

Shutesbury Select Board Executive Session
April 30, 2021 Town Hall & Virtual

Select Board members present: Melissa Makepeace-O'Neil/Chair, April Stein, and Rita Farrell
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Administrative Secretary

The Select Board members and Torres meet in person and no one else is present to hear the proceedings; Scott attends virtually and attests there is no one else present.

At 12:08pm, Makepeace-O'Neil calls the executive session for reason #2, to conduct strategy sessions in preparation for negotiation with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel, specifically to conduct negotiations with the Town Administrator, Rebecca Torres.

Makepeace-O'Neil recommends the discussion begin with the concerns expressed during the 4.27.21 Select Board meeting. Farrell, noting that she raised the need for an executive session, begins the discussion by recognizing the need to be grateful that we are all here and for Torres, the difficulty of her job which she does very well and her perseverance despite the obstacles. Given her work history, Farrell notes that she has some perspective about the challenges Torres faces. Farrell continues: given the length and tenor of the 4.27.21 meeting, she did not feel comfortable with approving the contract at that time. Farrell explains that she reacted to the proposed 9% increase in one year when we, as a Board, have not had a process regarding the setting and meeting of goals, i.e., how is Torres able to carry out her job given what she has for support. Farrell, observing that this is her first Select Board year, notes the losses and challenges of not meeting in person.

Farrell does not feel comfortable with the "pay equity" reason for the 9% increase; we have not fulfilled our responsibility to look at performance criteria; she would be unable to justify, on town meeting floor, that the Select Board had done their due diligence; currently, we do not have a way to do performance evaluations however, research shows they are done in other communities even though articles in the "Huffington Post" state evaluations are not done anymore. Farrell looked at what is considered good practice; performance evaluations are hard to do especially when they are done once a year and employees only get feedback at that time; ongoing feedback is necessary and there needs to be a system in place. Torres: we have self-evaluation forms however there was a breakdown in the process during Covid. Makepeace-O'Neil: in 2018, the Personnel Board did an extensive evaluation that resulted in goal setting forms that included how to navigate Open Meeting Law. Makepeace-O'Neil continues: some evaluations were done in open meeting and the process was misused, i.e., without reference to the job description and the public present; with guidance from Town Counsel Donna MacNicol, it was decided that representatives from the Select Board, FinCom, and Personnel Board would be present for department head reviews. Torres: the Town Administrator is responsible for having an initial meeting with financial staff and department heads who then meet with the representative group. Makepeace-O'Neil: the process has been challenging for some long term employees. Stein notes the Personnel Board's changing membership. Torres: the process is there and needs to be fully embraced; when Michael DeChiara was on the Select Board, he wanted performance reviews done during public meetings. Torres notes that she requested contract negotiations begin in the Fall of 2020 however they did not start until late February 2021 and took two months.

Farrell reads from the 2018 Town Administrator Job Description: "Oversees and supervises the Highway Superintendent, Police Chief, Fire Chief, Town Collector, Treasurer, Accountant,

Administrative Secretary, and Custodian”. Torres confirms she would conduct the goal setting process with these individuals which is followed up on by the representative group from the Select Board, Personnel Board, and FinCom. Torres explains that she began the goal setting process with former Police Chief Dan Fernandes however it was not completed due to the pandemic which also prevented her from meeting with other staff. Torres, referring to day-to-day operations: she has regular meetings with the Fire Chief, Highway Department, Police Chief/OIC and financial team. Torres to Farrell’s question: she talks with Fire Chief Walter Tibbetts about how the department is being managed, i.e., his challenge with over committing to outside groups/regional organizations; training pay has made a difference with recruitment. Farrell: a case in point, how do Tibbett’s responsibilities compare to those of the Town Administrator’s. Torres: the Select Board and Town Administrator were receiving monthly reports from Tibbetts however, they have not been submitted since July 2020; Tibbetts responds to calls 24/7 and does not receive extra pay for doing so. Torres to Farrell’s question: the monthly report requirement is in the Fire Chief’s contract; she will work with Tibbetts to resume report submission; Select Board reminders are helpful. Farrell notes the large number of responsibilities the Town Administrator has and asks what can be delegated; the way we have operated puts undue burden on Torres. Makepeace-O’Neil notes that she offers to assist Torres; i.e., drafting a policy regarding the use of sick time related to the pandemic.

Stein acknowledges the challenges of meeting via Zoom; in person, the separation between Town officials and the public is clear. Makepeace-O’Neil suggests setting up virtual meetings so that a person needs to be called on to speak. Stein cites the second page of agenda that speaks to meeting/public comment etiquette. Farrell suggests expectations for behavior be stated at the beginning of each meeting. Stein refers to Farrell’s observation about gratitude as a way to start the meeting. Farrell notes Makepeace-O’Neil’s steady manner in chairing meetings. Makepeace-O’Neil affirms the need to let the public know the expectations for behavior.

Stein: Torres is the only woman department head; we need to fix the pay discrepancy in one year so she does not fall further behind; she is in the same grade as the other department heads; the knowledge the Town Administrator has to have is enormous. Makepeace-O’Neil: the Town Administrator’s is the most outward facing position.

Farrell notes that the prior discussion topics feed back into the Town Administrator’s contract and suggests a 5% increase the first year and a 4% increase the second contract year. Farrell reinforces the need for goal setting and regular assessment and would like the Personnel Board and Select Board to take another look at the job description; the responsibilities may be more than one person can handle. Farrell reads from the Town Administrator job description: “the Town Administrator performs administrative, professional and supervisory work related to the policies and procedures of the Town of Shutesbury under the direction of the Select Board...Researches, implements and makes recommendations to the Select Board on town operations and policies”. Torres: Town Counsel MacNicol has been emphatic that it is the Town Administrator’s job to make recommendations which is different from establishing policy; the Select Board makes policy decisions; i.e., Torres may state a need such as considering the reopening of Town Hall, however, the Select Board makes the decision. Torres noting Farrell’s concern that the Town Administrator is taking on leadership, observes that each Select Board member has a different perspective and the Town Administrator helps the Select Board focus on topics needing attention; her leadership is in assisting with what needs attention, i.e., the process for setting up a joint meeting with the Planning Board to review the solar bylaw. Makepeace-O’Neil cites an example of how Torres and herself work together such as setting the agenda.

Stein, citing her concern about equity, asks Farrell to address the salary increase. Farrell to Stein's question: she is not comfortable doing the raise in one year and without a process for goals. Farrell: I have the option to say I am not ready to vote in a public meeting; after this executive session, we will come back to the public with our decision which is an affirmative statement that you are doing a good job. Stein: it is important to get out her statement of the Board's support for Torres.

Torres, after expressed support, will accept Farrell's proposal of a 5% increase the first year and a 4% increase the second year. Farrell: the Select Board needs to be clear and comfortable with our decision. Stein prefers to do the increase all at once, however Farrell is moving in the right direction. Farrell appreciates Torres and the conversation and is sorry for what Torres has received from members of the public; the Select Board needs to be a buffer. Makepeace-O'Neil: Torres and I set the agenda; if any of us are feeling uncomfortable about a topic, we can make a change and consider the topic subsequently.

At 1:54pm, Farrell moves and Stein seconds a motion to adjourn the executive session. Roll call vote: Farrell: aye, Stein: aye, and Makepeace-O'Neil: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. Town of Shutesbury Town Administrator Job Description, March 2018
2. Town of Shutesbury Professional Services Contract Town Administrator July 1, 2021

Respectfully submitted,
Linda Avis Scott
Administrative Secretary