

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
EXECUTIVE SESSION MINUTES
SEPTEMBER 9, 2014

Members Present: Lorraine A. Brue, Chairman
John R. Gray, Vice Chairman
Virginia M. Coppola, Clerk
James J. DeVellis
David S. Feldman

Others Present: William G. Keegan, Jr., Town Manager

A motion to enter into Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel – Police Chief Contract and Fire Chief Contract and return to regular session at the conclusion was made by John Gray. Seconded by James DeVellis. **The motion carried 5-0-0. Roll Call Vote Lorraine Brue – yes, Virginia Coppola – yes, James DeVellis – yes, David Feldman – yes, John Gray - yes**

Mr. Keegan stated that following their last conversation the Board asked for additional information on the Police Chief and Fire Chief surveys (population, department size and FY14 department budget).

Police Chief Contract

Mr. Keegan found some differences between the towns but they were reasonably close. Foxborough is on the low side with Sharon being closest to Foxborough.

Ms. Coppola asked if the survey amount did not include the stadium.

Mr. Keegan stated that this survey reflected the Chief's base/pensionable pay. Mr. Keegan only wanted to compare apples to apples as other towns do not have a stadium.

Mr. Keegan further stated that the average amount of towns in the survey is \$156,151 with the median being \$157,874. Chief O'Leary is presently at \$143,890 which is significantly less.

Mr. DeVellis stated that he wanted to revisit how this arose and is this all about the pension for Chief O'Leary.

Mr. Keegan stated yes, he thought it was but that this process had started before Kevin Paicos left and the ball got dropped once Mr. Paicos left.

Mr. Gray asked if the Chief had received a normal review on the 7/1 cycle.

Mr. Keegan stated that no one has received a review yet except for COLA as he has just started his position as Town Manager and needs time to evaluate everyone.

Mr. Keegan asked Chief O'Leary if he needed a contract. The Chief had stated no but did want to be brought in line with surrounding communities.

Mr. Gray asked if the Chief just wanted to be adjusted accordingly?

Mr. Keegan stated yes.

Mr. DeVellis asked why the Chief was asking for a contract.

Mr. Keegan stated that Foxborough was the only town that does not offer the police chief a contract.

Mr. Keegan feels that Chief O'Leary is worthy of an increase and he feels it is only fair to give him one.

Mr. Feldman stated that you can't just look at Foxborough's population of 16,000 you have to look at the amount of people the stadium events bring in. With the stadium population factored in, this would bring the Chief up to Acton/Canton.

Ms. Coppola stated that the details were extra money and part of his job. If the Board raised the Chief's pay would he still get stadium money?

Mr. Keegan stated yes, but again reiterated that this should be based on apples-to-apples and as such the Chief is being underpaid for his normal hours.

Ms. Coppola stated that Mansfield has the Xfinity Center and realizes the Chief is new.

Mr. Keegan stated that he believes Mansfield changed their Police Chief's structure.

Mr. DeVellis stated the \$143,000 did not include details but with the stadium that brought the Chief's salary up to \$170,000. With the stadium being added in this brings the Chief's salary up to more than most towns.

Mr. Keegan stated that he just wanted to make sure the Board understood the argument.

Mr. Gray stated that the Chief is in a unique position as no one else but the Chief could get the stadium job.

Mr. Keegan asked the Board if they wanted the stadium to be separate or combined.

Mr. Keegan informed the Board that if there is a fall out after an event this affects the Chief's normal job.

Mr. DeVellis stated that this should not be reviewed until a new Chief starts.

Ms. Brue asked if the town was paying the Chief directly and then invoicing the stadium. Mr. Keegan stated yes.

Mr. Gray stated that he did not mind the idea of a contract.

Mr. DeVellis asked what the advantage of a contract would be.

Mr. Gray stated that it wouldn't do any harm or good.

Ms. Brue stated that she thinks the Board should increase the Chief's base salary.

Ms. Brue also stated that there is a cap on details of no more than 320 hours/year.

Mr. Feldman wanted to know how effective the Chief is during normal hours if he is putting in that many detail hours.

Mr. DeVellis stated that the Board has gone through this before and why do a contract during his last year. A contract has nothing to do with pension.

Mr. Gray stated that it becomes a bargaining chip.

Ms. Brue stated that the Chief is part of the Personnel By-Laws and without giving him a contract and only an increase in pay would raise a red flag with other employees under the by-law.

Ms. Coppola stated that she would hate to give the Chief a contract and then have him retire early and get a 12 month check.

Mr. Keegan stated that Chief O'Leary had informed him that he has been patient and feels now is the time to request this.

Ms. Brue asked if the Board should adjust the Chief's salary only with no contract.

Ms. Brue stated that the Chief also has Patriot Place and similar factors that exist warranting an increase in pay.

Ms. Coppola asked Mr. Keegan to get a copy of Mansfield and Dedham's Police Chief contracts.

Mr. Keegan stated that he would get those.

Mr. Keegan also informed the Board that this survey shows a \$14,000 difference but that the Board did not have to give the Chief that amount.

Mr. Gray asked Mr. Keegan if Chief O’Leary had chosen the towns in the survey.

Mr. Keegan stated yes, but that it was because these are the towns in our area/region.

Mr. Keegan stated that the Police Chief in Westwood just started and makes the same as our Chief.

Ms. Brue stated that looking at this as a market survey the Chief is underpaid.

Ms. Coppola asked how the Board could give one employee a raise that is due to retire.

Ms. Brue asked the Board if they should wait for the new Assistant Town Manager to start so she can investigate this further.

Mr. Keegan stated that he would have Ms. Bernard look into this matter.

Fire Chief Contract

Mr. Keegan informed the Board that the Fire Chief really thinks he should have made a 7/1 contract.

Mr. Gray stated that Fire Chief Hatfield was happy with his contract and wanted to know what happened.

Mr. Keegan explained that the Chief’s argument was that in July of 2013 he did not get an increase when everyone else did. The Chief received an increase in January but it was not retroactive from July.

Ms. Coppola stated that she didn’t think the Board should set a precedence by opening negotiations for an existing contract.

Mr. Keegan stated that he was not expecting the Board to vote on this, he just wanted the Board’s direction on how to proceed.

Ms. Brue stated that Chief Hatfield needs to wait until his contract is up to renegotiate.

Mr. Gray stated that Chief Hatfield could shorten his contract the next time.

Mr. Keegan asked if it would make sense for Chief Hatfield to do a 2 ½ year contract.

Mr. Gray stated that if they extended the Chief’s present contract six months he would be on cycle otherwise it would take him three years to catch up.

Motion to adjourn Executive Session at 7:20pm and to return to regular session was made by Virginia Coppola. Seconded by John Gray. **The motion carried 5-0-0. Roll call vote**

**Lorraine Brue – yes, Virginia Coppola – yes, James DeVellis – yes, David Feldman – yes,
John Gray – yes.**

Respectfully Submitted,

Debra A. Jarvis