

**Minutes of the Meeting of the Board of Selectmen
July 3, 2015**

The North Brookfield Board of Selectmen met on Friday, July 3, 2015 in the Town Offices. Present were Selectman Eric Hevy, Chairman; Selectman Mary Walter; and Selectman Robert Smith. The Meeting was called to order at 12:20 PM.

At 12:32 PM, Ms. Walter moved, and Mr. Smith seconded, a motion to enter Executive Session to discuss contract negotiations with non-union personnel and an issue affecting public safety which had arisen. The Board would exit Executive Session and enter Public Session to act upon that and another important matter. Roll call: Mr. Hevy, Yes; Ms. Walter, yes; and Mr. Smith, yes.

Prior to meeting with Mr. Mark Smith, Mr. Hevy presented several salary options to be discussed with the new Chief, which included a starting salary of \$60,000.00 and an additional ten percent (10%) education incentive in view of Mr. Smith's educational background. He also discussed the general terms of the proposed three-year contract with the new Chief, which included health benefits, a stipulation that a minimum of sixty (60) days would be required if the Chief chose to leave North Brookfield before the expiration of his contract, the required one (1) year's notice of intention to retire, and matters relating to the use of a police vehicle, and the use of a cell phone. Members of the Board agreed to the terms proposed by Mr. Hevy. Finally, Mr. Hevy also proposed an additional fifteen percent (15%) education incentive payment to the new Chief after he completes his Master's Degree. (Attachment)

At 1:10 PM, the Board welcomed Mark Smith, who had been selected as the Town's new Police Chief, pending completion of official background checks and salary and benefits negotiations at the previous meeting of the Board. Mr. Hevy indicated that the Board had been unable to begin the official background checks in the three days since the meeting, and had been unable to contact a representative of the Western Massachusetts Police Academy, but arrangements had been made to do so the following Monday. Mr. Hevy told Mr. Smith that information about a possible incident at the Academy had been reported to him prior to the meeting, and that the Board wished to discuss the matter. The Board invited Chief Smith to discuss his ongoing involvement with the Academy, and he did so to the satisfaction of the Board.

Mr. Hevy then discussed the terms of the three-year contract the Board proposed to offer the new Chief, subject to the official background checks previously discussed. These included: a yearly salary of \$60,000.00 with a ten percent (10%) education incentive, for a starting salary of \$66,000.00 plus health insurance benefits, for the first year. In the second and third years of the contract, Mr. Smith would be eligible for salary increases of two percent (2%) each year, assuming satisfactory performance. Upon completion of his Master's Degree, the new Chief would receive an additional

fifteen percent (15%) education incentive. Mr. Hevy also indicated that the Town would require sixty (60) day's notice of a decision to leave the Department; one (1) year's notice of intent to retire, and after discussion, indicated that the matter of a vehicle for the new Chief's use and a cell phone would be the subject of further discussions. Mr. Smith inquired about Town policies regarding vacation time and sick leave time, and Mr. Hevy indicated that the Board would provide this specific information to Mr. Smith at the beginning of the week. Mr. Smith did not object to the proposed terms.

The Board then discussed the official background checks which would be made in the immediate future, but prior to Mr. Smith's appointment as Chief. These included CORI, BOP, NCIC, and III. In addition, the Board will conduct an interview with a representative of the Police Academy on the following Monday, as previously mentioned. It was estimated that completion of the background checks could take several weeks. Mr. Smith indicated that he would begin discussions with the Hinsdale Selectmen at the beginning of the next week, and advise Mr. Hevy when he would be available to assume his new duties in North Brookfield.

Members of the Board thanked Mr. Smith, and agreed to keep him advised of the status of the background check schedule. Mr. Smith told Mr. Hevy that he would contact him to let him know of the outcome of his discussions with the Hinsdale Selectmen.

Acting Chief of Police

Following Mr. Smith's departure from the Meeting, Mr. Hevy summarized his follow-up discussions with Chief Thomasian regarding the proposal which the Chief had given to the Board at the last meeting regarding his assuming the duties of Acting Chief pending the arrival of Mr. Smith. Mr. Hevy informed the Board that he and the Chief had been unable to come to an agreement, and as a result the Town's Police Department was without an Acting Chief and would enter the holiday weekend without anyone in charge, or able to make potentially important decisions. Other members of the Board agreed that this was a serious public safety issue. Mr. Hevy indicated that it was his recommendation that the Board immediately appoint an Acting Chief from within the Department, who would serve in that capacity until the arrival of the new Chief. Two possible choices existed, he noted. The first was Officer David Churchey, who has eleven years of service with the Department; the second was Officer Chris Donais, who also has extensive experience with the Department. Officer Donais had applied for the Chief's position, but was not a finalist. Sgt. Ryan Daley, it was noted, was on medical leave from the Department. The issue was discussed at length. It was finally decided that because Officer Donais had been an applicant for the position, it could be a conflict of interest for him to serve as Acting Chief if the Department became involved in conducting official background checks on the new Chief. Therefore, the Board

unanimously agreed that Officer Churchey should be appointed as Acting Chief, if he was willing to accept that responsibility.

Accordingly, at 3:00 PM, Mr. Hevy asked Officer Churchey, who was on duty in the Town at the time, to meet with the Board. He did so and listened as Mr. Hevy explained the serious problem facing the Town and the Police Department in advance of the holiday weekend. Officer Churchey accepted the appointment.

Mr. Hevy explained that the acting appointment would be for a minimum of thirty (30) days, but could be extended to forty-five (45) days, or longer. Officer Churchey would be paid not less than \$26.00 per hour, but the exact amount would be determined when the Town Offices re-opened on the following Monday. Officer Churchey was asked to assume his duties immediately after his appointment in Open Session, which he agreed to do.

There followed a discussion about the various background checks that the Board wished to undertake. Officer Churchey suggested that the State Police might be in a position to provide assistance, and at the invitation of Mr. Hevy he placed a call to a contact in the State Police. Mr. Hevy then spoke to Captain Leahy of the State Police Bureau in Worcester, and discussed the various background checks being contemplated. Captain Leahy indicated that his Department would conduct them for the Town. Captain Leahy asked that the Selectmen put the request in writing. Mr. Hevy agreed to meet with the Captain on the following Monday. The Board thanked Officer Churchey for his assistance.

There followed a brief recess in the Meeting, during which Mr. Hevy contacted Town Clerk Shelia Buzzell and asked her to swear in Officer Churchey as Acting Chief of Police.

The Meeting resumed at 3:45 PM. Officer Chris Donais, who had been contacted by Mr. Hevy prior to the brief recess, joined the meeting at 3:49 PM. The Board explained its decision to appoint Officer Churchey as Acting Chief, and assured Officer Donais that the decision in no way demonstrated a lack of confidence in him or his abilities, but rather reflected the fact that since he had been an applicant for the position, the Board believed that it might be perceived that a conflict of interest existed. A brief discussion followed. The Board thanked Officer Donais for meeting with them at such short notice.

At 4:10 PM, Ms. Walter made a Motion to end the Executive Session, which was seconded by Mr. Smith. Roll call: Mr. Hevy, yes; Ms. Walter, yes; Mr. Smith, yes. The Board entered Open Session at 4:12 PM.

Ms. Walter made a motion, which was seconded by Mr. Smith, to appoint Officer David Churchey as Acting Chief of the North Brookfield Police Department for a period of not

less than thirty (30) days, and up to forty-five (45) days or more, at a salary of not less than \$26.00 per hour, effective immediately (July 3, 2015). The vote was unanimous. Officer Churchey was appointed as Acting Chief.

The Selectmen agreed to immediately inform members of the Police Department of Officer Churchey's appointment and to attend an informal evening meeting of the Officers on July 7, 2015 to explain the Board's decision.

Five urgent and unanticipated requests for year-end transfers from several Town Departments were reviewed by the Board.

The first, from the Board of Health, requested the transfer of \$670.00 from the Title 5 Purchase of Service Account, to the BOH Office Supplies Account (\$50.00) and the Housing Inspector's Purchase of Service Account (\$620.00). After discussion, a Motion was made by Ms. Walter, seconded by Mr. Smith, to approve the transfer. The vote was unanimous. The transfer was approved. (Attachment)

The second, also from the Board of Health, requested the transfer of \$950.00 from the BOH Bacterial Analysis Account to the BOH Clerk's Salary Account (\$65.82), the Food Inspector's Purchase of Service Account (\$786.00), and the Office Supplies Account (\$98.18). After discussion, a Motion was made by Ms. Walter, seconded by Mr. Smith, to approve the transfer request. The vote was unanimous. The transfer was approved. (Attachment)

The third requested the transfer of \$28.50 from the Council on Aging Purchase of Service Account to the COA Senior Wheels Stipends Account. After discussion, a Motion was made by Ms. Walter, seconded by Mr. Smith, to approve the transfer request. The vote was unanimous. The transfer was approved. (Attachment)

The fourth, also from the Council on Aging, requested the transfer of \$102.80 from the COA Purchase of Service Account to the COA Clerk/Receptionist Account. After discussion, a Motion was made by Ms. Walter, seconded by Mr. Smith, to approve the transfer request. The vote was unanimous. The transfer was approved. (Attachment)

The fifth, from the Fire Department, requested the transfer of \$2,500.00 from the Treasurer's Medicare Account to the Fire Department's Salary Account. During the discussion, it was noted that the transfer was made necessary by the presence of North Brookfield fire fighters at the recent Webster warehouse fire emergency on June 25, 2015 and other calls to the Department. A Motion was made by Ms. Walter, seconded by Mr. Smith, to approve the transfer request. The vote was unanimous. The transfer was approved. (Attachment)

The sixth, also from the Fire Department, requested the transfer of \$1,027.47 from various Fire Department line items to the Fire Department Salary Account. During discussion, it

was noted that this transfer request was made necessary by the warehouse fire in Webster on June 25, 2015. A Motion was made by Ms. Walter, seconded by Mr. Smith, to approve the request. The vote was unanimous. The transfer was approved.
(Attachment)

There being no further business before the Board, a motion was made by Mrs. Walter, seconded by Mr. Smith, to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 4:45 PM.

Respectfully submitted,

Robert Smith