



TOWN OF EDGARTOWN
PERSONNEL BOARD
HUMAN RESOURCE DEPARTMENT

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Town of Edgartown | Personnel Board
Edgartown Public Library
26 West Tisbury Road, Edgartown, MA
January 9, 2023 | 12:00 PM

Meeting Minutes

Board Members: Marcel LaFlamme, Chairman, Suzanne Cioffi, Kelly McCracken, Haley Krauss

Staff: Kim Lucas, Human Resource Director, Maria Ventura, Human Resources Assistant, James Hagerty, Town Administrator

Presenters: Jessica McGroarty, Andrew Kelly, Jane Varkonda, William Burke, Matt Poole, Kim Andrade, Alex Schaeffer

Meeting commenced at 12.00 p.m.

Board member Kelly McCracken advised she is recording the meeting in accordance with MGL 30A 20F

COLA

James Hagerty, Town Administrator, presented the island towns COLAs as the following: Oak Bluffs 3.1 %, Tisbury 6.9 %, West Tisbury 4.4% and Chilmark 4% plus 3% with following year to set back to 3%, teachers 3% FY24 and 1-time cash payment, 3% FY25, union contracts are lower. Mr. Hagerty recommends 5% for the Town of Edgartown. Motion to accept recommendation of 5% made by the Town Administrator.

Motion to move by K. McCracken, Second by S. Cioffi

Vote: Motion passed with 3 votes in favor, 1 recusal

Motion to create an ancillary benefits working group with comprised of department heads and staff to discuss potential benefits to attract and maintain employees.

Motion to move by K. McCracken, Second by S. Cioffi

Vote: Affirmative – Unanimous.

Parks and Rec

Jessica McGroarty, Department Head for Parks and Rec Department, spoke on the need to change the current seasonal Beach Director position to a full time year round with the current

negotiations with the County to take over Norton Point. James Hagerty spoke briefly on the support and how the salary will come from a revolving fund from the sticker sales. Position will be 12 months, 40 hours a week with benefits. The first two years there will be a contract with The Audubon Society the transition of the Beach Director taking over regarding the birds. Position was being presented as Grade D however the Board agreed the position should be placed in Grade E. Board inquired about process of position not being classified by Collins Center; advised time sensitive. Motion was made to accept the job description as written and allow appropriate edits to be made as needed with a placement on scale at Grade E. Motion to move by K. McCracken, Second by H. Krauss

Vote: Affirmative – Unanimous

Ms. McGroarty started a discussion on changes that need to be made to the Conservation Assistant job such as including Norton Point duties in the job description and increasing hours and pay rate. Motion was made to table the Conservation Assistant position step change and hours to the February meeting as it was not on the agenda.

Motion to move by S. Cioffi, Second by K. McCracken

Vote: Affirmative – Unanimous

Board of Health

Matt Poole, Department Head for Board of Health, explained the need to reconstruct the Health Department from 2 full time employees to 3 full time employees by creating department assistant position effective July 1st. Motion made to accept the Department Assistant as presented as a Grade C.

Motion to move by S. Cioffi, Second by H. Krauss

Vote: Affirmative – Unanimous

Wastewater

Bill Burke, Wastewater Department Facilities Manager, spoke on the need to downgrade the required certifications for 2 of his 3 current positions. Motion made that the Wastewater Department positions can be advertised with 2 and 2 in the language.

Motion to move by S. Cioffi, Second by H. Krauss

Vote: Affirmative – Unanimous

Animal Control

Kim Andrade, Department Head Animal Control, presented the lack of being compensated for any hours after 40 hours. Ms. Andrade currently works from 5pm on Sunday straight through until 5pm Friday 8 hours a day with the exact hours sometimes changing. If she gets called out after her 8 hours she is not compensated. Ms. Andrade is requesting to be paid a 3-hour minimum just as the Highway, Water and Wastewater Departments receive. Motion made to institute current practice of 3 hours at the overtime rate for call outs.

Motion to move by M. LaFlamme, Second by H. Krauss

Vote: 2 Ayes, 2 Nays

Motion does not carry

Discussion ensued. Motion made that the 3-hour minimum practice be implemented immediately for emergency calls only with a policy to be submitted with clarification on emergency calls and the time frame of 3 hours being regardless of how many calls come in during the 3 hours.

Motion to move by S. Cioffi, Second by K. McCracken

Vote: Affirmative – Unanimous

Fire Department

Alex Schaeffer, Fire Chief, was updated that the Collins Center received the request for a Compensation Study for the requested position. Discussion was had on the lack of movement since November 2021 to get the second in charge position approved. With budgets being due he is unable to move forward. Kelly McCracken request Mr. Schaeffer put his displeasure in writing. Motion was made for a \$95,000 placeholder be put in the budget and accept the job description provided for Assistant Fire Chief.

Motion to move by K. McCracken, Second by M. LaFlamme

Vote:

Aye-3

Nay-0

Recusal- 1

Motion passed

Grievance- Human Resource Director to the Personnel Board (Attachment A)

Motion to move by S. Cioffi, Second by H. Krauss

Vote:

Aye-3

Nay-0

Recusal- 1

Motion passed

Meeting adjourned 2:42 P.M.

Minutes reviewed and accepted:

Chair/Member

Date: _____

Clerk: MV

Attachment A

Attachment A

Transcript of Personnel Board meeting

January 9, 2023 (from audio 2:21 to 2:41)

Mr. Laflamme: Last item...we go back out to new business and that is an item called Grievance That item was put on by Kim.

Mrs. McCracken: So first and foremost I want to make sure you know you can have this done in executive session, but you are going to waive your right to executive session and have it in public session?

Mrs. Lucas: Umm go with executive session

Background talk with Library Staff discussion time limit of room

Mrs. McCracken: Okay we are going to adjourn open session, and do you want to come back to open session afterwards, or adjourn open session go into executive session, and then be done?

Ms. Cioffi: So there is an item that I do have that needs to fall under discussion. Um, so it will be up to the Chair if he wants to do that, or if he wants to go to executive session and come back into open session

Mr. Laflamme: I don't think there is a reason to go into executive session

Mrs. McCracken: Because it is a personnel matter

Ms. Cioffi: Because it is a personnel matter and...

Mrs. Lucas: I mean...just because it is a personnel matter doesn't make it executive session.

Mrs. McCracken: Well it does if is ... we are talking about you and have certain language in the letter, so you asked to go into executive

Mr. Cioffi: You asked to go into executive session?

Mrs. Lucas: She asked me if I wanted to...it doesn't make any difference to me.

Mrs. McCracken: Ok so then you are waiving your right to executive session and we are going to have an open session...OK

Mrs. Lucas: I think we should move upstairs so that they can do what they do in here

Mr. Laflamme: Are they coming in

Mr. Hagerty: I say give it about 10 minutes. Did everyone see my letter from Collins

Ms Cioffi/ Mrs. Lucas:Yes

Mr. Hagerty: Ok I think that kind of spells out. I don't think we need to go into grievance, personnel by law, so forth and so on ...I would just ask based on recommendations from Town Council -Town Labor Attorney, we proceed in that fashion

Mr. Laflamme: Um please say that again for me

Mr. Hagerty: Did you read the letter from Attorney Collins? I sent it around 11 when I got it.....I did get it earlier, but it been a day on Monday

Ms. Cioffi: I haven't seen it.

Mr. Laflamme: Yeah I did not see this.

Mr. Hagerty: I will read it.

Mrs. McCracken: Ok. Thank you.

Mr. Hagerty: (Reads Letter from Attny Collins Dated 1/5/23)

Mrs. McCracken: Ok so um, since grievance was about me, and about a letter that I wrote. I am going to read the letter into the meeting. Um. And then. Because I am unclear as to what the grievance is so I would like to read the letter, and I don't know how we investigate a grievance when I don't know what it is. This letter was written on October 6

Mr. Laflamme: Could you wait could you wait one second.

Mrs. McCracken: mm mm.

Mr. Laflamme: If I am getting this right, I did not receive this letter, so I didn't have a copy of it. So first read. its suggestion is that the investigation of the grievance go up to your office immediately.

Mr. Hagerty: To Town's Labor Counsel

Mr. Laflamme: To the Town's Labor Counsel and not be dealt with until that happens.

Mrs. McCracken:Uh.. No excuse me...absolutely not...I am not, there's a grievance that was made a public document and had my name on it, so I get to answer it. Because Kim put my name on it so I get to answer it, and I absolutely, he can investigate that all he like, but my letter is going to be read into the minutes.

Mr. Laflamme: Wait.. wait.

Mrs. McCracken: Marcel, I understand that you have a personal relationship with Kim. But...

Mrs. Lucas: Eww...back up

Mr. Laflamme: wait a minute. I don't know. This is the relationship I have with Kim... on the labor board, personnel board -that's it. (Pause)... It seems to me that this is now in the hands of the lawyers whether we like it or not.

Mr. Hagerty: I think at this point this can be figured out right here.

Mr. Laflamme: What could be figured out?

Mr. Hagerty: This grievance could be determined as the letter says..uh, once the grievance is presented unless it is able to address the H.R. Director's concerns at that meeting, It will be appropriate for the personnel board to ask to arrange to have it investigated.

Mr. Hagerty: Can this issue we have to figure it out right here at this level?

Mrs. McCracken: I think that is for Kim to decide

Long Pause

Mr. Laflamme: Alright a grievance has been presented... Although...Well actually... in his opinion that the grievance is not a part of 24-3. This is not a grievance procedure

Mrs. Lucas: It is not need a grievance procedure. It does not

Mr. Laflamme: If we can talk it out between ourselves we will try it. But then if we can't resolve. I am trying to understand what direction we have... since this is the first time I read it. If we can't resolve this, it will go to the Administration. So....as part of the discussion at this point, what would you like to present on the reading.

Mrs. McCracken: I am going to read the letter.

Mr. Laflamme: which letter

Mrs. McCracken: I only sent one letter, October 6th...

Mr. Laflamme: That is the original letter you sent.

Mrs. McCracken: Yes

Mr. Laflamme: OK. You may read that... and then we will read Kim's letter and response.

Mrs. McCracken: (Reads letter dated October 6, 2022)

Mrs. McCracken: And I will say I got no answer to that from you or from...

Mr. Laflamme: That's Correct. Because I went to the Town lawyer... because of the situation going on at that time. I didn't feel comfortable answering. You were given a response from the Town Lawyer I believe.

Mrs. McCracken: Um seven days later.

Mr. Laflamme: Yeah

Mrs. McCracken: So your response... You didn't think that it was important to respond.... and to say you wanted to handle this on a different level.

Mr. Laflamme: I...I..

Mrs. McCracken: I'd like to hear Kim's response to this. Kim wrote a letter.

Mr. Laflamme: I responded the way I felt I had to respond because of issues going on in Town. I went to the lawyers to ask for their recommendation. I believe you got a response from the lawyer, from Mr. Collins.

Mrs. McCracken: However many days later...

Mr. Laflamme: I am saying the time table is there. Ok. I responded as fast as I could through the lawyer, through the town lawyers. This is this is a grievance, a grievance, against a major employee in Town.

Mrs. McCracken: I would like Kim to read her response. And then let's just dissect that for a minute. Because. I think that's..... I think we need to know what the grievance is.

Mr. Laflamme: Well I think we know what the grievance is. The grievance from OK. You grieved...you grieved... first...in a sense...you called her up

Mrs. McCracken: This is not your interpretation Marcel. This is a grievance that Kim has put forward. She should read what I just said in my letter

Mr. Laflamme: She sent it to you. It's in the records already. So...it's in the records right in front of us.

Mrs. Lucas: I would just like to say, I will read this into the record. Uh..

Mrs. Lucas: (Reads grievance letter)

Mrs. McCracken: So I don't know how any this this letter would get into your records because...it was only sent to Marcel, myself, you, and Suzanne

Mrs. Lucas: But it shouldn't have been sent to anybody. The question is... were you complaining as a citizen of Edgartown.. a taxpayer, or were you complaining as a board member.

Mrs. McCracken: I am sorry, so your grievance is the fact that I told you, that you broke the open meeting law? In a private correspondence to you and Marcel, and Suzanne. Is that what you are grieving?

Mrs. Lucas: That's not private.

Mrs. McCracken: Is that what your grieving?

Mr. Lucas: That's not private.

Mrs. McCracken: This is private. This is ,,We were all there.

Mrs. Lucas: You did not follow proper procedure

Mrs. McCracken: OK

Mrs. Lucas: That should have been addressed to the Town Administrator.

Mrs. McCracken: So the Town Administrator...

Mrs. Lucas: Unless you were operating as a Board member, in which case, you should have taken a vote before sending that letter to the free world.

Mr. Laflamme: OK

Mrs. McCracken: Kim...I sent it to you and Marcel, and myself and Suzanne....

Mrs. Lucas: you...and you... and you... and you

Mrs. McCracken: Talks over Marcel

Mr. Laflamme: Excuse me

Mrs. McCracken: James was not in that email.

Mr. Laflamme: Okay...okay

Mr. Laflamme: Excuse me, excuse me. I am going to make a decision. We are not going to be able to solve this between ourselves.

Mrs. McCracken: If there are going to be..I don't know if this is how this Board has worked in the past ...but I felt as though sitting in that meeting with a gossipy kind of discussion was unprofessional and unbecoming and I..

Mrs. Lucas: There was nothing gossipy about that that, you initiated the discussion...you asked me the question. *(Kim continues talking inaudible as its talking over Marcel)*

Mr. Laflamme: Excuse me,

Mrs. Lucas: No ...excuse me

Mr. Laflamme: Excuse me, excuse me..no... no.. no.. Kim

Mrs. Lucas: I answered your questions and in that conversation... did I not say I have already talked to James about this twice... and we had had a very candid conversation....

Mrs. McCracken: I don't know Kim... did you record the conversation?

Mrs. Lucas: Did you?

Mrs. McCracken: Did you, did you record the conversation Kim?

Mrs. Lucas: You did.

Mr. Laflamme: Excuse me...Excuse me

Mrs. McCracken: You are very unprofessional

Mrs. Lucas: *How dare you (Kim talking over Marcel).* You have done nothing but disparaged me and called me...

Mr. Laflamme: Alright...at this point, at this point, I am going to ask. I am going to adjourn the meeting.

Mrs. Lucas: I am done. I'm done

Mr. Hagerty: Can you vote to have it go to Town Council

Mrs. Cioffi: Yes

Mr. Laflamme: I am going to adjourn the meeting

Mrs. Cioffi: I would like make a motion to go to Town Counsel for investigation

Mrs. McCracken: I second that.

Mr. Laflamme: The meeting is adjourned

Ms. Cioffi: Wait we have to take a vote

Mrs. McCracken: There is a motion of the floor

Mr. Laflamme: Everybodys...

Mr. Hagerty: *Actually (Kelly) could you recuse yourself since this issue...is an issue for Edgartown Town Counsel. That issue to have you 3 vote on it.*

Mrs. McCracken: Ok yes.

Mr. Laflamme: I am sorry, what was that?

Ms. Cioffi: Kelly has to recuse herself because she is part of this. So going to Town Council, it would be Haley's vote for this to be investigated, even though she wasn't at that meeting, but whether she agrees for it to be investigated, my vote, Kelly would be an abstention and your vote.

Mrs. Ventura: Is there a second for the motion?

Ms. Cioffi: I made the motion

Mrs. Krauss: I second.

Mr. Laflamme: You made a motion to adjourn?

Ms. Cioffi: No I made a motion for this to go to Town Council for an investigation for a mutual date as laid out in the email that James sent.

Haley: I second

Mr. Laflamme: Second, Ok now vote

Ms. Cioffi: Aye

Mrs. McCracken: Abstain

Mr. Laflamme: Aye

Mrs. Lucas: I would like to ask a question

Mrs. Lucas: Were there recordings of that meeting...by anybody?

Ms Cioffi: You recorded them on your... um device

Mrs. Lucas: No I did not.

Mrs. Lucas: Are there any recordings of that meeting?

Mrs. Cioffi: Ok... so this is where I am going to say....I ... one of the things Marcelle before we adjourn, minutes I noticed was not on the agenda. Minutes have a been a very debatable question and there was a lot of discussion about.... at the last meeting the recordings that have been taken place... to be used in that... we need meeting minutes to be addressed and... I respectfully asking ...I am respectfully asking... by the end of this week.. Maria or James or Kim... I would like to know all the outstanding minutes that have not been approved...prior.. up until June... which I don't think any meetings have been approved since June

Mrs. Ventura: if you look at the last agenda, it was add-on to the last meeting.

Mrs. Cioffi: Everything up to that point was up to date because there was a discussion where Marcel said meetings had been. So I would like to have that in writing. I do know since we have been here there was one set of minutes that were signed by the Chair that was never brought to the Board.... and I do know since June there have been no approved minutes and it wasn't on the agenda.... and it needs to be on the agenda and any recordings that they are all preserved.

Mrs. Lucas: We have not recorded minutes in years.

Ms. Cioffi: I am going to disagree on that.

Mrs. Lucas: There are no recordings

Ms. Cioffi: I understand that but....

Mrs. Lucas: You haven't been on the board...

Ms. Cioffi: I understand that.

Mrs. Lucas: I asked a question and I respectfully request an answer

Ms. Cioffi: you recorded it. You had your...

Mrs. Lucas: I did not record that...

Ms. Cioffi: This is why it will be investigated

Ms. Cioffi: So I make a motion to adjourn

Mrs. Lucas: Did anyone else record the minutes... I respectfully ask.

Mrs. McCracken –second

Ms. Kraus: second

Mrs. Lucas: You were not there. Did anybody else record minutes on that date?

Mrs. McCracken: Aye

Ms. Cioffi: Aye to adjourn?

Mrs. McCracken: Aye

Mrs. Cioffi: Aye

Mrs. Lucas: So you did – illegally.