



Town of Shirley

BOARD OF SELECTMEN

7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812
David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Armand Deveau, Clerk

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BOARD OF SELECTMEN MINUTES of April 23, 2012 7:00pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, April 23, 2012 at 7:00 p.m. at the Town Offices with Chairman David N. Swain presiding and Selectmen Armand Deveau and Kendra Dumont and Executive Assistant Kathleen Rocco in attendance. CAO David Berry was not present.

CALL TO ORDER

Announcement: In addition to the SPACO audio and video taping of this meeting, the Board records the meeting with an audiotape player for the purpose of creating these minutes

TREASURY WARRANTS

Payroll warrant # <u>0142</u>	<u>04/18/12</u>	\$ <u>5,633.59</u>
Payroll warrant # <u>6142</u>	<u>04/18/12</u>	\$ <u>20,361.44</u>
Payroll warrant # <u>0143</u>	<u>04/25/12</u>	\$ <u>5,412.91</u>
Payroll warrant # <u>6143</u>	<u>04/25/12</u>	\$ <u>22,811.05</u>
Payroll warrant # <u>9143</u>	<u>04/25/12</u>	\$ <u>22,392.95</u>
Payable warrant# <u>2422</u>	<u>04/18/12</u>	\$ <u>123,735.50</u>
Payable warrant# <u>2432</u>	<u>04/25/12</u>	\$ <u>6,599.13</u>
Payable warrant# <u>9402</u>	<u>04/25/12</u>	\$ <u>1,683.47</u>

Motion to accept the following Treasury Warrants as presented. Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.

APPROVAL OF MINUTES

Selectman Dumont made the **Motion to accept the Minutes of March 26, 2012, April 2, 2012 and April 9, 2012. Selectman Deveau Seconded. David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

NEW BUSINESS

1. Nashoba Valley Technical High School

Dr. Judy Klimkiewicz, Superintendent of Nashoba Valley Technical High School, came before the Board of Selectmen to present their Fiscal Year 2013 Budget (*see attached*). Dr. Klimkiewicz reviewed the Massachusetts Vocational Technical Education, the NVTHS Statistics, current State Funding Formula, FY13 Budget Proposal, and the Expansion of Nashoba Valley Technical District (Ayer).

2. CAO Goals and Objectives – **Tabled**

3. CAO request on Salary Grid

Chairman Swain read into the minutes, CAO David Berry's request to be placed on the Wage And Salary Request:

In accordance with my contract I should have received the same increase on January 17th that the other employees received, being 2.5%. That would bring my salary up to \$98,835. However, having just been placed on the grid, the position should stay on the grid, and that would mean moving to Step 8, which currently pays \$98,595 (Step 7 pays \$96,424). As mentioned, the contract dictates that this increase should occur retroactive to January 17th. However, to bring me into line with the fiscal year—and everybody else—I would suggest that I stay at Step 7 until July 1st, and that my contract be amended to indicate an anniversary date of July 1st for purposes of step increases. If the Board were to agree to this amendment, then I would receive what all other employees receive as of July 1st—if the current proposal is approved that would mean going to Step 8 plus receiving the 1.5% COLA on July 1st. If the Board does not agree with this suggestion, then I should receive the 2.5% increase effective January 17th, and then receive the 1.5% COLA and Step 8 on January 17, 2013.

I need to know what the Board wishes to do soon, so that I can inform Bobbi Jo how to place me on the grid, and in order to adjust the FY2013 budget accordingly. Bobbi Jo's position will be placed on the grid as voted, effective April 9th, the date of the vote.

Chairman Swain then reviewed Mr. Berry's Contract and read into the minutes the section on Compensation.

Berry shall be paid weekly at the annual salary rate of \$95,000. However, it is agreed that the second and third year salaries shall be subject to negotiation between the parties, based on, among other factors, Berry's quality of work as indicated in his performance evaluations, and increases given to other Non Union Town employees. Any increases in salary shall be subject to appropriation by the Shirley Town Meeting, and

otherwise shall be paid in conformity with the Personnel Policy.

Chairman Swain noted that in the FY13 Budget, the CAO line item has an increase from \$95,000 to \$99,584, with his anniversary date of July, 1. He further noted that he personally does not think CAO's evaluations came out exceptionally well or well enough to merit any salary increase, and does not support an increase over his \$95,000.

Selectman Dumont stated that she needed further clarification on the Motion she made to put Mr. Berry on the Grid. It was her understanding that this was to be a place holder and in the future would know where that position would start. She further questioned that if they change his anniversary date, should they change everyone's anniversary date, understanding that she had thought if everyone started on the same date it would not be a cost savings to the Town. Personnel Board member Holly Haase clarified that the anniversary date changes only when changing a grade; Cost of Living Adjustments (COLA) happen at the beginning of Fiscal Year, (July 1), the step or merit increases should happen on the anniversary date.

Selectman Deveau asked Selectman Dumont for clarification of CAO's placement on the grid and if there were any future increases to this position, it would be based on this place holder.

Selectman Dumont stated that it was her understanding because there is a Contract in place, the Grid was to only place the position, not merit steps; the CAO would follow the Contract.

Selectman Deveau noted that the intent of the Contract would be that this person would get increases based on what the other employees get. Referring to the Contract, Selectman Deveau's understanding that if this person receives "X" amount of dollars in the first year of his Contract then the subsequent years would get the increases with the other Town employees.

Chairman Swain stated that the Contract states: *'negotiation between the parties, based on, among other factors, Berry's quality of work as indicated in his performance evaluations, and increases given to other Non Union Town employees.'*

Selectman Deveau believes that that is not what the intent was, with regard to the Contract. He further noted that he is prepared to demonstrate the vast disparities between the two positions.

Chairman Swain stated that evaluations that should be used, are the ones accepted by the Personnel Board, and although he does not disagree that some of those items in the evaluation should be taken off, however, taking those items off would mean the CAO would be graded even lower. Chairman Swain would like to have a number for the budget and asked the other members if they would want to defer until next week. Selectman Deveau feels next week is fine. Selectman Dumont does not have a problem with having deciding on CAO's salary this week for the budget.

Chairman Swain made the Motion that the Chief Administrative Officer's salary for the next year be held the same as the current Fiscal Year at \$95,000. Selectman Dumont Seconded. Seeing no discussion. Kendra Dumont vote Aye, Armand Deveau vote No and David Swain vote Aye. Motion passes.

4. Sign Town Annual Election Warrant

Selectman Dumont made the **Motion to approve the Warrant for the Annual Town Election, to be held on Tuesday, May 15, 2012 from 7am to 8pm, at the Town Offices. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

5. Appointment – Seasonal Cemetery Worker

Selectman Dumont made the **Motion to appoint Steven Holbein to Public Works Department as a Seasonal Junior Laborer, term to expire August 30, 2012. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

6. Joint Meeting with FinCom

Finance Committee and Board of Selectmen met jointly to review the FY13 Budget.

Line Item #129 – Town Administrator – FinCom agrees with \$95,000

Line Item #145 – Town Treasurer- BOS/FinCom vote to reduce \$18,000 from Tax Title

Line Item #211 – Police Department – BOS will defer this item to the Fall Town Meeting for further consideration.

Line Item #331 – Ayer Shirley Regional School District – Certified Assessment \$4,950,000. FinCom supports Assessment

Line Item #422 – Department of Public Works – Hourly Increase for DPW Assistant – FinCom in favor of deferring until Fall Town Meeting. Selectmen Deveau and Dumont support the 10 hours now, Chairman Swain would like to defer until Fall Town Meeting. No motion was made.

Line Item #424 – Street Lights – FinCom/BOS agree on \$1500 reduction.

Line Item #541- Council of Aging – Selectman Dumont made the **Motion to fully fund 19 hours for the COA at \$18,865. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

7. Annual Town Meeting Warrant

Selectman Dumont made the **Motion to close the Annual Town Meeting Warrant for FY13. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

OLD BUSINESS

8. Police Department Executive Secretary Request

Selectman Dumont made the **Motion not to support the Police Department's request for the 2 step increase for the Executive Secretary, but will support a step and COLA. Selectman Deveau Seconded. Kendra Dumont vote Aye, Armand Deveau vote Aye and David Swain vote Aye.**

With no further business to discuss, **Motion and Seconded to adjourn at 10:05 p.m., David N. Swain vote Aye, Kendra J. Dumont vote Aye and Armand Deveau vote Aye.**

Respectfully submitted,
Kathleen Rocco

Date Accepted: _____

David N. Swain, Chair

Kendra J. Dumont, Vice Chair

Armand Deveau, Clerk