

Voted and approved 10-19-2010

BOARD OF SELECTMEN'S MEETING
Tuesday, September 7, 2010
7:00 PM at Town Hall Meeting Room

Present: Douglas Blanchard, Vice Chairman
David McDougall
Michael Phelan
Ann Roy

Absent: Jess Dods, Chairman

Also Present: Diana Schindler, Town Administrator

PLEDGE OF ALLEGIANCE

Call to Order

SCHEDULED APPOINTMENTS

7:00 P.M. EILEEN COUTURE, TOWN CLERK Re: New Open Meeting Law

Mrs. Couture briefly explained and passed out the new open meeting laws packets, and asked those who were present to please pass them out to their other board members. She stated everyone is to sign off on the receipt of acknowledgment and she will maintain the file in her office. All persons who serve on a public body are required to sign this.

Ms. Couture also asked board, committee and departments, if you have not completed your ethics training please do so, she has several people who have not completed it.

LOCAL SCHOOL COMMITTEE Re: Wages

Present: John Fitzpatrick, School Committee Member and Craig Jurgenson, Superintendent

Selectwoman Roy stated she would like to read a letter of statement to talk about a difficult issue over budget and salaries. Selectwoman Roy read (see attached).

Selectman Blanchard explained that the Select board asked everyone, every entity in town to not give raises due to budget constraints, he further stated if one person received a raise and the other did not it would have caused problems and despair and they did not want that. The school department gave two people (nonunion) raises; that in turn caused turmoil with the other nonunion people, he understands the Select Board does not have jurisdiction of how they (school) spend their money; however they were trying to maintain harmony. It was done, it did cause problems and they are concerned about it and that is why the School committee was asked to come tonight.

Mr. Jurgenson stated they have heard there was discussion around the budget and they were surprised. He stated when they think back how they built the budget they go back to conversations in March. When they were asked to revisit with the union in those discussions of 3/23 they talked about that no body would bear the load they would take all take a hit at the same time, something along those lines, they thought if the union did not take the cut then the non unions didn't have to either. After that the School Committee were asked to ask the unions to re-open negotiations, they did. The School committee came back and said the unions were not interested in re opening negotiations. A few weeks later they received a letter thanking them for that. Mr. Jurgenson stated if they were against the towns budgeting strategy it was not intentional that is their defense. Mr. Jurgenson stated there are more than two people that are non union; there are office staff, nurse

staff, custodial staff, and cafeteria staff. There were raises and steps included in that process the total is around \$13,000 with the steps. They feel comfortable and confident in the way the school is run and the way the finances are managed and what they asked the town for in the last few years. They produced free cash as a department the last two years, last year they were level funded, two years ago they took a cut from funding from the town.. It wasn't a cut where the budget was submitted and that number was cut, it was ascend from the previous year, it was cut from 2008. and they have been responsible in being creative in going and finding funds to run the school, they are school of choice, they have been able to create a level funded process they will be return money to the town this year they did last year \$90,000 they have been responsible in conducting negotiations with unions and buses that have produced savings they are confident they had best interest of town in mind. They talk about the decision they make how it may affect the town. And going back and looking at the march meeting and looking at the letter they received on May 10 if he looked back at the today, and knew the intention was to 0.00 fund non union of employee he can see how that is interpretive, as a town they are going back to open contract and they did that. In his mind, as a body that is when they talked it never came up. They were aggressive in finding grants that is how they brought technology in the school.

Selectman Phelan stated there is definitely a misunderstanding, his impression from those meetings he understood if the unions didn't open negotiations there were to be furloughs or layoffs, to make up the difference, he is troubled by the fact there is an allegation of a misunderstanding he thought he was as clear as can be. He understands the statue "you spend as you see fit" they appropriated a line item, they spend a how they see fit, we can ask for some recommendation of how to spend it. Their recommendation was to level fund the wage line which meant no raises and if the union chose to ignore it, as far as reopening negotiations, there was going to be furloughs and layoffs.

Mr. Jurgenson stated the March meeting was the last communications they had. Ms. Schindler stated a letter sent on May 10, 2010.

Now they have non union people getting raises and other non union employees are not getting raises, who are now asking what happens to them. Selectman Phelan stated they don't have the legal authority to tell the school how to spend money they have moral authority. Mr. Fitzpatrick stated if we didn't execute the strategy that this board asked to be executed completely it wasn't intentional. Selectman Phelan said we go to next level how do we fix it from here. Mr. Fitzpatrick agreed.

Selectman Phelan asked how you fix the problem now that the school department received raises and the other employees did not. Ms. Schindler stated it will cost an additional \$55,000. Selectman Phelan stated this budget is \$30,000 short, which would put us \$80,000 short. Ms. Schindler stated it is more than that b/c on the final cherry sheet for school spending tuition for choice was doubled they lost 15,000, now we are \$100,000 short.

Barbara Laflam asked the board stated what the status was of union and nonunion contracts where the select board has the authority over.

Selectman McDougall stated one individual did get a six percent raise, they are talking about four percent coming out of the state. He is concerned about the overall wealth and health of the town. They try to do as much as they can with what they have. They are looking at efficiency and cost savings. 2/3 is the school and if they are looking at efficiency and cost savings they have to look at the line share. The school did an audit the board did not get a copy of that. He has been a Select Board member since 2004, and it always has been when he talks to departments it is the town against the school. He is trying to move the town in a positive direction; it is hard to do when

things like this happen. How do we move forward knowing there is more budget cuts? Bottom line as a Select Board member is to protect things that are important to us that is our family that is ems, fire, police, those are the basic things he does not want to see cut. He would like to see where the school is saving and keeping the board in the loop, making sure they move forward as a group in the town. Selectman McDougall stated they have been talking as there should be a policy for this guidance, similar to not balancing the budget on free cash. Mr. Fitzpatrick agreed, he said they talked about this in March, lets make sure they do it.

Selectwoman Roy stated this was inadvertent of miscommunication of what we wanted to convey and what the school committee heard.

Selectman Phelan stated the Select board has choices a.) Give everyone raises, or allow the status quo to exist b.) or somehow rescind the raises or ask the school to rescind their raises. Those are the answers to problem. Selectman Phelan stated choice a) leaves us \$100,000 in hole, or choice b) leaves us \$30,000 in the hole. How can we fix this diarchy? Selectman Phelan stated we have disparity that has been created, that is what he meant how to fix the problem. How do they work together between now and next budget cycle? He is being asked by town employees who want to know the here and now. Try to make it fair would leave \$100,000 in the hole and where is the \$100,000 going to come from.

Mrs. Couture said to Mr. Fitzpatrick and Mr. Jurgenson they were present at the department head meeting, she doesn't know how they did not hear about it, they were there and it was talked about "no raises".

Chief Silvernail asked what the true number of people who received raises is and was there anyone that did not receive raises? Mr. Fitzpatrick stated he will go back and get the number. Chief Silvernail responded back this meeting was well prepared in advance and the question should have been answered.

Mrs. Laflam stated you are in charge with contracts with individuals and unions, such as the Town Administrator, the Highway Department personnel, the police dept personnel, have they rec'd raises through negotiations? Have you given raises perhaps one year or three year contracts that have raises or other incentives? Selectman Phelan stated the Town Administrator signed a contract that had a raise then lost a raise, the police contract is still open cannot comment on that. Mrs. Laflam asked if that included step increases? Selectman Phelan stated no raise whether it is a step or cola. He further stated to his knowledge people here in this room did not receive a raise this year. The highway contract said no to opening contract they are living in their budget line to last year. The Highway rec'd their raises, and there will be furloughs for that dept, they have same wage line as they had the year before. Both wage lines were level funded.

The Highway Superintendent did not get a raise and fire did not get a raise. Selectman McDougall stated they are trying to get all contracts on same year.

Mrs. Laflam stated this has been an on going problem, the leadership is not clear, the PPPB has not updated the wage scale in a consistent manner. Selectman Phelan stated they have updated the wage scale. Mrs. Laflam stated it is important of our leadership to be transparent.

Mrs. Laflam stated she has another problem that she would like to bring to the Board's attention; regarding computers and personal information avail on the web site.

Doug asked Mrs. Laflam to talk to the board and to add to agenda.

Mr. Jurgenson stated all school administration have taken five day furloughs or have given back financial assistance in their contracts.

Selectman Blanchard stated they are in a terrible position. Selectman McDougall stated he would be inclined to send a letter to the school to ask to rescind a raise.

Kristie Slattery, Treasurer stated she does not think the town can take back raises unless it is voluntary, but she will double check with Department of Labor, Mark Anson head personnel. Selectman Blanchard asked her to check that.

Chief Silvernail stated he wanted to go on record stating he finds it hard to believe that the message was not out there, they have been dealing with shortfalls through the year; this has been going on before July 1st. The union did get the raise in spite of the whole issue has caused a lot of problems with employees for the town, in light of that he would like the board as a dept head and tax payer and as a department head he would expect the board next year to take a close look at the local budget and the money that comes in with school choice that gives them the flexibility to give raises and as a tax payer. He further stated when he sees the disparity that is going on with the dept he demands the board closely examines the budget this year. They can give local authority of the amount of appropriation.

Next year you can look if as the number the principal stated just have a million coming in next year that is a lot of discretionary money this year they have seen a lot of items that didn't get funded but yet we use the money for the school boards, and leave some money for the other dept. You have that authority and right to look at the appropriation as they come up, and spend on things that would cost and come off the backs of us. If they have that authority and right they can budget less and they can spend their discretionary money on their own capital items.

MOTION: The board gives no raises to the rest of town employees and goes from there.
(PHELAN, MCDUGALL) Voted and approved 3-1

Audit does it include the local and regional. Regional was done this year he is unsure when the local was done.

ALL BOARDS, COMMITTEES & DEPARTMENTS Re: Updates

Chief Silvernail-Police Department: they have had a dispatch turnover he expects the overtime costs to go up. Patrols and dispatch (240 hours for dispatch three times higher for officers)

Robert Floyd rep Cemetery Commission-they are going to have their annual hydrangea trimmings, they are working on plans in back of cemetery they are looking into discussion of a cremation wall to save space, they asked the town officially to have all invoices from all contractors of cutting the lawn they will approve them as need be, they cannot be responsible for their if they don't review them, they are coming up with a Q&A form that will be kept at the library, grants for straightening out the headstones.

Hank Barton rep Housing Authority-they recently completed the PVPC housing assessment and housing needs assessment they are starting to work on, that plan has been approved by the Select Board, they will ask the Planning Board if they had a chance to vote on it. (John Furman replied yes), DHCD given grant for housing rehab consequent they are getting seven unit houses in Southampton, PVPC will know about the procedures,

Hank Barton rep Master Plan- PVPC staff has worked with them on that plan, they will be meeting on Thurs 09/23 where we will see what they have done during the summer and review it.

Steve Hyde rep Fire Department- Would like \$1000 for equip and would like to add money to expense. He doesn't expect anything cheaper this year.

Maureen Groden rep Board of Health, there are a lot of upgrades, new inspections, there is a lot going on with the oncoming flu season, Josh Mathieu has been getting involved with the tobacco inspections, Board of Health has been impacted about the lack of raises, he has been going to community going out to restaurant two times a year, going to different meetings as well, animal issues and they think he is doing a great job.

Virginia Ahart rep CPC announced public hearing on October 14, 2010 opening meeting that they report to the community they received projects. Goral property acquisition.

Bob Blanchette rep Finance Committee- Policies need to be developed, goals should be clear and attainable. Policy is the building of the budget. We do not have free cash certified but have already spent over 200,000 in free cash to fund the FY11 budget.

Mark Reed rep Park Commission- small recreational park at end of Pomeroy Meadow Rd ext and Helen drive thanks to CPA money that funded construction of the park and the highway department, invited town residents. Conant Park Pavilion rentals are down about 25%, encouraged the use of Conant park. The commission is looking at upgrading the play equipment at Conant Park. The goals of the commission are to get people to use it more instead of playing ball; they plan to repair the back stop

John Furman rep Planning Board they have few zoning ordnances from the building inspector they are working on

Eileen Couture rep Town Clerk voting booths, possibility of new voting booths, self standing 250.00 each and at least 30 are needed. Not sure where they are going to put the booths in the New Town Hall. Council on Aging does not the voting booths in their area. When they are over 6000 residents they have to have two precincts, after that this issue needs to be resolved no later than March 1, 2011, she told them they would need to think about that in the future. Eileen Couture also stated in 2012 she will not run again, she is going to retire.

Douglas Blanchard rep Building Reuse Committee the New town hall project is going very well, project coming to an end by the end of October (no formal) the custodial of how to take care of the systems in there, the BRC thought it would be best interest of town to ask Norris school if they could borrow two of the custodians that are familiar with the care of the systems. Mr. Collins agreed the town could borrow two of their custodians. The more people that we can trained over there the better. Skilled maintenance that knows HVAC.

MOTION: To have one rep from the Highway Department and one rep from the Norris School. (MCDUGALL, PHELAN) Voted and approved 4-0

Tape changed-830

I. APPROVAL OF MINUTES

II. SIGNATURES

Payroll Warrant and Bill Warrant

The Board voted and signed to sign Bill Warrant #W11-11 \$119,817.45

Community Development Block Grant

(tape restarted here)

They applied for as a lead community and because they are the lead community they were asked to sign the contract. The contracts were to be signed in front of the Town Clerk.

MOTION: To accept the award (PHELAN, MCDOUGALL)

Voted and approved 4-0

One Day Beer & Wine Permit at Conant Park

The Board members were asked not to announce the name because of a surprise party.

MOTION: To approve pending the Select board office receives payment for the permit.
(PHELAN, MCDOUGALL)

Voted and approved 4-0

Letter to Henry Sansouci

Selectwoman Roy read the letter aloud thanking Mr. Sansouci for his years of service to the town.

MOTION: To approve and sign the letter to Henry Sansouci. (PHELAN, MCDOUGALL)

Voted and approved 4-0

II. TOWN ADMINISTRATOR'S REPORT

See attached

1. Annual Commonwealth Capital Application is completed – see attached. Requested a score of 75 points. Should be approved by the State within a week or so. Ms. Schindler stated this is a increase by four points from last year.
2. Fire Department surplus equipment bid is closed. Chief Hyde recommends accepting the bids as received:

1963 White Freightliner (M49) Military Tanker (1250 gallons)

High Bid = \$605.00

1972 International Fleet Cab & Chassis

High Bid = \$385.05

Both vehicles were purchased by Joseph Griffin of Foster, RI. If awarded, he will be notified and payment/pick up arrangements will be made.

MOTION: To accept the bid as recommended. (PHELAN, MCDOUGALL)

Voted and approved 4-0

Early Retirement Incentive

Ms. Schindler state operationally she does not think it will work.

III. OTHER BUSINESS/ANNOUNCEMENTS

Upcoming Events/Meetings

- September 14th Special State Primary Election
- September 21 Select Board Meeting
- September 16th at 7pm with the BRC

Selectman Blanchard asked the Board and the members in the audience for a moment of silence for Jennie Gnacek who passed away last week.

IV. ACTION LIST

V. DISCUSSION ITEMS

VI. OPEN TIME FOR PUBLIC

Barbara Laflam told the board that Ms. Schindler came over and assured her the situation has been resolved.

Mrs. Laflam stated breaches of security with town personal information, such as social security numbers, addresses, and bank routing numbers, is available to anyone who has access to the town's internet server. That is a security breach. There are a number of department personnel that have that access to this information. She stated the Board of Health files are on other departments computers. She further stated this is not the first time this issue has occurred.

The Select Board thanked Mrs. Laflam for bringing this information forward. Selectman Blanchard informed Mrs. Laflam and other board members that Mr. Dods called him today and there is a meeting scheduled for next week.

Ms. Schindler stated when these things do happen; the only people who can get this information are any one that can access the town hall network which are the town hall employees. When these issues come up they should be brought to someone attention immediately with a level of the situation. Ms. Schindler stated Jess was told last week but was told in a context of other issues of the server, that had nothing to do with the security, she believes he didn't understand it was a security breach.

Ms. Schindler stated this is a document that is from 2007 whether or not it is current. Ms. Schindler stated the people who can reach it are the people who are in the network searching around other people files to see if they can get the information.

Selectman Blanchard stated those town employees that are doing this we should reprimand them or terminate them. Mrs. Laflam stated this is the problem, they brought this message to their attention, and they "shot the messenger".

McDougall stated they solved the problem and "shot no one".

Selectman Phelan stated they do not condone anyone in town hall hacking into other employees' computers. Mrs. Laflam stated no one is hacking into anyone's computer, when the new computers were set up by the IT person that information (security breach) was available for view on their desktop.

Ms. Schindler stated part of the issue is there are no technology policies and part of the issue is these computers belong to the town not the people who use them. They have heightened the security, they have given everyone user names and passwords. Ms. Schindler stated the issue that is going on is the control panel the IT person is the expert, and he set the level of security, ever since that happened there has been push, push, push to get that unrestricted.

In 2008 when it was first discovered there was a security of breach. The IT person placed a "lock down" which locked the control panel and completed a security audit. This past month the same IT person set up new computers in the Treasurer's office and Board of Health office. The town hall staff notified Ms. Schindler that there was a security breach, based on the fact that the Board of Health files were on the Treasurer's computers and the Treasurer's files were on other departments computers. Some employees had access to the payroll system when they should not have. That employee told the IT person not to give them permission on the payroll system, but the IT person did. No one was searching for files; there were shortcuts on the desktop available for viewing.

Ms. Schindler stated let the IT expert decide what your levels of administrative access are and what not. Ms. Schindler stated we have lay people here that know about technology

and they are going onto computers also doing things. It is not clear to her that this is happening because Jason is doing something; it could be happening because our own people are setting up emails and passwords that he is not aware of and these problems come up and automatically we blame him. Selectman Blanchard stated they are not to be doing this, they are not to be snooping around.

Ms. Schindler and Jason were made aware of all the things happening when it pertained to the computers, including email set up and changing of passwords.

Mrs. Laflam stated they are not snooping around.

Selectman McDougall stated if there are policies set about the use of computers and the employee violates the policy there needs to be something that happens. If they violate it there will be a reprimand and if the employees are going into the other people's files and snooping around there is an issue. Mrs. Laflam stated that is not the situation at all.

Ms. Schindler stated they are not hacking into the files. Mrs. Laflam stated they are not hacking into the files. Ms. Schindler stated they are not going into the files. She stated all the files are listed on the computer, but if you click on it, a message will state you do not have access. Ms. Schindler they are looking around depends on the department. She does not know where this miscellaneous file was exposed. It is an old file. She does not know how it was discovered.

Selectman Blanchard asked for a letter to go out to everyone. Ms. Schindler stated she prefers to have a letter from the IT person, and to have technology policies. Ms. Schindler stated everyone is talking about it. She further stated they did send a letter out stating they locked down the control panel to correct the security breach and to prevent this from happening. She stated it is time for the Selectmen to set a policy.

Selectwoman Roy asked if the policy would help clarify things. Mrs. Laflam stated she would like to see a better security and if it is in lockdown then why isn't it lockdown? Ms. Schindler stated we have outside vendors that can get in on our system live, they set up parameters for their system and they have override some computer things which caused unauthorized users in the group. Ms. Schindler stated he fixed it today remotely; he fixed the immediate issue and agreed to come to a meeting. The IT person told her he saw the documents. Ms. Schindler stated she would like to set different levels of administrative security; they need to understand what it involves to make a decision.

EXECUTIVE SESSION M.G.L. CHAPTER 39, §23B # (list reason #, topic)

ADJOURN

MOTION: To adjourn meeting (MCDUGALL, PHELAN)

Voted and approved 4-0

TIMES ARE SUBJECT TO CHANGE, THIS MEETING WILL BE ELECTRONICALLY RECORDED

Having no further business, the meeting was adjourned at 9:25P.M.

Respectfully submitted
Regina Shea-Sullivan
Administrative Assistant