

Boxborough Selectmen Executive Session Minutes of 2011  
Released on November 28, 2016

**Meeting of:**

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1/10/2011

2/15/2011

3/21/2011

4/25/2011

5/2/2011

5/10/2011

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12/13/2011

12/22/2011



RELEASED  
11/28/2016

Approved: 1/24/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
January 10, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

The Board convened in executive session at approximately 10:35 PM in the Town Administrator's office, Town Hall to discuss strategy with respect to collective bargaining.

Board discussed collective bargaining process and pros and cons of including various parties at the table, e.g., professional negotiator and representation from FinCom. Although no votes were taken, the Board agreed that FinCom input would be welcome prior to actual negotiations but did not support presence at the table. Board also was not inclined to utilize the services of a professional negotiator.

At 11:00 PM, it was moved and seconded to adjourn from executive session. **Approved 5 - 0** by roll call vote: Neville "aye," Powers "aye," Fox "aye," Suleiman "aye" and Robinson "aye."



RELEASED  
11/28/2016

Approved: Feb 28, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
February 15, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

Chair Powers convened executive session at 9:55 PM in the Town Administrator's office, Town Hall to discuss strategy with respect to negotiations with non-union personnel. The Board discussed strategy in preparation for upcoming negotiations with primary department heads. No votes were taken.

At 11 PM, it was moved and seconded to adjourn from executive session. **Approved 5 - 0** by roll call vote: Neville "aye," Suleiman "aye," Robinson "aye," Fox "aye" and Powers "aye."



RELEASED  
11/28/2016

Approved: March 29, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
March 21, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

The Board convened in executive session at approximately 10:40 PM in the Town Administrator's office, Town Hall to conduct strategy sessions in preparation for negotiations with non-union personnel, specifically, the Police Chief and DPW Director whose contracts expire on June 30, 2011.

Chair Powers explained that the purpose of the discussion was to provide guidance to the liaisons who will be negotiating on behalf of the BoS. It was agreed that the terms of the contracts for the DPW Director and Police Chief should remain the same; salaries should be increased by 1%. Although the Board seemed inclined to offer the Fire Chief 0%, Member Fox reminded the BoS that the performance review, upon which the Chief's salary would be determined, had not yet been completed. Member Neville noted that the salaries must be provided in the budget.

At 10:50 PM, it was moved and seconded to adjourn from executive session. **Approved 5 - 0** by roll call vote: Neville "aye," Suleiman "aye," Fox "aye," Robinson "aye" and Powers "aye."



RELEASED  
11/28/2016

Approved: 5/23/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
April 25, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

The Board convened in executive session at approximately 9:20 PM in the Town Administrator's office, Town Hall to conduct strategy in preparation for negotiations with non-union personnel, specifically, the Police Chief.

Chair Powers updated the Board on discussions that he and Selectmen Suleiman had with the Chief. Among the terms that Chief Ryder had proposed:

- 5-year contract term
- inclusion of language referencing the holiday pay statute, ch 147 §17F, which stipulates that Chief would be compensated an additional day's pay for working on certain holidays
- removal of time card language
- permission to work details at the Chief's discretion
- 12 months' severance
- "Quinn Bill" compensation
- use of unmarked vehicle for vacation except in instances when it would not be reasonably expected for him to respond to an incident
- right to be represented by counsel or representative of his own choosing at a disciplinary hearing
- payment of due compensation to estate upon death

The Board discussed the Chief's proposed terms, and generally agreed as follows:

- 3- year term
- OK on holiday pay
- Use time card language from TA's contract, whereby card should be submitted for paid leave (i.e. vacation, sick, personal days)
- Details only with prior approval of BoS
- 6 months' severance
- No to Quinn Bill
- OK to use of vehicle
- Representation is a legal right... clause does no harm, but should specify "at Ryder's own expense"
- No to last term, which is redundant and already covered by the *General Provisions* section of the Agreement

TA provided survey of a number of Massachusetts towns and noted that among other criteria, e.g. demographics, number of years served by incumbent should also be considered when reviewing comparable salaries.

Selectmen agreed that 1% increase for FY 12 was appropriate and that survey data would be further massaged and reviewed to get a better picture of "total compensation" for the following year.

At 10:40 PM, Member Suleiman moved to adjourn from executive session. Seconded by Member Neville. **Approved 5 - 0** by roll call vote: Neville "aye," Suleiman "aye," Fox "aye," Robinson "aye" and Powers "aye."



RELEASED  
11/28/2016

Approved: 5/15/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
May 2, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

The Board convened in executive session at 8:35 PM in the Town Administrator's office, Town Hall to conduct strategy in preparation for negotiations with non-union personnel, specifically, the Police Chief.

Chair Powers updated the Board on discussions that he and Selectmen Suleiman had with the Chief on April 29 regarding the contract:

- Contract term – Chair informed Chief that there was not consensus on term of contract. Chief expressed concern about a contract less than 3 years.
- Chair Powers and Member Suleiman emphasized the Board's desire to improve community policing and customer service within the department.
- There was no commitment to salary, but the team reiterated the selectmen's proposal of 1%, and noted that they would evaluate relevant data next year. Again the team stressed the importance of rectifying the department's image.
- Chief agreed to time card language from TA's contract, whereby card should be submitted for paid leave (i.e. vacation, sick, personal days).
- Team reiterated no "Quinn" compensation.
- Chief agreed to details only with prior approval of BoS.
- Agreement on holiday language. BoS will encourage Chief not to work on those holidays cited in the statute.
- Agreement on inclusion of "at Ryder's own expense" with regard to legal representation.
- Agreed with deletion of language Chief had provided on payment of compensation to heirs upon death since this is redundant and already covered by the *General Provisions* section of the Agreement.
- Basically all was resolved except for salary.

Member Suleiman stressed that BoS should set goals, especially those dealing with people, and task the Chief with developing a profiling policy within 60 days. Discussion regarding goals and how to establish those that are quantifiable.

Board discussed severance clause in contract; want to ensure that "6 months" language will indeed allow the Board to terminate agreement without just cause, with the risk of only 6 months' compensation.

At 9:18 PM, Member Neville moved to adjourn from executive session. Seconded by Member Suleiman. **Approved 5 - 0** by roll call vote: Neville "aye," Suleiman "aye," Fox "aye," Robinson "aye" and Powers "aye."



RELEASED  
11/28/2016

Approved: 512311

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
May 10, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

The Board convened in executive session at 6:31 PM in the Superintendent's conference room at the Blanchard Memorial School to conduct strategy in preparation for negotiations with non-union personnel, specifically, the Police Chief.

Chair Powers provided an update... He and Member Suleiman had met with the Chief on the previous day. Agreed on a 3 year term... Salary is still a sticking point. Chief insulted at 1% offer; also had opinion from Mass Chiefs' counsel that Chiefs should be entitled to Quinn. Chief implied that if there were not agreement to the terms, he would not sign a contract.

Chair Powers updated the BoS on discussion with Town Counsel:

- 1) Comparative data was okay to include, provided the town made no commitment on its use.
- 2) Quinn Bill – no wording in contract – should probably state explicitly that salary is inclusive of % to which Chief is entitled under Quinn
- 3) If no agreement by 6/30/11, contract would be “dead;” appointment term ends on 6/30

At 6:55 PM, Member Neville moved to adjourn from executive session. Seconded by Member Suleiman and **approved 5 – 0** by roll call vote: Neville “aye,” Robinson “aye,” Suleiman “aye,” Powers “aye” and Fox “aye.”



RELEASED  
11/28/2016

Approved: 5/23/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
May 18, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman convened executive session at 7:04 AM in the Town Administrator's office at the Boxborough Town Hall to conduct strategy in preparation for negotiations with non-union personnel, specifically, the Police Chief and DPW Director.

Member Powers distributed a list of options, which had been presented by the Chief as well as a white paper on *Quinn Bill Payment Obligations*, which had been prepared by Attorney Jack Collins. Member Powers reported that the Chief was more conciliatory at the latest negotiations sessions. The Chief proposed an increase in salary to \$105k and the inclusion of language that Chief would waive additional compensation based upon Quinn, since this in essence has been included in calculation of base pay. Chief also requested that his salary increase 12 – 15% over the 3-year period to bring him in line with comparable towns. Chief also sought 1-year severance, and offered to move to 6 months when other dept heads did so. Chief provided detail language that would enable him to work details if a full-time employee could not fill the detail.

The Board discussed the Chief's proposals and agreed not to exceed 1% increase in FY 12. Board indicated willingness to do a compensation study, but not to commit to tying increases to it. Board discussed that future increases should be based upon performance against goals, equity in town and consideration of salary data. Board agreed that details could be worked only with the prior approval of the BoS. Although there was discussion to limiting this to weekends, it was agreed that such language should not be included in contract.

Chair Suleiman and Member Powers will inform the Chief of latest BoS position.

Chair Suleiman then updated the BoS on meeting with DPW Director. DPW Director agreed to 1% increase. He would like use of car to extend beyond commuting. BoS agreed that newly agreed language from Chief's contract could be included in DPW Director's contract. Discussion regarding compensatory time for additional hours worked. Member Neville commented upon facilities management responsibilities, which are included in job description, yet unfulfilled. Brief discussion ensued... Chair Suleiman said that DOPW Director would like his staff to have same vacation benefits as the police union. TA pointed out that this would require a change to the Personnel Plan (and therefore a Town Meeting vote) and noted that this could also impact negotiations with Fire Union.

At 8:00 AM, Member Neville moved to adjourn from executive session. Seconded and approved 5 – 0 by roll call vote: Neville "aye," Suleiman "aye," Fox "aye," Powers "aye" and Robinson "aye."



RELEASED  
11/28/2016

Approved: June 13, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
May 23, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman convened executive session at 9:45 PM in the Town Administrator's office at the Boxborough Town Hall to conduct strategy in preparation for negotiations with non-union personnel, specifically, the Police Chief and DPW Director.

Member Powers updated the Board on negotiations with Chief Ryder. The Chief agreed that he would accept contract language which would require his seeking the Board's prior approval to work details. The Chief asked for continuing educational support for a master's degree program and also sought support to attend the FBI Academy, which was described as a 15-week program, very prestigious, and would come at no cost to the town. Members Fox and Robinson asked that the negotiating team bring back more details on the educational programs; Member Robinson also sought information on staff trainings. Chair Suleiman said that he would no longer be part of the negotiations team and Member Robinson stepped up. She and Member Powers will follow up with Chief Ryder.

Chair Suleiman then updated the BoS on negotiations with DPW Director. DPW Director was provided with vehicle language from Police Chief's contract and there was continued discussion on the use of compensatory time. Advance notice to use comp time must be given to liaison; should not take more than a day at a time, and comp time must be used within the quarter in which it was earned.

At 10:40 PM, Member Neville moved to adjourn from executive session. Seconded by Member Powers and approved 5 - 0 by roll call vote: Powers "aye," Neville "aye," Suleiman "aye," Fox "aye," and Robinson "aye."



RELEASED  
11/28/2016

Approved: June 13, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
May 31, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Frank Powers, Member

ABSENT: Rebecca Neville, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman convened executive session at 5:10 PM in the Town Administrator's office at the Boxborough Town Hall to conduct strategy in preparation for negotiations with non-union personnel, specifically, the Police Chief, DPW Director and Interim Fire Chief.

Member Powers updated the Board on negotiations with Chief Ryder. The Chief, in his proposed contract language, included specific reference to salary survey without performance requirements. Selectmen agreed that performance requirements must be included and that Board should not be tied to basing salary on survey results. Selectmen discussed severance and agreed that they would like to transition to 6 months (from one year) on Chief's contract and others being negotiated.

Chair Suleiman then updated the BoS on negotiations with DPW Director. There was agreement on 3-year term, 6-months severance, salary for FY 12 of \$77,273.08, compensatory time in lieu of pay (language from TA's contract), and vehicle language from Chief's contract. DPW Director agreed to keep 1 % salary increase instead of additional vacation.

Brief discussion regarding future negotiations with Interim Chief...

At 6:15 PM, Member Powers moved to adjourn from executive session. Seconded by Member Robinson and **approved 4 – 0** by roll call vote: Powers "aye," Robinson "aye," Suleiman "aye" and Fox "aye."



RELEASED  
11/28/2016

Approved: 6/20/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
June 13, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman convened executive session at 10:37 PM in the Town Administrator's office at the Boxborough Town Hall to conduct strategy with respect to continued negotiations with non-union personnel, specifically, the Police Chief, DPW Director and Interim Fire Chief.

The Chair began by recusing himself from the matter of negotiations with the Police Chief. [References to "the selectmen" regarding discussion of these negotiations exclude the Chair, who did not participate in the matter.]

Member Robinson distributed to the selectmen correspondence from the Chief related to his compensation. She discussed concerns with the apparent expectations of the Chief during the next three-year contract term as well as several aspects of the agreement. Member Powers reported that the Chief would like to be compensated for working details at town events such as Fifer's Day, Memorial Day and Winterfest. Selectmen agreed that Chief Ryder, in his capacity as Chief, should be present at these events and should not be additionally compensated for these events. After further discussion on the matter of details, the selectmen agreed that the Chief, with prior approval of the Board, could work only out-of-town details, outside of normal business hours (9- 5). TA will review policy on outside details with regard to rate. Selectmen next discussed the matter of the FBI Academy and agreed not to include at this time, but possibly to consider after the completion of this three-year term. Finally, the selectmen discussed the severance section. The Chief had requested a hearing prior to termination without just cause; the selectmen agreed that there would be no hearing; the provision was the means to part company with a department head without just cause, hence the payment of severance. The selectmen agreed on inclusion of language to meet with the Chief to explain reasons for terminating his contract. Member Fox suggested clearer language regarding lump sum payment of six months base salary.

Brief discussion on DPW Director contract. It was agreed to clarify language regarding compensatory time... that 48 hours' notification be made to the BoS (not to the liaison), and that he shall take no more than 2 days in any one week.

Brief discussion on provisions to include in MoA to be drafted with Interim Chief: right to return to previous position if he does not become Chief, ability to carryover his unused vacation time from FY 2011, and no participation in union matters while serving as Interim Chief. Board will continue discussions on June 20.

At 11:25 PM, Member Neville moved to adjourn from executive session. Seconded by Member Robinson and approved 5 - 0 by roll call vote: Neville "aye," Powers "aye," Suleiman "aye," Fox "aye" and Robinson "aye."



RELEASED  
11/28/2016

Approved: 7/31/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
June 20, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman convened executive session at 9:30PM in the Town Administrator's office at the Boxborough Town Hall to conduct strategy with respect to continued negotiations with non-union personnel, specifically, the Police Chief, DPW Director and Interim Fire Chief.

The Chair recused himself from the matter of negotiations with the Police Chief. [References to "the selectmen" regarding discussion of these negotiations exclude the Chair, who did not participate in the matter.]

Member Powers reported that the Police Chief was in full agreement with the terms provided to him at the end of the previous week, specifically with respect to changes in detail pay, severance and elimination of FBI Academy. Member Fox initiated discussion about vehicle use, and after discussion the selectmen agreed that the vehicle should not be used for vacations or during periods in which the Chief would not be reasonably expected to respond to an incident or event. This language was similar to that proposed in DPW Director's contract. Member Neville moved to ratify the Police Chief's contract with proposed change to vehicle use language; seconded by Member Powers. **Approved 4 – 0** by roll call vote (Suleiman abstaining): Neville "aye," Robinson "aye," Powers "aye" and Fox "aye."

It was reported that DPW Director had agreed to contract terms as previously discussed by the Board. Member Neville moved to ratify and execute the contract with Tom Garmon for the period July 1, 2011 – June 30, 2014. Seconded by Member Powers. **Approved 5 – 0** by roll call vote: Neville "aye," Powers "aye," Robinson "aye," Suleiman "aye" and Fox "aye."

Further brief discussion on MoA with Interim Fire Chief. The Board agreed to a stipend of \$750/month and to include vehicle use language consistent with that in DPW Director's contract.

Board agreed to schedule an executive session on June 24 at 8 AM, in the event that there were any further issues to be addressed with respect to negotiations.

At 11:25 PM, Member Neville moved to adjourn from executive session. Seconded by Member Powers and **approved 5 – 0** by roll call vote: Robinson "aye," Neville "aye," Powers "aye," Suleiman "aye" and Fox "aye."



RELEASED  
11/28/2016

Approved: July 11, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
June 24, 2011**

PRESENT: Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ABSENT: Raid Suleiman, Chair

Chair pro tem Christine Robinson called the meeting to order at 8 AM in the Morse/Hilberg Meeting Room of Town Hall.

It was moved and seconded to adjourn to executive session for the purpose of conducting strategy sessions with respect to continued negotiations with non-union personnel, specifically, the Police Chief and Interim Fire Chief and to adjourn immediately thereafter. **Approved 4 – 0** by roll call vote: Neville “aye,” Powers “aye,” Fox “aye” and Robinson “aye.”

Member Powers updated the Board on negotiations with Chief Ryder and provided the selectmen with revised vehicle use language, allowing use of the vehicle by the Chief except for periods when the Chief could not be reasonably expected to respond to an incident. All other terms, as had been previously discussed by the Board on June 20, had been acceptable to the Police Chief.

Members Neville and Fox updated the Board on negotiations with Interim Fire Chief White. Terms as previously discussed by the Board were acceptable to the Interim Fire Chief.

It was moved and seconded to approve the contract for the period July 1, 2011 – June 30, 2014 with Police Chief Warren Ryder and the employment agreement for the period June 1 – September 30, 2011 with Interim Fire Chief Randy White. **Approved 4 – 0** by roll call vote: Neville “aye,” Fox “aye,” Robinson “aye” and Powers “aye.”

At 8:27 AM, it was moved and seconded to adjourn. **Approved 4 – 0** by roll call vote: Neville “aye,” Fox “aye,” Robinson “aye” and Powers “aye.”



RELEASED  
11/28/2016

Approved: July 25, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
July 11, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Dennis Reip, ConsComm Chair; David Follet and Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman convened executive session at 7:00 PM in the Town Administrator's office at the Boxborough Town Hall to conduct strategy with respect to litigation, specifically with respect to the matter of Minute Man Air Field.

Dennis Reip brought the Board up-to-date on the matter: issuance of Order of Conditions, which was appealed by MMAF... Court upheld Town's decision in the matter... attempts (to no avail) by ConsComm to contact MMAF and invite in to re-set schedule for complying with Order...

ConsComm sought BoS authorization to move forward with the matter. It was agreed to ask Counsel to send a letter to MMAF, which it was hoped would prompt MMAF to take the matter seriously and open a dialog with the Commission. It was also agreed to pursue a parallel path: Member Robinson will attempt to open a dialog with MMAF working through the Airport Study Committee and Member Fox will try to do so same directly with MMAF's general manager/owner. Member Powers moved to authorize the ConsComm (through the Town Administrator) to send a letter from Counsel to MMAF and to follow up with the Commission on next steps once a response had been received; further that the parallel paths described above would be pursued as well. Seconded by Member Neville. **Approved 5 – 0** by roll call vote: Neville "aye," Suleiman "aye," Fox "aye," Powers "aye," and Robinson "aye,"

At approximately 7:15, executive session was adjourned (per the motion to convene, as reflected in the minutes of the open session).



RELEASED  
11/28/2016

Approved: September 6, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
August 8, 2011**

PRESENT: Frank Powers, Chair; Raid Suleiman, Clerk; Les Fox, Member; Rebecca Neville, Member; Christine Robinson, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

The Board convened in executive session at 6:30 PM in the Town Administrator's office for the purpose of considering the value of real estate and strategy with respect to litigation.

The Town Administrator reported on an update from Cisco relating to a recent downsizing in employment numbers. Brief discussion on impact to TIF agreement and potential need to renegotiate. TA also updated the Board on Interactive Data's request for abatement, which Assessor has denied.

At 6:45 PM, the Board adjourned and moved to the Grange Meeting room to continue with the regular business on the agenda.



RELEASED  
11/28/2016

Approved: al/6/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
August 29, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

The Board convened in executive session at 10:45 PM in the Morse-Hilberg meeting room of the Boxborough Town Hall for the purpose of conducting a strategy session in preparation for negotiations with non-union personnel, specifically the Fire Chief.

The Board authorized the negotiations team to start salary discussions at \$80,000 and to try to maximize at \$85,000. The Board also agreed not to offer overtime pay. Team members Fox and Neville will arrange to meet with Chief White and try to reach agreement to bring back to BoS by September 19.

At 11:00 PM, Member Powers moved to adjourn; seconded by Member Neville. **Approved 5 – 0** by roll call vote; Powers "aye," Neville "aye," Robinson "aye," Suleiman "aye" and Fox "aye."



RELEASED  
11/28/2016

Approved: \_\_\_\_\_

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
September 13, 2011**

PRESENT: Les Fox, Member; Rebecca Neville, Member

**CALL TO ORDER 7:03 AM**

**Background:** On September 6, the full Board of Selectmen interviewed Randy White, currently Interim Fire Chief, and Mike Kidd, Deputy Chief in the call department, for the position of Fire Chief in Boxborough. Subsequent to the interviews, the Board extended an offer of employment to Randy White pending successful negotiation of an employment contract. Members Fox and Neville were charged with contract negotiations.

On September 13, 2011, members Fox and Neville met with Interim Fire Chief White to begin contract negotiations. Terms and salary were discussed. A salary proposal of \$88,000 was agreed to, subject to approval by the full board.

At 7:50 AM, the negotiating session was ended. Member Fox moved to adjourn, seconded by Member Neville. Approved 2-0 by roll call vote - Neville "aye," and Fox "aye."



RELEASED  
11/28/2016

Approved: 10/3/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
September 19, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member

NOT PRESENT: Frank Powers, Member

**CALL TO ORDER**

The Board convened in executive session at 7:30 PM in the Hilberg Meeting Room for the purpose of discussing Interim Fire Chief Randy White's contract for the position of Fire Chief. After review and agreement to the negotiated terms, Member Robinson moved to approve White's contract for the term October 1, 2011 – June 30, 2014; Member Neville seconded. **Approved 4 – 0** by roll call vote: Suleiman "aye," Neville "aye," Robinson "aye," Fox "aye."

At 7:45 PM, Member Fox moved to adjourn from the executive session and to reconvene in the Grange Meeting Room to continue with the regular business on the agenda. Motion was seconded and **approved 4 – 0** by roll call vote: Neville "aye," Fox "aye," Robinson "aye," Suleiman "aye."



RELEASED  
11/28/2016

Approved: October 24, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
October 17, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

The Board convened in executive session at approximately 9:30 PM in the Town Administrator's office for the purposes of: considering the purchase or value of real estate; strategy in preparations for negotiations with non-union personnel; and to discuss strategy with respect to collective bargaining.

The Town Administrator updated the Board on Town Counsel's recommendation for the BoS to consider taking by eminent domain the sidewalk easement (709 Massachusetts Avenue). The Board concurred. TA will work with the owner and Town Counsel on the matter.

The Town Administrator then reported on the second "real estate matter" concerning the parcels owned by the estate of Raymond Vorce (10-4-267-1.0, 11-4-268-0.0 and 11-4-285.0.0, located on Massachusetts Avenue and Summer Road. The BoS expressed no current interest in the properties.

Selectman Neville initiated discussion on the next matter – consideration of a move from providing across-the-board percentage increases for department heads based upon a "meets requirements" performance review to increases based upon merit. The BoS generally agreed with the concept but given the potential impact of the salary survey results, the Board expressed that a move to a merit-based system may have to wait another year. TA provided data on salary increases and CPI-U over the last three years.

The final matter related to the successor collective bargaining agreements for the Police, Fire Dispatch CBU's. After discussion, the BoS agreed to begin negotiations with the Police union, then Fire followed by Dispatch. BoS will meet in executive session on the 24<sup>th</sup> October and seek input from the Chiefs on proposed language changes. The Board will meet again in executive session on the 27<sup>th</sup> October to discuss strategy, and will invite the FinCom representative to participate in the discussion.

At 10:12 PM, Member Neville moved to adjourn; seconded by Member Powers and approved 5 – 0 by roll call vote: Neville "aye," Powers "aye," Robinson "aye," Fox "aye" and Suleiman "aye."



RELEASED  
11/28/2016

Approved: Oct 27, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
October 24, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator; Police Chief Warren Ryder and Fire Chief Randy White

**CALL TO ORDER**

The Board convened in executive session at 6:30 PM in the Town Administrator's office for the purpose of discussing strategy with respect to collective bargaining, specifically the Police, Dispatch and Fire collective bargaining units. Chair Raid Suleiman was not present for the discussion regarding the Police contract. Clerk Christine Robinson, acting as Chair pro tem, presided over this part of the meeting.

Chief Ryder proposed revising language in the following sections of the Police contract: Article 11 §§ 2 and 3 (*Shift Bid by Seniority and Order In*); Article 12 §4 (*Shift Differential*); Article 18 (*Sick Leave*) and Article 26 (*Fitness*). Chief Ryder explained that he would like to implement a sick leave policy to manage abuse. Chief will send the Board the draft policy which he has developed and is planning to impact bargain with the union.

At 6:50 PM, Raid Suleiman joined the meeting and took over the Chair. Fire Chief Randy White was present to discuss strategy with respect to the Dispatch contract. The Chiefs did not have any recommendations, at this time, to revise language in the contract.

After the brief discussion on the Dispatch contract, Chief Ryder left and Chief White distributed a hand-out on which he summarized proposed revisions to §§ 1 and 6 of Article 8 (*Hours of Work/Overtime/Call Back/ Order In To Duty*) of the Fire contract. Chief White also commented on the need for a Lieutenant job description.

Just before 7:25 PM, the Board adjourned from executive session and moved to the Grange Meeting Room to reconvene in open session.



RELEASED  
11/28/2016

Approved: Nov. 7, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
October 27, 2011**

PRESENT: Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ABSENT: Raid Suleiman, Chair

ALSO PRESENT: Selina Shaw, Town Administrator; Joe Niro, FinCom member

**CALL TO ORDER**

Chair pro tem Robinson convened the executive session at 7:00 PM in the Town Administrator's office, Boxborough Town Hall for the purpose of discussing strategy with respect to collective bargaining, specifically with respect to negotiations with the police union. The Board discussed wages. Member Neville proposed that the Board consider 6% over the three-year term of the contract. Member Fox asked if merit should be a consideration. Member Powers commented on the enormity of such a change and the difficulty in administering.

At 7:25 PM, the Board adjourned from executive session and moved to the Grange Meeting Room to continue with the regular business on the agenda.



RELEASED  
11/28/2016

Approved: 11/21/11

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
November 7, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator

**CALL TO ORDER**

The Board convened in executive session at approximately 9:40 PM in the Town Administrator's office for the purpose of discussing strategy with respect to collective bargaining. Town Administrator Selina Shaw reviewed the language in the CBA's with respect to health insurance, specifically regarding the town's membership in Minuteman Nashoba Health Group (MNHG) and the waiver of rights by the town and the union to bargain over any and all changes made by MNHG to the plans and benefits offered by MNHG as well as the impact of those changes. The TA further explained that this language obviated the need for the BoS to adopt the new sections of Ch 32B, relating to plan design. The TA noted that MNHG was seeking to adopt a GIC look-alike plan, which would result in reduced premiums, but greater co-pays and deductibles. The TA also explained that details were expected to be forthcoming on December 5.

At 10:00 PM, Member Neville moved to adjourn; seconded by Member Powers and **approved 5 – 0** by roll call vote: Neville "aye," Powers "aye," Robinson "aye," Fox "aye" and Suleiman "aye."



RELEASED  
11/28/2016

Approved: Dec. 5, 2011

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
November 29, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Attorney Joseph Fair, Town Counsel and Selina Shaw, Town Administrator

**CALL TO ORDER**

Chair Suleiman called the Board of Selectmen meeting to order in the Town Administrator's office, Boxborough Town Hall at 3:02 PM. Member Neville moved to adjourn to executive session for the purpose of discussing strategy with respect to collective bargaining, and to adjourn immediately thereafter. Seconded by Member Powers. The Chair stated that an open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board. Motion was approved 5 – 0 by roll call vote: Neville "aye," Powers "aye," Robinson "aye," Fox "aye" and Suleiman "aye."

Attorney Fair reviewed language in Boxborough Teachers' Association (BTA) contract related to change in health care benefits and confirmed that ultimately, the Boxborough School Committee (BSC) must bargain with BTA if seeking to change plan design. The language is in stark contrast to that in town-side collective bargaining agreements (CBA's), where it is acknowledged that the Town is member of Minuteman Nashoba Health Group (MNHG) and the collective bargaining unit (CBU) and the Town both waive their rights to negotiate over changes in plan design. This presented the context for the further discussion that ensued relating to potential options to be pursued:

- Pursuant to c 150E, BSC could provide notice to BTA and bargain the plan design changes to resolution or impasse (would not be able to implement on town-side until BTA weighed in).
- BoS could adopt "plan design" statute [c 69 of the Acts of 2011 (a.k.a. §§21 – 23 of c 32B)] and follow process that has been laid out (this would give a seat at table to all CBU's).

Attorney Fair and selectmen discussed pros and cons of options.

Agreed to set meeting with BoS, BSC and Town Counsel on Tuesday, December 13 at 5 PM or 6 PM, depending on BSC's preference.

At 4:30 PM, the Board adjourned from executive session.



RELEASED  
11/28/2016

Approved: Va/12

**Town of Boxborough  
Board of Selectmen  
Executive Session Minutes  
December 13, 2011**

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Les Fox, Member; Rebecca Neville, Member; Frank Powers, Member

ALSO PRESENT: Selina Shaw, Town Administrator, and joining at 6:00 PM were Attorney Joseph Fair, Town Counsel and Boxborough School Committee (BSC) members Brigid Bieber, Maria Neyland, Mary Brolin (and later Bruce Sabot, Chair)

Chair Suleiman convened the Board in executive session at 5:30 PM in the Morse-Hilberg Meeting Room for the purpose of considering the purchase of real estate and discussing strategy with respect to collective bargaining.

TA provided a brief overview of the communication from Samuel Paolini, Deergrass Real Estate Trust, owner of lots 172.2 and 172.3, adjacent to the Police station. Selectman Fox suggested that the land may provide a space for storage of DPW materials. TA Shaw suggested that the parcels could possibly be considered for parking of vehicles at the Police and Fire stations, thus freeing up space at those locations and making the way possible for a potential combined public safety facility, where the current fire and police stations exist. TA advised that Town Planner had provided positive input on the matter. Board agreed to pursue further enquiries related to asking price and access for appraisal and also asked TA to seek input on property constraints from ConsComm.

Selectman Powers advised BoS that Contract Negotiating Team, comprised of Selectman Fox and himself, would be meeting with the Police collective bargaining unit to agree on ground rules for negotiations.

At 6:00 PM, Attorney Fair and BSC members joined the Board of Selectmen to discuss issues related to health care plan design. Attorney Fair provided overview with meeting held with BoS on November 29.

Attorney Fair reviewed language in Boxborough Teachers' Association (BTA) contract related to change in health care benefits and confirmed that ultimately, BSC must bargain with BTA if seeking to change plan design. The language is in stark contrast to that in town-side collective bargaining agreements (CBA's), where it is acknowledged that the Town is member of Minuteman Nashoba Health Group (MNHG) and the collective bargaining unit (CBU) and the Town both waive their rights to negotiate over changes in plan design. Attorney Fair reviewed available options:

- Pursuant to c 150E, BSC could provide notice to BTA and bargain the plan design changes to resolution or impasse (would not be able to implement on town-side until BTA weighed in).
- BoS could adopt "plan design" statute [c 69 of the Acts of 2011 (a.k.a. §§21 – 23 of c 32B)] and follow process that has been laid out (this would give a seat at table to all CBU's).

Attorney Fair explained that if the BSC wanted to move forward pursuant to c. 150 E (collective bargaining) that the negotiations would have to be complete in advance of April 1, the beginning of open enrollment for health insurance. Attorney Fair expressed concern regarding the short timeframe.

Attorney Fair explained that in order to pursue GIC, GIC would have to provide more than 5% additional savings than a GIC look-alike plan. TA reviewed some of the negatives of GIC – 3-year lock-in, rates can be changed at any time, no wellness programs, no out-of-pocket maximum, tiered networks with a maximum deductible of \$700 (which would be applicable to Emerson Hospital) and unavailability of mail order prescription service.

With increased co-pays and addition of deductible, it was suggested that the selectmen consider increasing FSA allowable contribution, which is currently set at \$1,500. TA expressed that caution should be exercised when setting amount, to consider possible exposure of employee(s) who might leave town's employ having expended more money than was contributed. TA took action to provide risk history on FSA.

Because waiver language on town-side CBA's specifically refers to MNHG, Attorney Fair confirmed that if the Town were to leave MNHG, then the Town would have to bargain with the CBA's over any changes in plan design.

TA informed BoS and BSC that quote had been requested from MIIA and that claims data, as requested from MIIA, had been requested of the insurers. Discussion ensued relating to claims data. BSC member Brolin requested that group be provided with claims information (with no names), broken down by number of each kind of claim (e.g. office visits, hospitalizations, prescriptions, etc.) and respective amounts. TA informed BSC and BoS that she was unsure of format of claims data but would seek information and provide if available.

At 7:25 PM, the Board adjourned from executive session.



RELEASED  
11/28/2016

Approved: 1/9/12

**Town of Boxborough  
Board of Selectmen  
Contract Negotiating Team  
Executive Session Minutes  
December 22, 2011**

PRESENT: Selectmen Les Fox and Frank Powers; Police Officers Robert Romilly, Jr., Ben Lavine, Nathan Bowlick, and Police Sergeant Nicholas DiMauro

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

Selectman Powers called the meeting to order at 7:08 AM and immediately moved to adjourn to executive session to conduct a collective bargaining session with the Massachusetts Coalition of Police, Local 200, and to adjourn immediately thereafter. Seconded by Selectman Fox and **approved 2 – 0** by roll call vote: Powers “aye;” Fox “aye.”

Selectmen Powers distributed and reviewed the terms of the *Ground Rules for Successor Collective Bargaining Agreement Negotiations Between Town of Boxborough and Massachusetts Coalition of Police Local 200 – Boxborough Police Officers*. After discussion on items related to “no tape recording or transcription...” and the timing of proposal presentations by the collective bargaining unit (CBU) and the Town, the parties agreed to execute the ground rules as written. It was agreed that Frank Powers would be the official bargaining representative for the Town and Robert Romilly Jr. would be the official rep for the CBU.

Selectman Powers informed the CBU members that prior to the next negotiating session, the Town Treasurer and TA would hold informational sessions on the cost of services for the MNHG FY 13 health insurance plan. Thursday, January 5 at 9 AM and Wednesday, January 11 at 3:30 PM were proposed for these info sessions. The parties set the next negotiations sessions for January 11 and January 19, both at 7 AM.

At 7:48 AM, the BoS Negotiating Team adjourned from executive session.