that we need to move to a more efficient model. Selectmen did not support proposing "Incentive Leave" to the Dispatchers, at least not at the present.

Selectman Bak related her conversation with Becky Neville, whose husband Owen is a Concord firefighter. Owen advised that if considering a 24-hour shift, the Town should not move there immediately, but rather it should take a phased approach. Selectmen agreed not to propose any changes in firefighter schedule until there has been further discussion.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Released
11/28/2016

Approved: _____

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
February 22, 2015**

PRESENT: Vince Amoroso, Chair; Bob Stemple, Clerk; Les Fox, member;

ABSENT: Susan Bak, member and Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair; Attorney Joseph Fair, Kopelman & Paige

Immediately after convening in open session at 7 AM in the Town Administrator's office, Chair Vince Amoroso moved to adjourn to executive session to discuss strategy with respect to collective bargaining (all CBU's) and to adjourn immediately thereafter. The Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Selectman Stemple. Approved 3 – 0 by roll call vote: Fox, aye; Stemple, aye and Amoroso, aye.

Initial discussion regarding COLA. The CPI-U for the Boston metropolitan area for the year ended November 30, 2014, which in the past has been used as the basis for wage adjustments, was 1.6%. Tying base salary to future CPI-U's, which fluctuate was quickly quashed as being too risky.

Brief discussion on the salary survey, which the Board reiterated was informative but not binding. Of greater and primary importance is presenting a wage proposal that the town would find affordable. Attorney Fair commented that the importance of the study comes into play if the matter goes to arbitration. An arbitrator looks at internal comps, external comps and the Town's ability to pay. An arbitrator typically plays to the average. The Board noted that there are other quality of life benefits to working in Boxborough, including less risk, quiet, small and friendly community. The Chair reminded those present that the selectmen had tried to make the argument to Town Meeting (January 2013) to move the unions to the average, but Town Meeting voted down the proposals. Further, he emphasized to Counsel that the goal is for the BoS and FinCom to get agreement on a deal that they can both support and get Town meeting to approve.

Discussion regarding Dispatch CBA. The Board generally supported the idea of some sort of stipend for Dispatchers who provide training, and reminded the negotiating team that it is the year-to-year increase that resonates with Town Meeting. The Board also expressed a desire to backload the contract if possible and look towards an increased base at the end, with "cheaper" dollars.

Police CBA – Chief had initially proposed modification to order-in language to allow him to order in as he saw necessary. Attorney Fair advised that modification was not necessary since Chief already has that authority; it's a management right.

At 9 AM, Selectman Stemple and FinCom Chair, Dilip Subramanyam left.

Discussion regarding 24-hour shift for Fire CBU. The CBU has not yet proposed. The matter was placed before the Board by the Fire Chief. Selectmen would like to understand the potential advantage to the Town and costs of implementation. Chair Amoroso will ask Selectman Gorman to analyze actual incremental cost year-to-year. There appear to be some unstaffed shifts at 24-7, but not with the existing model. It was noted that total compensation for Fire CBU already appears to be in line with peers. It was agreed by Selectmen Fox and Amoroso that other items placed on the table by the Fire CBU (increase in uniform allowance, increase in pay for Lieutenants, increase in notification period for order-ins from 72 hours to two weeks) would be placed on hold while overall cost of wages/staffing was reviewed.

At 9:45 AM, executive session was adjourned.



Approved: 3/23/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
February 23, 2015**

PRESENT: Vince Amoroso, Chair; Bob Stemple, Clerk; Les Fox, member;

ABSENT: Susan Bak, member and Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair; Attorney Joseph Fair, Kopelman & Paige

Immediately after convening in open session at 7 AM in the Town Administrator's office, Chair Vince Amoroso moved to adjourn to executive session to discuss strategy with respect to collective bargaining (all CBU's) and to adjourn immediately thereafter. The Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Selectman Stemple. Approved 3 – 0 by roll call vote: Fox, aye; Stemple, aye and Amoroso, aye.

Initial discussion regarding COLA. The CPI-U for the Boston metropolitan area for the year ended November 30, 2014, which in the past has been used as the basis for wage adjustments, was 1.6%. Tying base salary to future CPI-U's, which fluctuate was quickly quashed as being too risky.

Brief discussion on the salary survey, which the Board reiterated was informative but not binding. Of greater and primary importance is presenting a wage proposal that the town would find affordable. Attorney Fair commented that the importance of the study comes into play if the matter goes to arbitration. An arbitrator looks at internal comps, external comps and the Town's ability to pay. An arbitrator typically plays to the average. The Board noted that there are other quality of life benefits to working in Boxborough, including less risk, quiet, small and friendly community. The Chair reminded those present that the selectmen had tried to make the argument to Town Meeting (January 2013) to move the unions to the average, but Town Meeting voted down the proposals. Further, he emphasized to Counsel that the goal is for the BoS and FinCom to get agreement on a deal that they can both support and get Town meeting to approve.

Discussion regarding Dispatch CBA. The Board generally supported the idea of some sort of stipend for Dispatchers who provide training, and reminded the negotiating team that it is the year-to-year increase that resonates with Town Meeting. The Board also expressed a desire to backload the contract if possible and look towards an increased base at the end, with "cheaper" dollars.

Police CBA – Chief had initially proposed modification to order-in language to allow him to order in as he saw necessary. Attorney Fair advised that modification was not necessary since Chief already has that authority; it's a management right.

At 9 AM, Selectman Stemple and FinCom Chair, Dilip Subramanyam left.

Discussion regarding 24-hour shift for Fire CBU. The CBU has not yet proposed. The matter was placed before the Board by the Fire Chief. Selectmen would like to understand the potential advantage to the Town and costs of implementation. Chair Amoroso will ask Selectman Gorman to analyze actual incremental cost year-to-year. There appear to be some unstaffed shifts at 24-7, but not with the existing model. It was noted that total compensation for Fire CBU already appears to be in line with peers. It was agreed by Selectmen Fox and Amoroso that other items placed on the table by the Fire CBU (increase in uniform allowance, increase in pay for Lieutenants, increase in notification period for order-ins from 72 hours to two weeks) would be placed on hold while overall cost of wages/staffing was reviewed.

At 9:45 AM, executive session was adjourned.



Approved: 3/16/15

**Town of Boxborough
Board of Selectmen/Finance Committee
Executive Session Minutes
March 3, 2015**

PRESENT

Board of Selectmen: Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Les Fox, member; Jim Gorman, member

Finance Committee: Dilip Subramanyam, Chair; John Rosamond, Jeff Scott, Steven Ballard, Jim Ham and Ted Kail (Amy Burke, Neal Hesler and Eve Li were not present, although the latter two had been present for open session)

ALSO PRESENT: Selina Shaw, Town Administrator

At 10:10 PM, BoS Chair Vince Amoroso moved to convene in executive session to discuss strategy with respect to collective bargaining (all CBU's) and to adjourn immediately thereafter. Seconded by Selectman Fox. Approved 5 – 0 by roll call vote: Amoroso, aye; Stemple, aye; Bak, aye; Gorman, aye; Fox, aye. The Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board.

At 10:10 PM, FinCom Chair Dilip Subramanyam also moved to convene the Finance Committee in executive session to discuss strategy with respect to collective bargaining (all CBU's) and to adjourn immediately thereafter. Seconded by Jeff Scott. Approved 6 – 0 by roll call vote: Subramanyam, aye; Rosamond, aye; Kail, aye; Ballard, aye; Scott, aye; Ham, aye. The Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the BoS.

The Town Administrator passed around models showing the year-to-year impact of a 1.6% wage adjustment in each of the contract years for the Police and Dispatch CBU's. The Police model reflected bottom line wage increases of .04%, 1.81%, 1.87% respectively in FY 16, 17 and 18. It was noted that the increase in year 1 seemed out of line with a 1.6% wage adjustment and 3 out of the ten officers moving to a higher step. TA said that she hadn't had the opportunity to analyze all of the details, but explained that a portion was likely due to the hiring of a junior officer without education benefits to replace a retired senior officer with Quinn. The Dispatch model reflected bottom line wage increases of 4.28%, 2.02%, 2.03% respectively in FY 16, 17 and 18. TA noted that in FY 16, 2 dispatchers were moving to top step, while another would be moving along steps for the next several years.

General agreement that discussion on wages should continue to focus on what the town's people would support and not on comps. FinCom and Selectmen opined on the bottom line wage limitations, with FinCom supporting no more than 3% increase year-to-year and the Board of Selectmen supporting no more than 3.6% increase year-to-year.

At 10:55 PM, executive session was adjourned.



Approved: 3/16/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
March 9, 2015**

PRESENT

Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Les Fox, member;

ABSENT

Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair

The Board of Selectmen convened in executive session in the Town Administrator's office to discuss strategy with respect to collective bargaining (all CBU's).

The Town Administrator displayed models on the digital monitor showing the year-to-year impact of various wage adjustments in each of the contract years for the Police and Dispatch CBU's. Looked at impact of steps only in year one, with wage adjustments of 2.25% and 2.5% respectively in years two and three. The year-to-year impact on bottom line wages was 2.67% in FY 16, 2.67% in FY 17 and 2.93% in FY 18. Increasing to 2.25% - 2.5% - 3% respectively in years one, two and three resulted in year-to-year bottom line wage increases of 4.93% in FY 16, 2.91% in FY 17 and 3.43% in FY 18. TA noted that 3 dispatchers would be moving a step in year one, while only one would be moving on steps in subsequent years of the CBA. TA reported that last offer to Dispatchers had been 1%-2%-2%, to which Dispatch had responded with 3.5% in each of the three years of the CBA. The selectmen agreed that the negotiating team could move forward slowly, but the absolute limit would be 3 % in each of the three years of the successor agreement. Brief discussion regarding addition of steps at bottom for new hires only. This was ruled out since it is already difficult to bring in new hires and such starting levels would be very uncompetitive with our neighbors.

Discussion then turned to the Police. Selectmen noted that overall the Police budget is much larger than Dispatch, the Police have been treated much better over the years than Dispatch and there is greater disparity with Boxborough Dispatch and their peers than there is with Boxborough Police and their peers. TA reported that the last offer to Police on March 4 was 2.5%-2%-2%. The Police replied with 5.5% in each of the subsequent years. Initial offer to Police had been 1% in each of the three years of the CBA, which Police regarded as an insult. On February 12, Town negotiating team edged up to 1%-1.25%-1.5%. Selectmen directed that the negotiating team should not budge from last offer unless the Police move to 4's. Town could then respond with 2.5% - 2.25% - 2.25%. If Police made further concessions, the selectmen agreed that the Town team could move to 2.5% in each of the three years of the CBA, but no further at next session on March 10.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Approved: _____

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
March 24, 2015**

PRESENT

Vince Amoroso, Chair; Susan Bak, member; Les Fox, member; Jim Gorman, member

ABSENT

Bob Stemple, Clerk

ALSO PRESENT: Selina Shaw, Town Administrator

After convening in open session in the Town Administrator's office at 7:30 AM, the Chair immediately moved to adjourn to executive session to discuss strategy with respect to collective bargaining (primarily with respect to the Boxborough Professional Firefighter's Association) and to adjourn immediately upon completion. The Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Selectman Fox. **Approved 4 – 0** by roll call vote: Bak, aye; Gorman, aye; Fox, aye; Amoroso, aye.

The Town Administrator provided a brief update on status of Police and Dispatch negotiations for the benefit of Selectmen Amoroso and Fox who were not present at the last BoS executive session, held on March 16. The Board discussed the possibility of sharing the town's survey data. Chair Amoroso suggested that the town continue to hold the data, perhaps sharing towards the end. Aware that the CBU's "compare notes" with one another, it would be to town's advantage to reach settlement with one of the units first, and hang tough with the others.

TA reviewed the updated FF proposals, which are shown in the document entitled "Table B: Discussion Regarding Fire Proposals to Town", updated March 10, 2015. Additionally, Ms. Bak had provided the Board with a spreadsheet comparing FY 15 Fire Department salary budget to: 1) FY 16 level staffing salary budget (1.19% increase), and 2) to FY 16 Fire Department budget with additional hire and promotion of a Lieutenant to a Captain (4.37% increase, excluding benefits). Copies of these documents are included with the file copy of the minutes.

Much of the discussion focused on the 24-hour shift schedule proposal (24 on - 48 off - 24 on - 96 off), which the FF finally put on the table. The schedule would result in an average 42-hour per week work cycle. Ms. Bak asked if the Chief had prepared an analysis of any other staffing models. Selectman Gorman indicated that none of the other 24-hour scheduling models seemed practicable. Town Accountant, Jennifer Barrett had informed Selectman Gorman that the 24-48-24-48, model, which results in an average 56 hour per week work cycle, would be more costly. Selectman Gorman then highlighted some of the benefits of the 24-48-24-96 model: the schedule would provide for all shifts to be staffed by professionals (currently, the night shift is staffed only with per diems); along with adding a fifth firefighter, the Chief would be better able to fill the shifts; FF like the 24-hour shift, and since it is the norm in many communities, retention rates should improve. The BoS agreed that since

the schedule is a benefit desired by the union and the survey data shows that compensation for Boxborough FF exceeds the average compensation of their peers, the town should be able to hold the line on wage increases. After further discussion, the BoS directed that the negotiations team claw back the initial proposal of 1%-1%-1% to 0.5%-0.75%-0.75%. In responding to the CBU, the team should point out the need to minimize the year-to-year increase. In order to accommodate the 24-hour shift proposal, a fifth firefighter would be needed, which would cause a bump in personnel costs.

The Board continued discussion on the March 10 FF proposals and agreed that the dollar amount of the compensation for working out of rank should not exceed the amount that would have been paid to the per diem Deputy Chief (in FY 16, this could be estimated at 5 weeks at 50 hours @ \$22.66/hr = \$5,665, with rounding to \$6,000). Selectman Gorman calculated that this differential amounted to an approximately 7.5% increase over the Lieutenant's base pay. The Board agreed that the Town's negotiating team should counter the CBU's 20% "premium" for working out of rank as Chief with a 5% premium.

The Board generally supported the outside detail rate of \$50/hour but agreed that detail rate on Town projects should not increase, since this would come back as a cost to the town. The Board had already supported the proposed cancellation clause as part of the complete package.

The Board did not support the CBU's proposal regarding training reimbursement. The CBU sought to decrease the number of years of employment (from 4 to 2) and the corresponding amount of training monies to be repaid.

The Board did not support the CBU's proposal to increase the uniform allowance from \$850 to \$900. The Board supported the Chief's recommendation to modify the list of initial uniform components.

The Board did not support the addition of a Captain to the ranks and generally agreed that the FT Lieutenant's job description should include language for acting in the Chief's stead.

The Board agreed that the TA should draft an MoU to provide for compensation in the amount of \$500/month to Lt. Gray for acting in the Chief's stead for the period when the Chief was out injured/ on light duty. MoU will be presented to CBU at next session on 3/31 and brought back to BoS for ratification and execution on 4/6.

At 8:50 AM, executive session was adjourned.



Approved: 4/13/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
April 6, 2015**

PRESENT

Bob Stemple, Chair pro tem; Susan Bak, member; Les Fox, member; Jim Gorman, member

ABSENT

Vince Amoroso, Chair

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair

The Board of Selectmen convened in executive session at 7:03 PM in the Town Administrator's office to discuss strategy with respect to collective bargaining (Police and Fire CBU's).

Chair pro tem Stemple recused himself from discussion related to the Fire negotiations.

The Town Administrator updated the Board on the status of negotiations. Last session with the CBU's was held on March 31.

The Police CBU brought their attorney along. The session was predominantly a rehash of what had transpired in the five previous sessions. Reiterated that CBU, at 5.5%-5.5%-5.5%, is a long way from an amount that could be supported by BoS and FinCom and must ultimately be approved by town meeting. Town's last proposal was 2.5%-2%-2.25%.

- Atty. Fair clarified that town was seeking 5-2 schedule for detective position, on Monday –Friday day shift, and confirmed that 17 comp days were not included.
- Atty. Fair explained that Union's proposal to pay order-ins at double time instead of time and a half would be too costly.
- Union asked about shift differential. Atty. Fair explained that BoS was focusing on items that would benefit all.
- Atty. Fair again confirmed that Town's wage proposal was 2.5%-2%-2.25%.
- Union again brought up survey data, and commented that it has been openly stated that the town is in great (financial) shape, that money is "being thrown at DPW", that town will be reaping benefits of new growth with an additional 300 housing units... that money is being thrown at everybody but the police. Town team reminded the CBU that the differential between steps for non-union employees is 2.5% as opposed to 3.5% for the union, and that the wage adjustment being proposed by the Personnel Board for non-union employees is only 1.5%.
- Atty Fair explained that Town has offered the CBU an amount in excess than the CPI-U, which is in the range of 1.6 – 1.7%.
- Union again stated that they need a wage adjustment just to be average... that tax rate is going down (town team corrected CBU's misimpression)... that it's up to the BoS to sell the agreement to the town. Town team reiterated that CBA must be sellable to BoS, FinCom and town meeting.

- CBU reiterated that it does not like the manner in which CBA is presented to town meeting in a separate warrant article. Town team again explained the requirements stipulated in MGL regarding appropriations for cost items in first year of CBA's.
- Officer Landgren commented that he had made offer to decrease steps on bottom and increase at top. Town team reminded the CBU that the idea had not met with favorable reaction when a similar plan had been previously proposed.
- Atty. Fair explained proposal to tie step increase to performance evaluation. CBU confirmed that sergeants do preliminary evaluations, which in turn are reviewed by Chief, but evaluations have no impact on wages.
- CBU's attorney asked about Town's proposal to decrease Quinn benefit. Atty. Fair explained that this was a counter proposal to keep cost neutral the CBU's proposal to increase ed. incentive for non-Quinn eligible officers.
- Continued review of town's response to CBU's proposals. Increase to outside detail okay in conjunction with package; "no" to: increased number of sick days, sick leave buy back, increase in number of personal days, money to not take town's insurance, town paid dental, legal defense fund, longevity, safe driving, removal of fitness section, officer in charge stipend and union business leave. Atty. Fair noted that detective stipend was on hold.
- CBU's attorney said that the CBU would have something to present at next meeting.

TA then reported on fire negotiations, which started with presentation of MoA to the CBU to compensate Lieutenant Gray for filling in for Chief. Atty. Fair then distributed new town proposals:

- FMLA – FF must substitute accrued paid leave as part of the twelve (12) weeks leave provided under FMLA
- Modify list of uniform components to be provided after confirming with Chief

Atty. Fair reviewed previous proposals to increase the number of steps from 6 to 8, with 2.5 % between each step and explained that this was to keep year-to-year increases more manageable.

Town team and CBU reviewed Fire proposals:

- Increase offer time for unfilled shifts from 72 hours to 2 weeks, to allow FF more planning time. Town saw this as operationally not viable. Lt. Gray explained that it was difficult to get per diems to fill shifts and that 72 hours is not sufficient time for FT FF to plan.
- Compensation for working out-of-rank. Atty. Fair said that some amount might be doable, but certainly not in the range of the 20% rate proposed by the CBU.
- Modifications to sick leave, including buy back – not supported by Town
- Union rep leave – No
- Private detail rate – increase to \$50/hour. Lt. Gray noted that Boxborough's rate at \$45 is very low compared to neighboring towns and that CBU has not seen an increase in private detail rate in years.
- New hire training reimbursement – Atty. Fair explained that the two years proposed by the CBU was not acceptable; Town wants to ensure it is getting value in their training investment and believes that 4 years is an appropriate period.
- Uniforms – Town does not support increase to \$900 (from \$850). Team will bring back new language regarding components.
- EMT training – increase number of hours from 28 – 40 is merely a housekeeping change and is consistent with current requirements.
- 24-hour shift proposal and wages – Atty. Fair explained that these dovetail with one another. To operate on 24 hr. shift requires the hiring a new employee at an additional cost; also, the Chief will need to cover the 8 hours that each FF is no longer working (50 hours currently vs. 42 hrs. with proposed new model). Lt. Gray suggested that if FF is out during day, Chief may opt not to fill that part of the shift; however, he noted that the Chief would fill at nights and weekends. Atty. Fair reiterated concern about year-to-year cost and being able to sell package to town meeting. Because of additional costs associated with schedule change, town is pushing back their offer (from 1%-1%-1%) to 0.5%-0.75%-0.75% over the three years. Atty. Fair also proposed a circuit breaker to enable the town to revert to existing schedule in the event that

24 hour shift is found to be operationally or economically detrimental to the town, with the appropriate time frame for review TBD. Also spent a good deal of time discussing the non-economic benefits to the FF of the 24-hr schedule.

- Increase Lt pay from 13 – 14% above FF top step – hold for now
- Longevity pay – No
- Captain – Lt. Gray said if position were to be added, out-of-rank language for Chief would disappear, since job description and wages would cover.
- Discussed need to change other sections of CBA to correspond with 24-hour schedule (sick, vacation, personal and holidays). CBU talked about payout for holidays at straight time in June and December; if FF worked the holiday, would be paid straight time. Still looking at mechanics of this.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Approved: April 27, 2015

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
April 13, 2015**

PRESENT

Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Les Fox, member; Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair

The Board of Selectmen convened in executive session at 6:40 PM in the Town Administrator's office to discuss strategy with respect to collective bargaining.

The Town Administrator distributed and reviewed a handout for Police showing the status of negotiations as of April 10 (#7), the last session held with the CBU.

The Police CBU brought along their attorney and MassCops representative. The CBU's attorney provided a listing of the Union's proposals, which were unchanged from previous sessions with the following exceptions:

- The wage proposal was now presented as 4% plus COLA in each of the 3 years of the successive agreement. (At the first session the CBU had proposed an increase of 15% to bring salaries in line with comps plus a COLA to be determined. At session # 4, the CBU proposed 5.5%-5.5%-5.5%, including COLA. Town's last wage proposal, at session #5 was 2.5%-2%-2.25%)
- The CBU withdrew two proposals: 1) the Town to pay the cost of MA Police Assoc. Legal Defense Fund, and 2) longevity
- The CBU modified their proposal for stipends: seeking 6% for detective-patrol and 1% for all others

General agreement by the BoS to propose no counters until the CBU showed some movement on wages.

BoS discussed leave time. Most officers currently have: 17 days (from 4-2 schedule), 11 holidays, 25 vacation days and 3 personal days (as well as 12 sick days). Reiterated lack of support for additional holidays or leave time.

BoS again commented that while Town has shown movement in wages, the CBU has not provided a legitimate response and need to show some good faith efforts. Discussed laying the foundation for mediation.

Further discussion about survey data. Selectman Gorman suggested that Town should consider a proposal to bring CBU in line with comps (Town's data) in a couple of years; Chair Amoroso added that such a proposal should not be presented until CBU has shown movement. General agreement that if the CBU comes down to 3 1/2's plus COLA, team could share the comps.

Discussion then moved on to Fire negotiations. Selectman Stemple recused himself and left the room. TA distributed and provided a quick review of a handout for Fire showing the status of negotiations as of April 10 (#5), the last session held with the CBU.

Town team provided new language regarding uniform components, which CBU acknowledged reflected discussions with the Fire Chief.

- CBU withdrew proposal to increase sick leave from 12 to 15 days.
- CBU also withdrew union leave proposal.
- Other CBU proposals, except for wages, remained unchanged from what had been last reported in exec session on April 6.

Much of the discussion among the selectmen focused on wages, with general agreement that the schedule change provided a big give to the CBU. BoS was not inclined to propose much more. Initial proposal to the CBU had been 1%-1%-1%. With agreement on 24 hr. schedule, the selectmen had directed the team to propose 0.5%-0.75%-0.75%, which was presented to CBU on 3/31. CBU countered on April 10 with 3.5% across each of the 3 years.

BoS noted that current bottom line for FY 16 proposed budget, with the inclusion of 24-hour schedule already reflects a 4.4% increase over FY 15, not including COLA.

At 7:30 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Approved: 5/11/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
April 27, 2015**

PRESENT

Vince Amoroso, Chair; Bob Stemple, Clerk; Susan Bak, member; Les Fox, member; Jim Gorman, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair; Attorney Joseph Fair, Kopelman & Paige (Town Counsel)

The Board of Selectmen convened in executive session at 6:05 PM in the Town Administrator's office primarily to discuss strategy with respect to collective bargaining.

Initial discussion on performance evaluation process. Some members of the Board had voiced their concerns about discussing department heads' evaluations in open session. Attorney Fair clarified the Attorney General's stance that once there is an exchange of information (between selectmen) as part of the review process, then the evaluation itself must be brought forward in open session. If there were no consultation and the evaluation were done by only one member, e.g. the Chair or liaison, then there would be no need to share in open session; document could just be placed in the personnel file. Despite an SJC ruling a few years ago, the AG's office maintains that the body cannot go into executive session to craft an evaluation; it must be done in open session. Attorney Fair also noted inconsistencies between open meeting law and public records law with respect to the performance review document. The Selectmen agreed that they would defer discussion of department evaluations until a later date (the matter had been scheduled for 4/27 in open session).

TA asked the Board to set a date, prior to May 5, for a grievance hearing on a matter concerning the Police CBU. The hearing was scheduled for 7:30 AM on May 4, subject to CBU availability.

Attorney Fair addressed a request for his notes by Selectman Gorman and informed the Board that providing him (or the Board) with a copy of those notes could potentially undermine the Town's ability to protect those notes if the need arises in the future; once those notes are shared, they become a public record, unless otherwise exempted by the public records law. Attorney Fair also cautioned that sharing the notes could have a negative impact on the bargaining position of the town.

The Town Administrator distributed and reviewed a summary showing the status of negotiations with each of the CBU's. After reviewing the summary (eighth negotiations session held on April 16) and the cost model, the selectmen gave the following direction:

At the next session, the team could counter the CBU's wage proposal up to 2.75%-2.5%-2.5%; ultimately, the team could move to 3.5%-3%-2.75% to close the deal. The selectmen agreed that the team could counter the CBU's proposal for education incentive for non-Quinn eligible officers to bring them up to \$2,500 - \$4,500-\$5,500 in year one and \$3,000-\$5,000- \$6,000 in year 2. (The benefit is currently \$2,000 - \$4,000 - \$5,000). The

selectmen agreed that the team could counter with an appropriate amount for shift differential. The team will propose the extended steps for new hires beginning on or after 7/1. Attorney Fair will draft language to counter the CBU's health insurance incentive by providing for a \$200 per month incentive for an employee who has been on the town's insurance for at least one full year, and for which the employee could take advantage of only once during the term of the contract. The importance of structuring to prevent an employee from jumping on and off the town's insurance was stressed. Finally, it was agreed that a stipend in a dollar amount, not a percentage of base, could be offered for the detective, but not for any other positions.

Next was a brief review of the status of dispatch negotiations after the 5th bargaining session on April 16 and a look at the model. Understanding that the CBU wages lag further behind their counterparts than Police and Fire, the Board was willing to relax their direction to the team to limit the increase to a 3% year-to-year budgetary impact. The selectmen reviewed a couple of models that totaled between 11-12% over the three years and authorized the negotiations team to work within those numbers. General agreement to include a mix of wage adjustment, shift differential, and \$50 increase in uniform allowance. It was also noted that in the first year of the CBA, there will be 3 dispatchers moving on steps.

Selectmen Stemple recused himself from discussion regarding the Fire CBA and left the room. With little time left to discuss fire, there was just a brief update and general agreement to propose up to 1.25% - 1.5% - 1.5% at the next negotiating session, with the ultimate goal not to exceed 2% in each of the three years.

At 7:45 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Approved: 5/11/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
May 4, 2015**

PRESENT

Vince Amoroso, Chair; Susan Bak, member; Les Fox, member; Jim Gorman, member

ABSENT

Bob Stemple, Clerk

ALSO PRESENT

Selina Shaw, Town Administrator and Dilip Subramanyam, Finance Committee Chair

After convening in open session in the Town Administrator's office at 8:00 AM, the Chair immediately moved to adjourn to executive session to discuss strategy with respect to collective bargaining (all CBU's) and to adjourn immediately upon completion. The Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Selectman Bak. **Approved 4 - 0** by roll call vote: Fox, aye; Amoroso, aye; Bak, aye; Gorman, aye.

Police

The Town Administrator distributed and reviewed the terms of *Memorandum of Agreement between Town of Boxborough and Massachusetts Coalition of Police, Local 200 for Successor Collective Bargaining Agreement, 5/1/15*.

- Further to input from Chief Ryder, some tweaks are needed to S1 of Article 11 to reflect accrual of comp days for the 5-2 Detective/Court Prosecutor on a monthly instead of a quarterly basis.
- Town team is awaiting input from CBU's counsel on Town's proposed language in Article 12, S2, which concerns annual movement on steps being contingent on absence of significant discipline.
- TA apprised the Board of the dialogue between Town Counsel and CBU's counsel with respect to the flex position. The town team had not agreed to include any additional clarifying language as part of the tentative agreement, so our position is that it is not part of the MoA.
- Selectman Fox moved that the Board of Selectmen sign the final version of the *Memorandum of Agreement between Town of Boxborough and Massachusetts Coalition of Police, Local 200 for Successor Collective Bargaining Agreement* subject to the minor changes articulated by the Town Administrator. Seconded by Selectman Gorman and **approved 4 - 0** by roll call vote: Fox, aye; Bak, aye; Amoroso, aye; Gorman, aye. The matter will be reported out at the next open session.

Fire

The TA distributed and reviewed *Boxborough Professional Firefighters Local 4601 Negotiations, 5/1/15 [Session #7]*.

- Although the Chief agreed that a compromise position of increasing the offer time for unfilled shifts from 72 hours to 5 days would likely be operationally viable, it would come as a cost, so the team has continued to hold this out.

- TA informed the Board that the CBU wanted mutual time commitments for the scheduling change review period and the training reimbursement. The BoS said that a four year look back period, which would go in to the next contract would be unwieldy and would like to set at three years. The Selectmen also commented that the matters were not related; the training reimbursement is associated with return on the town's investment. Although the TA agreed, she said that the FF would favorably view "linking" the timeframes. She also noted that the Fire Chief had supported three years as a reasonable compromise on the training reimbursement. The BOS agreed to propose a decrease in the training reimbursement period from four to three years.
- The TA sought the Board's agreement to offer 10% as the ultimate counter on out-of rank compensation (for acting in the chief's stead). BoS agreed.
- The TA reviewed the numbers with the Board, who agreed to hold the line in year one to 1.5%. The selectmen directed that the wage adjustment should not exceed 1.5% - 1.75% - 2%.

Dispatch

The TA distributed and reviewed *Massachusetts Coalition of Police, Local 200A Dispatch, Status of Negotiations at 4/29/15[Session #6]*.

- TA reviewed cost of right of first refusal (ROFR). She informed the Board that the Chief has been filling almost all of the part-time shifts with FT staff, at a cost of time and a half. Dispatchers have been filling these voluntarily and have not forced order-in, which would cost double time. Although the ROFR will come at a cost, it will be less than forced order-in. TA said that even with the ROFR, the cost was less than hiring a fifth FT dispatcher.
- The Board directed that the negotiating team inform the CBU that there will be no signed agreement unless the comp time for unused sick leave is eliminated. None of the other CBU's has it; Board is striving for uniformity. The Board agreed that could the team could offer a one-time \$500 "bonus" for removing the benefit; ultimately going to \$1,000 if necessary. It was further emphasized that the bonus should not be offered right away.
- After reviewing the cost models, the Board agreed to a final wage adjustment not to exceed 2.5% in each year.
- Further discussion on ROFR numbers. There was difficulty understanding how the Chief was currently able to stay within his budget when he was operating in FY 15 with FT dispatchers being paid time and a half to take the unfilled shifts that would fall to the PT staff if they were available. TA will review.

At 9:40 AM, executive session was adjourned.



RELEASED
11/28/2016
with Redactions

Approved: 9/21/15

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
September 14, 2015**

PRESENT: Vince Amoroso, Chair; Susan Bak, Clerk; Les Fox, member

ABSENT: Jim Gorman, member; Bob Stemple, member

ALSO PRESENT: Selina Shaw, Town Administrator; Dilip Subramanyam, Finance Committee Chair; Attorney Joseph Fair (Town Counsel, Kopelman and Paige). Police Chief Warren Ryder joined at 7:37 PM.

Chair Amoroso recounted the history of the request by Police Chief Ryder to serve as Interim Police Chief in Townsend, a request that has evolved. The Chair said that Ryder had initially (in August) been offered the position of Chief in Townsend, to replace the long-serving Chief who is retiring on September 15, at \$140,000 per year. The Chief turned down the offer, wishing to continue his service in Boxborough. It was reported that Ryder had contacted his BoS liaison, Les Fox, to inform him that he had then been asked to serve as a consultant on the search team for a new Police Chief. The week of August 7 or thereabouts, the Chief then contacted the selectmen individually to seek input on the matter. At the August 31 meeting of the BoS, the Chief informed the Board that Townsend was seeking his services as their Interim Chief for 3 – 6 months, until they selected a new chief. On September 8, the Townsend BoS voted to offer Ryder the interim position, pending the outcome of the Boxborough BoS vote on the matter. Later that week, Chair Amoroso spoke with the Chair of the Townsend Board, Gordon Clark, who also serves as a part-time officer (Special Patrol Officer) in Boxborough, regarding the matter and the intent of the Townsend BoS. On September 10 or thereabouts, Chair Amoroso contacted Chief Ryder and informed him that he could not support the Chief's proposed service in Townsend because of his concerns that Boxborough would not receive the services from the Chief for which Boxborough had bargained. Selectmen Fox noted that he had informed the Chief similarly on September 12. The Board then discussed the Ethics Commission email opinion to the Chief, dated August 31st. The Commission had opined that as long as the Chief kept the positions separate, and did not use Boxborough time, equipment or resources to work in Townsend, or vice versa, that the conflict of interest law would not prohibit him from holding both positions. Attorney Fair noted that the opinion did not address using leave time earned in Boxborough to work in Townsend. The ethics opinion also stated that the regular work hours in Townsend must fall outside of the hours in Boxborough and that Boxborough would have priority in the event of emergencies in both towns. With respect to the relationship with Gordon Clark, the Commission advised that Ryder should either recuse himself in a matter where there is an appearance of a conflict, or file a disclosure with the Boxborough BoS prior to participating in the matter. Next there was discussion of the contract interpretation that Ryder had received from the attorney who represents the Mass Chiefs, Jack Collins. Attorney Fair disagreed with Collins' interpretation that the Chief was not required to seek permission from the Board outside of normal business hours. Attorney Fair noted that the contract provisions must be considered in totality, in context with the other provisions. The contract explicitly states that Ryder must seek permission from the Board to work outside private details outside of office hours. Also, the Chief's actions demonstrated that was how he seemed to understand the contract since he sought the Board's permission to take the interim position in Townsend. The Board generally agreed that they wanted to avoid litigation in the matter and discussed the possibility of entering into an intermunicipal agreement (IMA) with

Townsend, a potential solution which Chair Amoroso, the TA and Attorney Fair had discussed earlier in the day. Under an IMA, the Town of Boxborough could maintain control of the situation; the Chief would remain a Boxborough employee, and Boxborough would provide the services of the Chief to the Town of Townsend for a fee. The IMA would spell out the terms of the engagement, which would include specifying the hours (outside of normal Boxborough business hours), the overriding obligations to Boxborough, especially in an emergency, and the period, not to exceed 90 days unless extended by mutual agreement. Earlier in the day, the Chair had informed the Chief of the idea of an IMA; the Chief in turn had discussed with the Townsend BoS Chair who had indicated his support in theory. However, since the Townsend BoS Chair was going on vacation at the end of the week, he hoped that the IMA would be drafted by the end of the week. The Boxborough Board would also enter into an MoU with the Chief, setting out the terms under which he could take on the Interim Chief assignment. Such terms would include putting a cap on the number of vacation hours per week that the Chief could use, a personal commitment that he would not take the FT Townsend Chief position and the amount of compensation.

The Board then discussed how the fee paid by Townsend might be split between the Chief and Boxborough, and Chair Amoroso suggested that the Chief should get the majority, perhaps a 60-40 split.

Member Bak expressed her concerns on the matter, noting that the Chief had caused undue drama to the Town in this matter, and that residents would not be happy with any decision that the Board makes relative to it. [REDACTED] With respect to the IMA, she said that she needs adequate time to process all of the information presented and wants to ensure that the residents are aware of the IMA proposal.

The Selectmen generally agreed to proceed by drafting an IMA, which would be brought forward to the full Board at the end of the week for further discussion and possible vote.

The Chief was called in at 7:37 PM. Chair Amoroso began the discussion by expressing his concern that the Chief's request had caused a lot of undue strain in the community. After apologies from the Chief, the Chair continued by reviewing potential terms of an IMA and said that the BoS would like to limit the amount of vacation leave that the Chief could use in any one week to attend to Townsend matters during normal business hours to no more than two days per week. It was estimated that Townsend would pay the Town \$25,000. Chair Amoroso proposed to the Chief a split of 60% to him while Boxborough would keep the remaining 40%. Discussed preparing the IMA to be effective retroactively to September 15, when the Chief would potentially begin duties on a "voluntary" consultant basis until the IMA was executed later in the week. The Chief asked the Board to pay the legal fees he had incurred in this matter. The BoS did not discuss. In response to a question that the Board had earlier raised regarding the assignment of special patrol officer shifts, the Chief confirmed that those assignments were made by the Sergeant or Lieutenant. (This question had been raised concerning potential conflict with respect to Gordon Clark, who serves as a special police officer).

At 7:45 PM, executive session was adjourned and open meeting was reconvened in the Grange Meeting Room.



Approved: 1/11/16

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
December 18, 2015**

PRESENT

Vince Amoroso, Chair; Susan Bak, Clerk; Les Fox, member; Jim Gorman, member

ABSENT

Bob Stemple, Member

ALSO PRESENT

Selina Shaw, Town Administrator; Warren Ryder, Police Chief; Jeffrey Landgren, President, Massachusetts Coalition of Police, Local 200; Patrick Colburn, Massachusetts Coalition of Police, Local 200; Jennifer Rubin, Attorney (counsel for the CBU); Attorney Joseph Fair, Kopelman and Paige (Town Counsel)

After convening in open session in the Town Administrator's office at 8:02 AM, the Chair immediately moved to adjourn to executive session to: 1) conduct collective bargaining session with MassCOP Local 200 – Boxborough Police Officers (to hold a grievance hearing), and 2) discuss strategy with respect to collective bargaining (MassCOP Local 200 – Boxborough Police Officers) and to adjourn immediately thereafter. With respect to reason #2, the Chair noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Selectman Gorman. **Approved 4 – 0** by roll call vote: Fox, aye; Gorman, aye; Amoroso, aye; Bak, aye.

Attorney Fair introduced the matter, which concerned the order-in grievance which was initially brought before the Board on May 14, 2015, as well as a grievance relating to denied vacation leave. Attorney Rubin commented that the order-in was a direct result of the creation of the Lieutenant position, and was to solve a personnel issue, that it was not an emergency.

Officer Landgren commented that the Department (BPD) had had ten full-time officers and that the Lieutenant was pulled out of the group of "working officers" who could cover shifts. He further commented that the BPD is understaffed and underfunded, and has not had sufficient staff to back-fill shifts. Officer Landgren said that the CBU does not disagree on the need to cover shifts with two officers; however, they do not support the manner in which the Chief has been handling; morale has taken a hit.

Chief Ryder agreed that Officer Landgren's account had some validity, but noted that the grievance was filed prior to the creation of the Lieutenant position. In order to adequately staff the BPD, an additional officer is needed. Officers do not volunteer to take the unfilled shifts; they wait to be ordered in. It is also difficult to get the part-time officers to take shifts and they cannot be ordered in.

The parties discussed the issue of the insufficient numbers of special (part-time) officers.

Selectman Fox asked if there were some proposal that would be acceptable to the CBU. Officer Landgren replied that the CBU would be willing to remove the "free pass" if they were able to secure "scheduled days off" as days on which they could not be ordered in. Chief Ryder expressed his concern that not allowing him to order-in on scheduled days off could severely impact his ability to adequately staff the BPD.

Attorney Rubin asked the Selectmen if they would be willing to try a trial period.

Caucus at 8:45

The Chief said that he would not object to a trial if he could change the order of the order-ins.

Attorney Fair discussed the second grievance which related to the denial of vacation leave because adequate notice had not been provided to the Chief. The officer provided less than seven days' notice, but was offered the ability to use a personal day. The CBU, in their grievance, stated that the practice had been to allow short notice if they could voluntarily fill the shift. The Chief explained to the BoS that he had allowed the practice at times.

At 9:00 AM, the Parties reconvened together. Attorney Rubin stated that there had been an established 16-year practice of allowing short-notice vacation if the shift could be voluntarily filled. Officer Landgren said that there had never been an issue until recently, and referenced the "not be unreasonably withheld" language in the CBA. The Chief stated that he had approved at some times, but not others and read from his memo to the CBU, noting that he has asked staff to try and plan ahead. Discussion continued with the Chief and Officer Landgren disagreeing on how the matter has been handled historically.

Selectman Gorman explained that even if an officer were to voluntarily fill a shift, it would have a cascading effect on the ability to fill shifts. If Officer A volunteered to fill the shift, then he would be unavailable to fill a shift open due to some other reason and there would then be more officers unavailable, requiring the Chief to order-in to fill a shift.

Attorney Fair commented that the grievance had been filed on behalf of Romilly, who has now resigned, so the issue should be moot.

Before the CBU and Attorney Rubin left at 9:15, Attorney Rubin asked that a copy of the CBA for the term ending June 30, 2018 be sent to the CBU. Attorney Fair explained that the CBA had not yet been executed, pending the outcome of possible agreed language to the Order-in section of the CBA. TA Shaw agreed to send to Officer Landgren. Attorney Fair was tasked with drafting language to settle both grievances and will prepare a proposal to include the scheduled days off on a trial basis until June 30, 2016. Chair Amoroso noted that if the pilot is not successful, we may need to hire an additional officer.

At 9:30 AM, executive session was adjourned.



Approved: _____

1/11/16

**Town of Boxborough
Board of Selectmen
Executive Session Minutes
December 21, 2015**

PRESENT

Susan Bak, Chair pro tem; Jim Gorman, member; Les Fox, member

ABSENT

Vince Amoroso, Chair; Bob Stemple, member

ALSO PRESENT: Selina Shaw, Town Administrator; Warren Ryder, Police Chief

The Board of Selectmen convened in executive session at 9:50 PM in the Town Administrator's office to discuss strategy with respect to collective bargaining.

The Board reviewed the "initial" and "fallback" offers to the Police CBU, drafted by Attorney Joseph Fair of Kopelman and Paige (Town Counsel), to settle the CBU's order-in grievance. Selectman Fox moved to authorize Attorney Fair to send the version entitled "Initial Offer," revised to remove the highlighted language regarding the "free pass." Seconded by Selectman Gorman. **Approved 3 - 0** by roll call vote: Fox, aye; Gorman, aye; Bak, aye.

At 10:00 PM, executive session was adjourned.