

**Town of Montville Town Council
Special Meeting Minutes for December 2, 2010
6:00 p.m. – Town Council Chambers
Town Hall**

1. **Call to Order**

Chairperson Jacobson called the Special Meeting to order at 6:04 p.m.

2. **Pledge of Allegiance**

Chairperson Jacobson asked everyone to stand for the Pledge of Allegiance and to remain standing for a moment of silence immediately following.

3. **Roll Call**

Present were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy (6:25 p.m.) Also present was Mayor Jaskiewicz and Town Attorney Bruce Chudwick of Shipman and Goodwin, LLP

4. **Remarks from the Public**

Mr. Richard Wilson stated there is a problem with this ordinance, specifically Section 114-3 paragraph b. Paragraph a says the office of the Mayor shall recommend not fewer than three qualified candidates for the position of or any vacancy in, the Director of Human Resources to the Town Council for selection. This wording comes out of the wording from the Town Charter section 604, hiring of the Finance Director. The concept is that Mayor submits three names and the Town Council picks one and the chosen one is hired. Paragraph b states the Mayor shall then appoint and may remove a Director of Human Resources who shall be responsible for the efficiency, discipline, and good conduct of the Department of Human Resources. It should say to appoint the Human Resource person selected by the Town Council. The Mayor can not remove the Human Resource person because the position is appointed by the Town Council, and section b is wrong. He stated the Town is paying Attorney Chudwick three hundred dollars and hour and wondered how he could have missed something like this, stating it is sloppy work. During the discussions under item 5(a) he would like the Mayor to answer the following four questions, 1. was the position currently held by Katherine Christopher ever advertised? 2. If it was advertised was there a job description in place at that time? 3. how many other applicants other than Ms. Christopher were actually interviewed? And 4. what were the criteria for selecting Ms. Christopher over the other applicants?

5. **New Business**

a. **Motion to discuss the position and the ordinance of the Department of Human Resources.**

Motion made by Councilor Caron, seconded by Councilor Hillman.

Discussion; Chairperson Jacobson stated a packet has been distributed to each of the Councilors including the agenda, the original proposed ordinance, a synopsis of events to date prepared by Attorney Chudwick dated December 2, 2010 and the revised draft of the proposed ordinance. The last page of the revised draft of the proposed ordinance excludes 114-6 effective date.

Attorney Chudwick stated he has compiled a one page summary as to where the Council is at this point and what the options are for this ordinance. The current status states the Town currently employs a Human Resources Specialist working under the general supervision of the Mayor. This position is funded through December 31, 2010. Options include allowing the Human Resources Specialist position to expire due to lack of funding. This occurs if the Town Council takes no action by December 31, 2010; continue the Human Resources Specialist position. In order to do that, by the end of the calendar year the Council will need to provide funding to do so past December 31, 2010; that could be done by a transfer of funds to that line item or another appropriation out of the General Fund balance to pay for the funding of the position and to continue on into January and beyond; the Council could change the position to Human Resources Director, and that is what the ordinance is all about, the Town does not need to establish a new department to establish a Human Resources function, including employing a Human Resources Director, however if the Town Council wishes to establish a department that must be done by ordinance. The Town ordinances are generally not effective until thirty days after adoption and therefore if the Council were to adopt an ordinance on December 13, 2010 it would not become effective until mid January and therefore, if Council wants to continue the Human Resources Specialist until that time it will need to provide additional funding as explained. The ordinance to establish a Human Resources department and employ a Human Resources Director could provide that the Director be filled by the current Human Resources Specialist or provide that the process start over again in filling this position.

Discussion: Councilor Hillman stated the draft ordinance has been tossed around for the past couple of months and it has gone to Administration. The last paragraph was added by the Labor Attorney. Two attorneys have been looking at this ordinance for several months and it is time to move forward. Councilor Beetham stated Mr. Wilson made a good observation regarding the hiring process and suggested hiring of the Human Resources Director be the same way. Attorney Chudwick stated he spoke with the Mayor and discussed the language presented on the draft ordinance and specifically the issue under item b, that it does not specify the person the Council selects must be selected by the Mayor. The Council has the ability by ordinance to vary from the hiring process used to hire the Finance Director if they choose to do so. He stated he is trying to honor the issue of the Mayor having the appointment power over this department head, like he would have over other department heads that are not provided for by Charter. The

language is a balance they struck when looking at the language, if the Council wants to make it different they can do so, the language in the draft ordinance has been discussed.

Councilor Beetham made a motion to postpone this item for two months. Mayor Jaskiewicz stated the Council will have to extend the position financially. Councilor Beetham stated the Council could do that at a special meeting thirty days at a time. Mayor Jaskiewicz stated the Council could extend the funding at the December 13th meeting for the Human Resource position if the Council chooses to extend this for two months. Councilor Jacobson asked if the position is funded if the ordinance can go through at any time in which the funding is occurring. Attorney Chudwick answered yes, if the Council were to extend the position for two months with funding through February or March the Council would have the ability to do this ordinance in December or January and have it adopted effective in February and have the Human Resources Specialist on board under this draft ordinance that person would automatically become the Human Resource Director because of the way item 114-6 provides with the effective date. Chairperson Jacobson stated Councilor Beetham's motion is to postpone acting on the proposed ordinance for two months. **Councilor Jacobson seconded the motion.** Discussion on the motion; Councilor Buebendorf inquired as to why Councilor Beetham wants to delay acting on the ordinance for two months. Councilor Beetham stated Mr. Wilson made a good point and would like to pursue the answers to his questions, he would like the opportunity to speak with the attorney and the Mayor personally regarding items leading up to the proposed ordinance. Councilor McFee stated he is not opposed to postponing the vote on the ordinance, but he feels the position should be funded for the remainder of the budget year until this can be resolved. It is not fair to the person currently in the position. Chairperson Jacobson stated the Council can fund the position and work on the ordinance for several months out, the discussion is regarding postponing the vote only. She suggested Councilor McFee place the funding of the Human Resources position on the December 13th agenda of the Town Council. Councilor Buebendorf stated this discussion came forward during the budget process last spring and it was the result of a caucus agreement that this position would continue only if there was a Department of Human Resources created. If the decision on this ordinance is extended and the department is not formed, will they continue to fund the position and what is the intention of the Council? Chairperson Jacobson stated she has an issue with 114-6 because it looks as though the Council is writing an ordinance specifically for a specific person. It is possible this clause could be taken out and mitigated if the funding goes into place. She has had discussions with Attorney Duggan regarding concerns regarding retention of the person in the position maintaining the position. After discussions with Attorney Chudwick, he indicated if the Council chooses to extend the funding the specific clause will not be required to be in the ordinance and the hiring process does not need to be revisited because there is a person in the position currently. Councilor Hillman stated the original intent was to create the ordinance to guarantee the department or person that filled that job description could do their job in the most effective manner and an ordinance would allow this to happen. She feels the position itself would be in danger without an ordinance and that there are too many other factors that could intervene. Councilor Buebendorf stated she struggles with having to create an ordinance

to create a department for one person who is working as a Human Resources Specialist or Director. She does not understand the necessity for creating a whole department for one person. Councilor Hillman stated that person will fall under the direction of the Mayor and this must be changed by ordinance. The ordinance is designed to protect the person in the position. Attorney Chudwick indicated this issue has been addressed and the draft ordinance 114-3 (f) talks about the personnel rules required under 902 of the Charter that includes procedures for grievances brought by the Director of Human Resources including procedures for the hearing of such grievances by the Town Council. The issue of grievances by the Human Resources Director against the Mayor can be addressed by adding them to the Rules of Personnel that are required under C902 of the Charter, amend the rules that have to be in place. The wording in the personnel rules can be amended to address this issue and reference the wording in the ordinance. Attorney Chudwick stated it comes down to whether or not the Town Council wants to have a Human Resources position, and if so, do they want to put a structure around the position with a department or do they want to keep it as a specialist as it currently stands with funding on an annual basis as part of the budgetary process. Chairperson Jacobson stated she is for an ordinance and to make it permanent. Councilor Buebendorf inquired regarding the consensus of the Council regarding the necessity of having a Human Resources position. Councilor Hillman spoke in favor of a part time human resource position, Councilor Beetham stated a referendum stated two years ago the town did not want a human resource officer in the Town of Montville, the voters voted against it. They do not want to create a new position at that time. Councilor McFee stated he is sticking by the original vote and will not change his mind regarding the position. Councilor Buebendorf spoke in favor of a human resources position, stating the person in the position will save the town more money than the salary that is authorized for the position. There is a need for the position with the amount of employees in the town and it is necessary. Councilor Murphy is in favor of the position, it is needed, and employees use the department often. There are many questions regarding medical benefits, retirement benefits, medical questions and hiring that employees do not have answers to and most human resource professionals know the laws and can be helpful. The law is complicated and is always changing. Councilor Buebendorf feels the human resources position was filled the right way and there was a very clear process, an open process that was done right. Mayor Jaskiewicz stated the position was advertised, the process for hiring the human resources specialist went as follows, a team of human resource specialists volunteered to sit on a panel and help out with the hiring process, everyone was asked the same questions, there were fourteen applicants, they were narrowed down to three and one was selected with a recommendation for hire. The process was done the proper way and in accordance with professional hiring practice. Councilor Murphy stated he has heard complaints that the current human resource specialist is not fair to employees, but he has worked with her on one occasion where she took care of the situation while he was in the office. Councilor Murphy stated employees of the town are speaking against the human resource director being under the direction of the Mayor because she can not be fair when dealing with complaints against the Mayor who is technically her boss.

Katherine Christopher offered to come forward to answer questions and clarify some of the allegations made against her. She stated the people complaining to Councilor Murphy about her are people who have been used to having things their own way and do not like the fact that there is someone who now looks at contracts to make sure that they are implemented correctly. She discussed some of her achievements over the past year dealing with employees with different issues and stated she has saved the town more money than they have paid her in many issues. Employees seek help from her and they get the help and resolution they are seeking immediately. She discussed health care reform and how helpful she will be for employees when this is implemented. She addressed rumors she has heard that she was hired because she is related to someone in town and clarified that she is not and stated she was hired based on her experience and education and ability. She explained she has over twenty five years of human resource related experience and education in the public and private sector. She stated there are many employees that are happy with the work she is doing.

Chairperson Jacobson stated there is a motion on the table made by Councilor Beetham, seconded by Chairperson Jacobson for a two month extension on the ordinance vote to allow the opportunity to revise sections 114.3(b), section 114-6 if the position is funded and the personnel rules at the request of the Council. The postponement has nothing to do with the funding, just the wording of the proposed ordinance.

Councilor Hillman stated the Council made an agreement that they would draft and ordinance and it would be completed by the end of this year.

Roll call vote, Voting in favor were Councilors Beetham, McFee and Jacobson. Voting in opposition were Councilors Buebendorf, Caron, Hillman and Murphy. **3-4, motion failed to pass.**

b. The Town of Montville hereby resolves to introduce and Ordinance entitled "Ordinance Creating the department of Human Resources" and to set the date of December 13, 2010 for a public hearing on the matter; said hearing will be held at 5:00 p.m. in the Town Hall in Council Chambers.

Motion made by Councilor Murphy, seconded by Councilor Hillman, discussion, Councilor Buebendorf suggested amending the motion to reflect the time of 6:00 p.m. Chairperson Jacobson stated there are a large amount of interviews to be conducted this month at 6:00 p.m. prior to the regular Council meeting on this date. Councilor Buebendorf stated the ordinance itself will need to be amended because in the introductory paragraph it says 6:00 p.m. Attorney Chudwick stated this can be amended prior to adoption, a time change should not be a problem. Motion made by Councilor Buebendorf, seconded by Councilor Caron to amend the motion to reflect the public hearing will be held at 5:30 p.m. Discussion, none, voice vote, 5-1 (Beetham). Motion carried.

Resolution # 210-109. The Town of Montville Hereby Resolves to introduce and ordinance entitled “an Ordinance Creating the Department of Human Resources” and to set the date of December 13, 2010 for a public hearing on the matter, said hearing will be held at 5:30 p.m. in the Town Council Chambers.

Roll call vote, 6-1, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, and Murphy. Voting in opposition was Chairperson Jacobson, **resolution adopted.**

6. Remarks from Councilors

Mayor Jaskiewicz announced that on Monday at 12:00 p.m. the Oxoboxo Bridge will be officially open. He stated \$750,000 dollars will be placed on the Governor’s bonding agenda for the Public Safety complex, there was a press release published stating Montville will be getting the money, and he will attend the meeting on December 10th.

7. Adjournment

Motion made by Councilor Caron, seconded by Councilor Buebendorf to adjourn the special meeting at 7:25 p.m. Discussion, none, voice vote, 7-0, all in favor, motion carried. Meeting adjourned.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville