



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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APPROVED

Board of Selectmen Executive Session Minutes

Monday, January 24, 2011

6:00 P.M.

Town Offices, 25 Bryant Lane

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson

Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. The meeting will be audio and video taped. There are two exits in the room in case of an emergency and the Chair identified the exits.

1. 8:00 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Lemoine to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into executive session at 9:00 P.M.

Labor Counsel joined the Board to discuss the following five topics:

- The Quinn Bill
- Structure of the Police Dept.
- Health Insurance Changes
- Non Union Personnel
- Town Accountant and Town Treasurer

The Board and Labor Counsel discussed the removal of the Town Accountant and Town Treasurer from the Manager's Union. During the last negotiations it was evident that the two positions should be removed. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lemoine to have Labor Counsel move forward in the removal of the Town Treasurer and the Town Accountant from the union.

The Board and Labor Counsel discussed the Quinn bill payments. The Board received a letter from Attorney Nolan representing NEPBA Local 8 notifying the Board of their intent to file a Treble Damage Claim for Non-Paying of Wages. Counsel spoke of the suit filed by Danial Adams & Others vs. City of Boston pending before the Supreme Judicial Court. The Board doesn't support the FY2010 payment of the state portion and go forward with the FY2012 negotiation and want to wait to see the outcome of the Boston case. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to have Labor Counsel to send a letter to the Union stating the Board's position that Article 10, Section C(3) of the parties' mutually bargained for and agreed upon collective bargaining agreement is enforceable and will reexamine its position once the matter of Daniel Adams & others vs. City of Boston is decided.

The Board discussed the matter of health insurance and how best to deal with the escalating costs and the Governor's statement to join the GIC. The Board and union to negotiate an insurance package similar to the GIC, join the GIC and the town joins the GIC does the unions have the 70% to change, does the Board file a home rule petition to super cede the change. The Board will hold fast for the 6 weeks and see how things work out.

The Board briefly discussed the police department's structure on implementing Lieutenants and the Deputy Chief's position and the Chief's need for a non union officer to work with. The Chief will return to town next week and will ask the Chief to meet with the Board at their next meeting to discuss. The Board requested the following information from the Chief: his recommendation on the promotion process for the Lieutenants, including an implementation schedule; and options for the #2 departmental position ie Deputy Chief, Captain, or other. The Board also requested the following information via the Town Administrator: earnings history for the Deputy Police Chief, as well as a comparison o f the Chief's and Deputy Chief's employment contract.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Lemoine to exit Executive Session return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board exited executive session at 11:00 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on Monday February 7, 2011