

A JOINT MEETING OF THE D.P.W. SUBCOMMITTEE and TOWN COUNCIL
WEDNESDAY FEBRUARY 8, 2023 at 6 PM
Minutes (draft)

1. **Call to Order** 6:00 PM
2. **Roll Call:** Councilor/DPW Chair Michael Marketti - Councilors Joseph Daou, Gus Steeves (absent). Citizen Members: Steve Lazo and Kevin Splaine.
3. **Consider and approve Joint DPW/Town Council Meeting Minutes of January 26, 2023.** Motion made by Lazo, second by Splaine. Unanimous. Motion is adopted.
4. **Citizens Forum:** Splaine gave credit to all town departments for work during cold weather
5. **Review/Discuss the Town Manager's appointment of Richard Soto as Seasonal DPW Winter Plow Driver effective immediately through April 30, 2023, pending the successful completion of pre- employment screening and State Ethics. Entertain a motion to recommend to Town Council for confirmation.** Motion made by Lazo, second by Splaine.

Discussion: Phil Harding spoke about the candidate.

Vote: Daou, Lazo, Splaine, Marketti, YES. Unanimous. The motion is adopted.
Councilor Steeves arrives late.

6. **Review/discuss the revised job description for DPW Deputy Director, entertain a motion to recommend to Town Council for approval.** Motion made by Lazo, second by Daou.

Discussion: Town Manager McCall asked the HR director to talk about the position. Adriana spoke about the Engineering component of the position. We removed all of the engineering language. Added more of the Deputy DPW job description.

Kevin Splaine asked the reason for removing the Engineering wording in the job description. Adriana said because we decided to hire Engineering Services and no longer hire a Town Engineer.

Councilor Steeves said we haven't agreed to eliminate the Engineering position, yet. He also said we just hired a new DPW Director and he would like him to get in there and get to know the department. This has nothing to do with the people in those posts, but we just hired this guy and we need to give him a chance to see how it works, to rearrange things to his liking. Councilor Steeves made a motion to "pass-over" agenda items 6-11. Kevin Splaine seconded. Chair Marketti said there will be no discussion on the Main Motion. The discussion will be on the merits of postponement only.

Councilor Daou wanted to know why we are here? We should bring it forward to the Town Council meeting, not postpone. Splaine withdrew his second.

Mr. Pioppi said the protocol is wrong. He wanted us to look at the structure of DPW in other towns. He also said we've put up with incompetence for too long.

Splaine said he did not have a problem with the people, he had a major problem with the

process and procedure. He feels the positions should have been posted. Every time we have open positions, even the Town Manager position, it gets posted. None of these jobs were posted.

McCall said in the past he has never heard complaints about promotions without posting the position. The complaints started about posting DPW positions from this subcommittee. McCall thinks the problem is we have open positions the Council wanted him to fill. He filled the DPW Director position, who has been meeting with us and has met with the interim DPW Director. Recently, this subcommittee didn't want him to fill engineering and asked him to use on-call engineering services. He also thinks if we go out for a deputy director, who is also an engineer, we probably won't attract a candidate given the price range we're offering. The reason we lost Matt Desjardin is because of the competitive market. The reason we are making the changes at DPW is to try and retain the people we have. It's his understanding in past practice, that if it's an internal promotion we don't have to post it. If we delay, we may lose some people.

Steve Lazo commented that we are here to send this to the full Council. Whether it's a positive vote or negative vote, it's got to go to the Council. He doesn't believe in postponing it. As far as what the town manager said, he doesn't have a problem sending this to the full Council. He sees a lot of DPW people here, but beating each other up here is not going to solve anything. Sending it to the council is where it gets vetted. Yes or no it's done up there.

Michael Pollone identified himself as a DPW Worker. He said the reason it didn't go to the Council in the past was because incompetent people were running the DPW Department. He also said he was told no promotions until the new DPW Director was in. He understood a new director was appointed and asked if he was here, has he started? McCall answered that he has been here and talking to the staff. Pollone asked if he had enough time to evaluate the goings on and to make a decision? He also spoke about promotions and said there hasn't been much promoting at DPW in over a year. McCall said this is the first time he heard this. Pollone said this is being whisked through without much thought behind it.

James Pioppi commented that he knows some are in a hurry to send it to the Council, but the Council is supposed to represent the people. He felt this seemed to be fixed already. He feels we should wait until the DPW Director is here and doesn't have to go on hearsay.

Councilor Daou said he did not want this to get out of hand. We are talking about Agenda #6 and why we are taking engineering out of the position. He felt there is no need for an engineer in town when we are paying for outside engineering services. Second, the reason we are moving things along is because we are trying to make things better. He encouraged those not chosen and who might be offended to try again in the future.

Councilor Steeves said the reason he feels we need to sit on this, besides the fact that the new DPW Director is not here, he doesn't want this to be a firestorm upstairs. We'll fight over this here for an hour and a half, and then rehash it upstairs [at the Council meeting]. He really wants to see Mr. Benoit [new DPW Director] in here to look at these things. When he gets here and can see how the pieces fall into place, it might change, or might not. He doesn't have a problem with either candidate, but wants the new Director involved in the process.

Korey Chenier spoke about another position that was brought to the Council, sent back to the subcommittee to be revised, sent back and voted on. Korey said the position had to be reposted due to equal opportunity, per the Town Manager. He asked why that doesn't apply to this position? HR Adriana Robaina said this is a promotion. The other was a new

position. Ms. Robaina said when you promote someone, you do not have to post the position. Mr. Chenier said if this was a position that was unchanged and you promoted someone within, then that would be ok, but the job description was change in order to promote this person. He felt that was not ok. Adriana said we don't need an engineer. So we made the decision to remove the engineering requirement. She felt nothing was done illegal. Mr. Chenier said he never claimed something was done illegal. The Chair ended the conversation.

Councilor Steeves said the Council voted to put temporary engineering services into place, but have never decided to remove an internal engineer. The reason we have temporary engineering services is because we do not have a town engineer right now.

Mr. Pioppi spoke about having someone with an engineering background to understand unit pricing, verifying quantities, and other stuff that goes along with payment. He said you don't learn that in five minutes. He also made another point that it's a a sad commentary on the new DPW Director's managerial ability that he's not interested in seeing what people can do, evaluate them and then make a decision.

Mike Pollone said the last time a job description was changed, we ended up with a DPW Director who set this town back 20 years for what she didn't do. He wanted to know who sat in on the interviews for the Director's position? The Chair said he didn't think it pertained to this agenda. Pallone said he felt if one of those who sat in on the Director interviews is now going for this position, then it pertains to this agenda. He also asked who sat in on deciding this job description? HR refused to answer.

Councilor Lazo spoke about the processing and postponing. He felt the subcommittee is where you "knock the tin." You can make recommendation to postpone, it will go to Council with that recommendation. Then the Council will decide whether we want to postpone. Chairman Marketti brought up Councilor Lazo's postponement of an appointment back on May 31, which went on his next subcommittee meeting agenda on June 8, and did not come before the full Council until June 27. Councilor Lazo said we work for the Council Chair. Whether it goes to the Council is not up to Subcommittee Chairs, it's up to the Council Chair. Lazo said now is the time to hammer it out. When he came in tonight, he had a good conversation with Mr. Pioppi before the meeting. When he came to the door people were yelling at him and he didn't like it. He came here open minded and thinks Phil Harding has been doing a good job getting things done in the last three months. He feels we have to give him credit for getting things done in a short period of time. Chairman Marketti hopes that the same consideration is given to his subcommittee if we decide to postpone, that was given to Lazo's subcommittee.

George Chenier said he wanted us to know he has nothing against Phil, but takes exception to what the Town Manager said about positions within DPW didn't happen until this committee started doing it. Chenier also said the Charter says that we're responsible for appointments. Chenier said the Town Manager does not read the Charter. The Town Manager asked for a point of order, the Chair ruled Chenier out of order and asked that he stick to the issue. Chenier said the DPW Director position was posted on the Council agenda as indefinite, when the Charter says it has to be a three year appointment. He also spoke about changing engineering services, and he feels to give the other guys a fair shot at things, the position should be posted. If it's a promotion, then it has been written for an individual. This is a job change that should be brought forward first.

Councilor Daou said we did this to hire a local guy. He said we changed the position to keep the local people here.

Chair Marketti asked if the committee wanted to end the conversation and postpone it, or move it up to council? Committee Member Splaine wanted to allow people to continue to speak because he feels this is too big of a decision. Chair Marketti said his point is well taken and allowed the conversation to continue.

Mr. Pioppi said we should take this serious. He feels we don't understand how the job works. He felt Phil Harding is a good guy, but feels he does not have the experience.

Phil Harding spoke that when his current job was posted, not a single person applied for the position. He has not been well liked since he stepped into the position. He says he tries to get along with them, he tries to respect them, he's sorry they don't respect him but they don't know him.

Councilor Montigny said that the DPW has been running fine recently, and he's happy if they can continue doing what they are doing. He feels HR said this is a promotion and does not have to be posted, and we should accept the answer from HR. As far as the answer from the Town Manager, that the new DPW Director was consulted, he felt we are calling the Town Manager a liar and he feels the Director should come to the council and give his blessing. He feels we should not postpone.

Employees feel we are putting the cart before the horse because the Council hasn't decided either way on eliminating the Engineering requirement for the job.

John Trahan said he is a 30+ year employee for DPW. He has nothing against Glenn or Phil. He applied for this position 25 years ago. Just for the experience. He decided he didn't want this job or the shop foreman job. He likes what he is doing now, he sweeps the streets. He said he is not opposed to any promotions, but we have positions that the town manager temporarily filled that were open for over two years. He spoke about the problems at DPW with retention. He doesn't like politics, but for him to come here means something is wrong.

Peg Dean spoke about the cursing and asked that people think about being well behaved.

Councilor Adams asked if members spoke to the DPW Director over the weekend. If we did what did he say? Chair Marketti said Councilor Adams speaks to Department heads all the time so he sees nothing wrong with speaking with the new Director, but any conversation he has with the new Director is between them.

Councilor Rivas said she agrees with Councilor Montigny and what he is saying. She does recall the discussion about the engineering piece in the job description, before any conversations were had about Phil applying for the position. She has heard conversations, but maybe not a specific vote. She remembers conversations; we want construction experience, we want this and that type of experience, and that is what the Town Manager has responded to in this specific situation. As a Council, we have instructed the Town Manager to fill these positions because the roads are important to our residents who drive on these roads every day. She feels it should not be postponed. She also asked that we be respectful of each other.

Councilor Lazo spoke about the engineering position and asked what happens if we do a cost analysis and decide to put the engineer requirement back into the position?

HR Director Robaine spoke about having respect for town employees and not bad mouth each other. It looks bad and people will not want to move to Southbridge.

Kevin Splaine spoke to Councilor Adams complaint about talking to the new Director. He said he did not call him. He also said he is not against Phil or Glenn. He concurs with Councilor Lazo. If this goes upstairs, what happens to the positions that Glen and Phil hold now? HR Director said just one, the Operations Manager and we are also looking at a facilities manager and an MS4 [Stormwater]. Splaine also asked about the Schedule 1 for Deputy Director. Adriana said he is moving to A6 Step 1.

Councilor Steeves spoke that he is inclined to agree with Councilor Lazo. He feels there are two issues. One, professionally treating our staff and promoting people who are qualified. The other issue is how does the town want the DPW Department structures with this particular job and whether we want engineering in the job description. He feels the job right now requires engineering, and town needs engineering. The Council has not made a formal decision on the engineering position.

Councilor Lazo asked the Town Manager what the plan was going forward for the engineering component of this position.

Town Manager McCall said there are a lot of things to look at it. He spoke about other positions that were needed at one time, such as Town Attorney. He also spoke about engineering and the need for street smarts or road experience. To get a decent Engineer, with the qualifications we are looking for, we would need to pay more than the market is bearing right now. He spoke about other communities who use a model of hiring outside help because of the salary ranges and other issues. If we use outside firms we have much more flexibility.

Mr. Pioppi spoke about a full restructure, make Phil Deputy Director and Operations Manager and eliminating a position. He also said no one is understanding the engineering position. We're not looking for an engineer who can design. Someone has to analyze the information that comes in, understand uni-price, pay items, the quantities and math and act as an owners rep, working for the town. You can't do that with a consultant who administers the job. First it would cost a fortune, and second we need someone with a vested interest acting as an owner. Someone with engineering type education. He doesn't want to belittle anyone, but the Council doesn't understand a tenth of what is needed.

Peg Dean spoke about the MassWorks project. We went out and hired an outside engineering firm who we hold to higher standards.

Councilor Daou spoke about everyone who is here tonight. He felt they waited until the last minute. He spoke about fighting in front of the camera and didn't feel it was fair. He spoke about DPW employees getting together to work it out. There was further discussion about this meeting and whether town employees can speak to councilors. Employees feel this should not go up to the Council. Councilor Daou moved the question. The Chair said moving the question is not allowed at subcommittee per Robert's Rules

Mr. Pioppi spoke about engineering and selecting low bid engineering firms. He feels that is not the place to cut corners.

Mr. Julian also spoke about the problems with low bid engineering.

The Chairman called for the vote. Daou, Lazo, YES. Steeves, Splaine, Marketti, NO. 2 in favor, 3 opposed. Negative vote the motion is lost.

7. Review/discuss the changes to Schedule 1 I Administrative Salary Schedule For Positions Not Covered By Collective Bargaining Agreements (Administrative Department Heads), entertain a motion to recommend to Town Council for approval. Motion made by Daou, second by Lazo.

Discussion: Chair Marketti asked if this should go to General Government? He pointed out that Schedules usually go to Gen Gov. Councilor Steeves thought it should've gone to Gen Gov, but since its is here already we should just decide it here.

The Chairman called for the vote. Daou, Lazo, YES. Splaine, Marketti NO. Steeves ABSTAIN. 2 in favor, 2 opposed, 1 abstain. Tie vote the motion is lost.

8. Review/discuss the promotion of Philip Harding to the DPW Deputy Director position, entertain a motion to recommend that Town council approve the Town Manager's recommendation to appoint Philip Harding as DPW Deputy Director. Motion made by Daou, second by Lazo.

Discussion: Chair Marketti asked if members wanted to discuss this? Councilor Steeves said he thought we beat it to death already, but commented he is going to abstain but it has nothing to do with Phil. It's because he feels it is premature.

George Chenier asked what happens if this goes to council and the question to create the position is defeated, what happens? Town Manager McCall said all three have to be voted in favor.

The Chairman called for the vote. Daou, Lazo, YES. Marketti, NO. Steeves, Splaine, ABSTAIN. 2 in favor, 1 opposed, 2 abstain. Motion is adopted.

9. Review/discuss the revised job description for Senior Public Works Forman, entertain a motion to recommend to Town Council for approval. Motion made by Lazo, second by Daou.

Discussion: The employees asked why this wasn't posted. HR answer it was a promotion and will not answer further. They asked the reason for this job description? No further discussion.

The Chairman called for the vote. Daou, Lazo, Splaine, YES. Marketti, NO. Steeves, ABSTAIN. 3 in favor, 1 opposed, 1 abstain. Motion is adopted.

10. Review/discuss the changes to Schedule 1 VII PW Supervisory and PW Schedule For Trade, Craft, and Labor Positions Not Covered by Collective Bargaining Agreements, entertain a motion to recommend to Town Council for approval. Motion made by Lazo, second by Daou.

The Chairman called for the vote. Daou, Lazo, Splaine, YES. Marketti, NO. Steeves, ABSTAIN. 3 in favor, 1 opposed, 1 abstain. Motion is adopted.

11. Review/discuss the promotion of Glenn Ethier to the Senior Public Works Forman position, entertain a motion to recommend that Town council approve the Town Manager's recommendation to appoint Glenn Ethier as Senior Public Works Forman. Motion made by Lazo, second by Daou. No discussion.

Vote: Daou, Lazo, Splaine, YES. Marketti, NO. Steeves, ABSTAIN. 3 in favor, 1 opposed, 1 abstain. Motion is adopted.

12. Review/Discuss awarding Tank Mixer Replacements which will replace storage tank mixer motors for Breakneck and Mass Ave storage tanks to Underwater Solutions Inc. Entertain a motion to Town Council for approval to enter into a contract with Underwater Solutions Inc for \$29,991.80 and authorize the Town Manager to sign all related documents. Motion made by Lazo, second by Daou.

Discussion: Steve Gregoire spoke about the storage tanks and the electric motors that work to blend the mix have failed.

Councilor Steeves asked about the 5-year life span.

Vote: Daou, Lazo, Splaine, Steeves, Marketti, YES. Unanimous. Motion is adopted.

13. Review/Discuss a transfer for \$29,992.00 from #610450-583000-91250 Water Reserve Fund to #610450-583000-23580 Water System Capital to fund replacement of tank mixers in the Breakneck Rd and Mass Ave storage tanks. Entertain a motion to Town Council for approval and to authorize the Town Manager to sign related paperwork. Motion made by Lazo, second by Splaine.

Discussion: Steve Gregoire said this is not in his budget so they are asking to use reserves

Vote: Daou, Lazo, Splaine, Steeves, Marketti, YES. Unanimous. Motion is adopted.

14. Review/Discuss a transfer for \$90,000.00 from Fund #0842 Capital Stabilization Fund to Project #64847 DPW Purchase of Sweeper to cover increase cost of sweeper replacement. Entertain a motion to Town Council for approval and to authorize the Town Manager to sign related paperwork. Motion made by Lazo, second by Daou.

Discussion: Phil Haarding spoke about the price increase for the sweeper. The Chair spoke about the vote last spring for \$300,000, and now it is gone up \$90,000.

Councilor Daou asked if the old sweeper was fixed. Phil said the sweeper keeps breaking down. Daou offered to fix it and give it to the town.

Mr. Julian asked how many sweepers we have? Phil said this would make two. Phil also said the new sweeper is MS4 compliant.

Vote: Daou, Lazo, Splaine, Steeves, Marketti, YES. Unanimous. Motion is adopted.
(Steeves pointed out 2/3 needed at council)

15. Review/Discuss a transfer for \$86,032.00 from Fund #0842 Capital Stabilization Fund to Project #64849 DPW Clamshell Catch Basin Cleaner for Swaploader to cover increase cost for catch basin. Entertain a motion to Town Council for approval and to authorize the Town Manager to sign related paperwork. Motion made by Lazo, second by Daou.

Discussion: Phil spoke about the equipment and the cost increase. Also MS4 compliant.

Councilor Steeves said it was mentioned that the other equipment can also do catch basins, asked why we need two? Phil said we need two because the sweeper is a vacuum,

the truck picks up sediment, sticks and other debris.

Steve Lazo asked if we can use the hook truck, what will happen to the other catch basin truck? Phil said they would keep it or it will probably go to surplus.

Splaine asked if the truck itself is still good. Phil said the truck is good but the rest of it is in bad shape.

Vote: Daou, Lazo, Splaine, Steeves, Marketti, YES. Unanimous. Motion is adopted.

16. Review/Discuss applying for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant for no more than \$11M and commit \$750,000.00 in water and sewer enterprise funds to complete the project. Entertain a motion to Town Council for approval and to authorize the Town Manager to sign all related documents. Motion made by Daou, second by Lazo.

Discussion: Peg Dean said this is to modernize Hamilton Street. She spoke about the funds and what we were asking for. She said we may end up asking for less. She also spoke about the project.

Councilor Steeves asked if we asked for \$11 million, could we keep the surplus? Ms. Dean said no, we have to account for all of the funds.

Vote: Daou, Lazo, Splaine, Steeves, Marketti, YES. Unanimous. Motion is adopted.

17. Update on Construction Inspector position. **Discussion:** Kevin Splaine asked about the position and would like to know what is going on with it? Adriana said we interviewed everyone. We had 20 applicants, and we narrowed it down to the top five, and made an offer to one.

Korey Chenier asked about the position which is ongoing for 10 months, and if we are in compliance with Mass General Law with regards to the hiring practices. Adriana said we followed fair hiring practices. Mr. Chenier said he is a disabled Veteran and spoke about state law with regards to hiring disabled Veterans. He also spoke about the phone call from HR saying he is over-qualified. He was told to apply for the Directors position. He has re-submitted his resume three times. He would like to know why he was passed over. HR and the Town Manager said they did not want to talk about why he was not hired. Mr. Chenier said he felt it was unjust that they would not answer him. The discussion became argumentative and the Chair ended the discussion.

18. Discussion of road improvements in town. **Discussion:** Splaine asked about the West Street project and the water lines, sewer lines, and he thought we put a new gas line, but has discovered it was not done. He wants to make sure the work is all done at the same time. Phil said he talked to National Grid and they agreed to do all new gas lines before final paving.

Mr. Julian said he thinks the gas lines were replaced at the top and bottom of West Street, but it's the middle that has not been done.

19. **Adjourn:** Motion made by Splaine, second by Steeves. Vote 5-0. Motion carries. Meeting adjourned at 7:50PM.

Respectfully submitted by Subcommittee Chair, Councilor Marketti.