



# *Town Of Walpole*

## *Commonwealth of Massachusetts*

### **PERSONNEL BOARD**

Albert DeNapoli, Chair  
Phil Hinds  
Joseph Moraski  
Ann Ragosta  
John Sheppard

Town Hall  
135 School Street  
Walpole, MA 02081  
Phone (508)-660-7294  
Fax (508)-660-7303

### **MINUTES OF OCTOBER 2, 2015**

A meeting of the Personnel Board was held on Friday, October 2, 2015 at 6:30 p.m. in Room #112 of the Town Hall. Joseph Moraski was unable to attend. The following members were present:

Al DeNapoli, Chair  
Phil Hinds  
Ann Ragosta  
John Sheppard

Also:

James Johnson, Town Administrator  
Thomas Gregory, Asst. Town Administrator  
John Carmichael, Chief of Police  
Christopher Mackenzie, Deputy Police Chief  
Joseph Zanghetti, Police Lieutenant  
Clifton Snuffer, Board of Selectmen

### **POSITIONS OF DEPUTY POLICE CHIEF AND POLICE LIEUTENANT SALARY:**

Mr. DeNapoli stated that we are here today to revisit the two Personnel Action Request (PAR) forms that we had voted on at our prior meeting on September 29<sup>th</sup>. Based on the Personnel by-law Article 10 the board had adjusted the salaries of two individuals, Christopher MacKenzie, promotion from Lieutenant to Deputy Police Chief and Joseph Zanghetti, Sergeant to Lieutenant. We had scheduled a meeting at the first available date that members were available to revisit.

Mr. Johnson thanked the Board members for meeting so quickly to revisit the action taken at the prior meeting. Mr. Johnson did not know that these two PARs were going to be an issue. On Wednesday, September 30<sup>th</sup> when he was informed of the action that the board had taken on the previous night he quickly called each Board member, spoke with both Labor Counsel and Town Counsel on the negative impact and repercussions that this action would cause. After a thorough review of the Personnel By-laws and the Town Charter, Town Counsel stated that the Town Charter, section 4-3, paragraph c, supersedes the Personnel by-laws Article 10.

Section 4-3, paragraph c states:

“The Town Administrator shall be entrusted with the administration of all personnel policies, practices and related matters for all municipal employees, including employees who report to elected or appointed town boards or committees, as established by the compensation plan, the personnel policy guide, by-law and all collective bargaining agreements entered into by the Board of Selectmen on behalf of the Town. The Town Administrator shall fix the compensation of all town officers and employees appointed by him or her

within the limits established by appropriations and the classification and compensation plan adopted by town meeting.”

Mr. Hinds stated that the way the by-law reads we thought this was a correct action to take.

Mr. Johnson further stated that the officers have been doing the job for two weeks and are just now getting paid for being in the new position. He apologized for not being at the September 29<sup>th</sup> meeting, going forward he will speak with the chairperson on any action similar to this. He further stated that Personnel by-law article 10 was written prior to 1962 and that the Charter trumps the Personnel by-laws.

Ms. Ragosta stated that she doesn't see where this contradicts the Personnel by-law, Article 10.

Mr. Johnson stated that Counsel reads it as the Town Administrator has the right to determine the salary.

Mr. Hinds stated that the Town Administrator cannot exceed the range. Mr. Hinds had no issue with the placement of step, he was stuck on the wording of Article 10.

Mr. Johnson state that the Police Administration did a survey, Walpole is the lowest paid Lieutenant position of what's being offered. This does not exceed the average of other towns.

Ms. Ragosta stated “Is it accurate to say that the Personnel By-laws are not worth anything?”

Mr. Johnson stated that he wouldn't say that – we do follow a lot of the articles in the by-laws i.e. we follow the vacation, personal leave, sick leave articles.

Mr. Hinds stated that based on Town Counsel Ilana Quirk's letter to Mr. Johnson that the provision of the Town Charter trumps Personnel by-laws.

Mr. DeNapoli stated that I repeat what Phil said before – we have nothing personal against the two officers. We looked at the wording on Article 10 of the by-law and followed this in making the change in their rate of pay, there was nothing else that stated differently. We all knew that we had to meet to discuss as quickly as possible. There are a number of levels of authority.

Motion was made by Mr. Hinds and seconded by Mr. Sheppard that:

The Board reconsider the September 29, 2015 actions regarding Christopher MacKenzie's salary.

Motion was voted 4-0-0, unanimous

Motion was made by Mr. Hinds and seconded by Mr. Sheppard that:

The Board approves of Christopher Mackenzie, Deputy Police Chief to step 12, \$103,232/yr.

Motion was voted 3-1-0, Ann Ragosta voted no

Motion was made by Mr. Hinds and seconded by Mr. Sheppard that:

The Board reconsider the September 29, 2015 actions regarding Joseph Zanghetti salary.

Motion was voted 4-0-0, unanimous

Motion was made by Mr. Hinds and seconded by Mr. Sheppard that:

The Board approved of Joseph Zanghetti, Police Lieutenant to step 17, \$86,591/yr.

Motion was voted 3-1-0, Ann Ragosta voted no

**APPROVAL OF TOWN CLERK'S REVISED JOB DESCRIPTION:**

Mr. Moraski had drafted a revised job description for the Town Clerk position. Mr. Johnson stated that the Board of Selectmen has not had a chance to review. He would like their comments on the description. The position will be posted based on the current description. Mr. DeNapoli had sent an email with some suggestions. Personnel Board will meet Tuesday, October 13<sup>th</sup> to discuss and vote on the revised description.

**TOWN ADMINISTRATOR UPDATES AND REPORTS:**

Nothing at this time.

Motion made by Mr. Hinds and seconded by Mr. Sheppard that:

The meeting will be adjourned.

Motion voted 4-0-0, unanimous.