

Approved 5/4/2020

Town of Chelmsford
Board of Selectmen Minutes
50 Billerica Road, Room 204
Chelmsford, MA 01824

RECEIVED
2020-05-05
2:55 PM
TOWN OF CHELMSFORD
PATRICIA E. DZURIS
TOWN CLERK

March 5, 2020

Attending:

Kenneth Lefebvre, Chairman
Pat Wojtas, Vice Chairman
Emily Antul, Clerk
George Dixon, Selectman
Virginia Crocker Timmins, Selectman

Paul Cohen, Town Manager
Brian Maser, Town Labor Counsel

Chairman Lefebvre called the meeting to order at 3:00PM.

Adjourn to Executive Session

Motion: by Selectman Wojtas to adjourn to Executive Session for the purpose of discussing strategy with respect a to collective bargaining with the Police Superior Officers' union; strategy with respect to collective bargaining with the Firefighters' union; and strategy sessions in preparation for negotiations with the Town Manager and contract negotiations with the Town Manager, to return to open session. Seconded by Selectman Antul.

Roll Call Vote:

Selectman Dixon: Aye
Selectman Antul: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

Vote on Town Manager Employment Agreement

The Board returned to open session at 6:53PM

Motion: by Selectman Wojtas to extend the Town Manager's current contract by one year, to June 30, 2021. A vote will be taken in June 2021 as to whether to extend the contract again. If the contract is not renewed at the time, Mr. Cohen will be entitled to six month's severance. He will also be given a 2% cost-of-living salary increase on July 1, 2020. Seconded by Selectman Antul.

Roll call vote:

Selectman Wojtas: Aye
Selectman Antul: Aye
Chairman Lefebvre: No
Selectman Dixon: No
Selectman Timmins: Aye

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The motion passes, 3-2

Adjourn

Motion: by Selectman Wojtas to adjourn this meeting at 6:56PM. Seconded by Selectman Antul.

Motion carries, unanimous, 5-0

Respectfully submitted,

Pat Wojtas
Board of Selectmen

Approved & Held 5/4/2020; Released 6/22/2020

2020-06-23

9:41 AM

Town of Chelmsford Board of Selectmen Minutes
Town Offices, Room 200
50 Billerica Rd.
Chelmsford, MA 01824

TOWN OF CHELMSFORD

PATRICIA E. DZURIS

TOWN CLERK

Executive Session MINUTES – Segment 2
March 5, 2020

Attending:

Kenneth Lefebvre, Chairman
Patricia Wojtas, Vice Chairman
Emily Antul, Clerk
George Dixon, Selectman
Virginia Crocker Timmins, Selectman

Paul Cohen, Town Manager
Michael McCall, Asst. Town Manager
Brian Maser, Town Labor Counsel

Note that the minutes for Executive Session on this date are provided in three segments. This is the second segment.

The purpose of this Executive Session was to discuss strategy with respect to collective bargaining with the Firefighters' union. Discussion began on this topic at 3:20PM.

Mr. Maser reported that the initial hearing with the Joint Labor Management Committee (JLMC) mediator, Ira Lobel, will be held on April 16. Mr. Cohen noted that the Town and the Firefighters' union have a history with Mr. Lobel. He is considered an aggressive mediator, and will push hard for a settlement at the first hearing, in the hopes of avoiding arbitration.

Mr. Maser gave a recap of the mediation session held on January 16, at which time there was an expectation of a settlement; however, a 'last-minute' demand by the union representatives precluded that.

Mr. McCall stated that one of the primary concerns of the union appears to be avoiding potential layoffs. He noted, however, that the first layoffs would come from the ranks of dispatchers, so firefighters are protected on that issue.

Mr. Maser briefly reviewed the rules and timeline for the JLMC process, and will keep the Board apprised of any progress towards settlement.

Discussion ended on this topic at 3:35PM.

Respectfully Submitted,

Pat Wojtas
Board of Selectmen

Supporting Documents:

- Memo from Attorney Maser to the Town Manager dated March 2, 2020
- Procedure Attachment for JLMC process
- Contact information and issues to be arbitrated
- Letter to Attorney Ira Lobel from JLMC dated February 27, 2020

Approved & Held 5/4/2020
Released 5/18/2020

Town of Chelmsford Board of Selectmen Minutes
Town Offices, Room 201
50 Billerica Rd.
Chelmsford, MA 01824

RECEIVED
2020-05-19
2:47 PM
TOWN OF CHELMSFORD
PATRICIA E. DZURIS
TOWN CLERK

Executive Session MINUTES – Segment 3
March 5, 2020

Attending:

Kenneth Lefebvre, Chairman
Patricia Wojtas, Vice Chairman
Emily Antul, Clerk
George Dixon, Selectman
Virginia Crocker Timmins, Selectman

Brian Maser, Town Labor Counsel

Note that the minutes for Executive Session on this date are provided in three segments. This is the third segment.

The purpose of this Executive Session was to discuss strategy with respect to negotiations with the Town Manager, and to conduct contract negotiations with the Town Manager. Discussion on this topic began at 3:35PM.

Mr. Maser reported that the Town Manager had proposed a two-year extension to his employment agreement subsequent to the discussions of the previous Executive Session, held on February 25. Selectmen Antul and Wojtas indicated they would be amenable to that request.

Chairman Lefebvre stated that he had met recently with the Town Manager, and that conversation has not changed his feelings about renewing or extending the contract for any time frame.

Selectman Dixon stated that he had also met with the Town Manager, but has not changed his mind from the first vote at the January 27 meeting. He noted that he has received many calls about this matter, and 9 of every 10 are against renewing his contract. He did, however, agree that Mr. Cohen's recent behavior has improved.

Selectman Timmins stated that the broader issue for her is the lack of trust, which she has also heard from members of the community. She is not confident that Mr. Cohen's behavior or the trust issues are recoverable. She stated that she felt Attorney Harrington would not have felt compelled to send us the February 25, 2020 final report if he did not sense there was an underlying issue because he has no stake in any of this. She does not favor a two-year contract extension. She noted that with a one year extension, or longer with opt-out language, Mr. Cohen has an opportunity to turn around the negative feelings of the Board.

Selectman Antul preferred some continuity in the position of Town Manager while the Board recruits a new Town Manager if needed. Chairman Lefebvre reported that he has spoken with several organizations that specialize in municipal recruitment, and they indicated that it would typically take about 16 weeks to advertise, interview, and hire a new Town Manager, at a cost of \$10,000-\$15,000. Chairman Lefebvre

stated that the recruiters told him we could readily get 3-5 good, qualified candidates with the salary range we would be offering.

Selectman Antul noted some basic fundamentals of the position of Town Manager that Mr. Cohen performs well, such as budgeting and some of his recent hires, as well as his relationship with the Superintendent of Schools. She also spoke of issues that were not handled well, such as with the West Campus; however, she agreed that some of those issues lie with the Planning Board, not necessarily with the Town Manager.

Selectman Wojtas argued that it appears that Mr. Cohen is being blamed for everything that is viewed as a negative, even those that he has little, if any, control over.

Mr. Cohen was then called into the meeting.

Chairman Lefebvre stated that the Board members had gone back and forth over the option of extending the Mr. Cohen's contract for one year. However, he feels that if it is inevitable that no further extension will be given, the Board should end his employment at the end of the current contract. He added that he did not feel any better about the situation after the recent meeting with Mr. Cohen.

Mr. Cohen asked for clarification of the issues, and stressed that he is willing to work harder to improve communication with Board members, and re-establish trust that appears to have suffered.

Some recent events were reviewed and explained, including a sewer connection waiver for a recent development in the Town Center. Mr. Cohen also stated that he has tried to stay out of decisions that are the purview of the Board, such as tax classification.

Selectman Dixon asked about Mr. Cohen's confidence in his staff. Mr. Cohen replied that audits have been very favorable, and he does feel that he has qualified department heads.

Selectman Timmins stated that many residents have reported an erosion of trust regarding the Town Manager. She asked what could be done to rebuild that trust and move forward productively. Mr. Cohen again mentioned communication; however, he noted that must be reciprocal.

Selectman Wojtas urged the other Board members to work with Mr. Cohen, and give him a chance to improve communication and rebuild trust.

Mr. Cohen noted that it appears that Chairman Lefebvre and Selectman Dixon are opposed to any extension of his contract; he asked Selectmen Antul and Timmins for suggestions on a path forward. Selectman Timmins wondered if trust is recoverable at this point. Selectman Antul stated that there needs to be global improvement, particularly regarding communication. She did state, however, that she has a philosophical concern with letting someone go when they are so close to retirement, absent good cause, as that could be perceived as vindictive and unwarranted. She conceded that the Board shares the blame for some of the apparent dysfunction.

Mr. Cohen then proposed a 1-year contract extension to the Board. He stated that this would provide stability to the town in following up with Town Meeting results as well as stability for successor transition. Mr. Cohen stated that Town Manager's jobs usually don't open up until after town meetings are done and most managers move around between June and October. This would provide time for his job search. Mr. Cohen felt fairly confident that he would have a position secured by October, and this would

allow him to continue to accrue credits toward full retirement benefits, which is in two years, and it would enable him to meet other personal financial obligations this summer.

Selectman Dixon asked Mr. Maser his opinion. Mr. Maser noted that he is here to provide legal advice, but noted that if there is a way to work together, the Board should make an effort to try.

Mr. Cohen then left the meeting.

Mr. Maser stated that it is apparent that a one-year extension for Mr. Cohen is not desirable for him. Therefore, he suggested proposing a one-year renewal with severance at the end of that term.

Motion: by Selectman Wojtas to extend the Town Manager's contract for one year (to June 30, 2021), at which time a vote will be taken for whether to renew; if not renewed, Mr. Cohen will receive six month's severance. Seconded by Selectman Antul.

Roll Call vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

At this point, Selectman Timmins asked that Mr. Cohen return to the meeting to hear his thoughts on this proposal.

Mr. Cohen returned to the meeting.

Selectman Timmins asked Mr. Cohen how he may be able to recover the lost trust if this motion is passed.

Mr. Cohen stated that he will improve communication with the Board, both individually and as a group. He asked that Board members immediately bring concerns to him as they arise, and help him work better with the Board. He asked that the motion be amended to provide for an automatic renewal if it is not acted upon by June 2021. Selectmen Dixon and Timmins immediately rejected that proposal.

Selectman Dixon noted that actions by several Town employees have not helped with this situation, and questioned how Mr. Cohen would address those actions. Mr. Cohen noted that he has spoken to those named, and has been assured that actions were not taken during work hours, leaving him with limited options for discipline.

Selectman Antul stated that the motion on the table presents a suitable solution for all concerned, by maintaining Mr. Cohen in his position, and allowing sufficient time to recruit a qualified successor. She added that it is time to make a decision, since this affects not just Mr. Cohen.

Mr. Cohen agreed, stating that this proposal will allow him to conduct a job search while employed. He asked that the motion include a 2% cost-of-living adjustment to his salary on July 1, 2020. He also asked that the Board forego his annual performance evaluation this year, given the feedback he has received during these negotiations. As stated earlier, he will undertake efforts to improve his relationship with the Board during this time. However, given the issues raised, and an uncertain outcome, he assured the Board that he will be looking for a job as soon as possible.

Selectman Wojtas withdrew the earlier motion.

Approved & Held 5/4/2020

Released 5/18/2020

Motion: by Selectman Wojtas to extend the Town Manager's current contract by one year, to June 30, 2021. A vote will be taken in June 2021 as to whether to extend the contract again. If the contract is not renewed at the time, Mr. Cohen will be entitled to six month's severance. He will also be given a 2% cost-of-living salary increase on July 1, 2020. Seconded by Selectman Antul.

Roll call vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Chairman Lefebvre: No

Selectman Dixon: No

Selectman Timmins: Aye

The motion passes, 3-2

Motion: by Selectman Wojtas to adjourn the Executive Session at 6:50PM, and return to open session to announce the vote. Seconded by Selectman Antul.

Roll call vote:

Selectman Dixon: Aye

Selectman Timmins: Aye

Selectman Wojtas: Aye

Chairman Lefebvre: Aye

Selectman Antul: Aye

Motion passes, unanimous, 5-0.

Respectfully Submitted,

Pat Wojtas
Board of Selectmen

Supporting Documents:
None