

**MINUTES OF THE WEYMOUTH TOWN COUNCIL
SPECIAL MEETING
Town Hall Council Chambers
Monday, June 28, 2010**

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Robert Conlon
Kenneth DiFazio
Ed Harrington
Thomas J. Lacey
Brian McDonald
Michael Molisse
Victor Pap
Michael Smart

Not Present: Kevin Whitaker
Franklin Fryer

Recording Secretary: Paula MacLeod

President Mathews called the Special Town Council Meeting to order at 7:01 PM. Assistant Town Clerk Kathleen Deree called roll, with two members absent. Chairman Mathews reported that Councilor Whitaker is away on vacation and unable to attend. Councilor Pap arrived shortly thereafter.

ANNOUNCEMENTS

President Mathews announced, pursuant to Section 8-5 of the Weymouth Town Charter, that he must, by July 1st, appoint a committee to review the Code of Ordinances. The committee must be comprised of two members of the Town Council and two members from the town and is seeking interested constituents. He provided the Council's office phone number of 781-340-5020 and an email address of towncouncil@weymouth.ma.us.

REPORTS OF COMMITTEES

Budget/Management Committee - Chairman DiFazio

10 089 Joint Labor Management Committee Finding - Firefighter Arbitration Ruling - Reserve Fund Transfer

This matter was referred to the Budget/Management Committee on June 21, 2010. The Committee deliberated on June 23, 2010 and voted 4/1 for favorable action. This is a measure which requests that the Town of Weymouth transfer the sum of \$395,000 from the Reserve Fund to Fund 002 for the purpose of funding the economic impact of the Joint Labor Management Committee Finding dated June 10, 2010 which awards the members of Local 1616 International Association of Firefighters a zero percent increase in FY2008, a zero percent increase in FY2009, and a six percent increase in FY2010. At the time of the submittal, the Reserve Fund balance, if all measures currently pending before Council are favorably acted upon, and the withdrawal of measure 10 077 which has been permitted to be withdrawn by the Mayor, will be \$398,644. The potential impact of the award is \$432,000. The remaining \$37,000 will be drawn from exiting balances in the Fire Department's payroll.

Chairman DiFazio provided background of the discussions held at the Budget/Management Committee's meeting. "This involves contract negotiations for FY2008, 2009, and 2010 for the Weymouth firefighters. It appears from the record that the parties negotiated until June of 2008. In August of 2009, the JLMC (Joint Labor Management Committee) conducted hearings and determined that the parties were unable to resolve their differences. The JLMC then recommended arbitration. Arbitration hearings were held February 2nd, February 9th, and February 23rd. A review of the arbitration's findings, which were attached to the measure, indicates that the three arbitrators' analyses, as they appeared to find what was the appropriate salary increase, they considered the following five factors:

1. Cost of living
2. Wages
3. Benefits of comparable employees
4. Ability of employer to pay for increase in wages

5. Bargaining history and recent contract settlements

Based upon what appeared to be a lack of information on several of the above factors, (in other words, information was not provided to the arbitrators), the arbitrators elected to focus on only two of those factors when making their decision:

1. The wage adjustments provided to other employees in the community.
2. The town's ability to pay.

With regards to *Other Settlements in the Community*, the arbitration found the following:

The arbitrator noted on several occasions, the parity between schoolteachers' wage adjustments and firefighters' wage adjustments. For instance, they illustrated in 2004, both the firefighters and teachers received a two percent increase wage adjustment. In 2005, they both received a three percent wage adjustment. In 2006, they both received a four percent increase in wage adjustment. The arbitrators also feel that the teachers' wage adjustments for years 2008, 2009, and 2010 are very relevant. In 2008, the teachers received a one percent increase, in 2009, a two percent increase, and in 2010, a three percent increase.

With regards to the second factor that they considered, the *Ability To Pay*, the arbitrator stated the following:

They cannot ignore the current economic recession which has taken place. The arbitrators concurred that the town had no money in 2008 and 2009. The arbitrators felt that the town had accumulated enough funds due to a large three million dollar free cash figure and a Reserve Fund of \$550,000 in 2010.

The arbitrators issued a finding on June 10, 2010. They indicated in their conclusions that there is not exact parity in wage increases for all town employees over the years but there is relative similarity. They found that the offer by the Town of Weymouth of 0%, 0%, 2.5% for FY10 was much lower than what's provided to other town and school employees. They found that the union's request of 3%, 4%, and 5% was not justified when compared to other town and school employees. After the three day hearing, the arbitrators unanimously

concluded with the following recommendation:

- 0% for Fiscal Year 2008
- 0% for Fiscal Year 2009
- 6% for Fiscal Year 2010

Measure 10 089, submitted by the Mayor, seeks to fund the economic impact of the 6% by paying \$432,000 in FY10. The remaining, approximately \$325,000, is left to be paid during FY11. The Mayor has identified sources of revenue for FY10 from the Reserve Fund and \$37,000 to be drawn from existing balances in the Fire Department payroll. The Mayor has indicated that measure 10 089, as it appears, will result in eight firefighters potentially being laid off in FY11 in order to fund the remaining \$325,000 in FY11.

In conclusion, a “yes” vote tonight by this Town Council will allow the FY10 appropriation and will approve the JLMC Award of 6% in 2010. A “no” vote tonight will send the parties back to the negotiation table. Therefore, given the 4/1 vote by the Budget/Management Committee, they have recommended favorable action.”

This MOTION was seconded by Councilor O’Connor. He stated that as Vice President of the Budget/Management Committee, he voted in favor of this item. He added that a six percent raise in this economy is going to be hard. He wished to say to the firefighters and union president that although it took three and half years to get to this number, the more important number was the eight firefighters. He wished all to do everything possible to work things out to prevent layoffs as they were at a dangerously low number.

Councilor DiFazio wished to state that he supports and increase in pay for all town employees but, not unlike the school department, he suggested that this town does not have the amount of funds to necessitate wage adjustments at this time, especially in FY11 and FY12 looking to be worse. He added that he was not in support, at this time, paying for wage increases by laying off individuals within a department. He referenced a slow dismantling of the school system and the possibility of the Fire Department running at 2 and 2 or even 2 and 1. Councilor DiFazio pointed out that he supports the Town of Weymouth’s firefighters, but did not believe he should change his consistent course. He stated that he reported from the Budget/Management Committee that the rate of increase costs for town

employees has to come to a close and his no vote was symbolic of that.

Councilor Molisse stated that he supported this in Budget/Management and would also be supporting it tonight. His thought process is that we need to support and pay employees adding that he was a firm believer that if they don't pay, they could lose many good employees.

Councilor Lacey stated that, although not a member, he had been in attendance at the Budget Committee meeting, and was able to ask questions and listen to what had been presented. He added that he struggled around the balance of raises, affordability, and jobs. He said that he was of the mindset that the Fire Department cannot afford to lose another position, never mind the potential of 8 or 16, if the measure passes utilizing the funding for FY10 attached to the measure. He pointed out that it was a combined measure before them and that the Mayor had demonstrated the ability to fund a piece of it. He wished to reiterate to the Fire Department and the Mayor's office, the importance of going back to figure out a way to avoid eight layoffs should this measure be approved. Councilor Lacey stressed the importance of re-negotiating, in particular, the four men on an engine, despite being good practice, it was a question of affordability and takes away flexibility on coverage and response time. Stating that Weymouth, geographically, could not operate with only two engines and one ladder. He has advocated his concern about that piece of language in the collective bargaining agreement. He asked both parties to sit down at the table again to avoid eight layoffs as he wished to be fair in paying the firefighters appropriately. As it was a binding decision, he supported the process but reinforced his position of concern.

Councilor Pap stated he wished to voice his support for the measure and added that he wanted to make the distinction he felt was the fundamental difference of town employees in public safety, who risk their lives at work. He believed that the wage increase was fair, given the level of stress on the firefighters, and what we, as a town, needed to do in order to prioritize its values.

Councilor McDonald felt the raise was equitable. With the Town in fiscal stress, as most towns in the Commonwealth are, he thought they needed to think about ways of restructuring the operation as he is not in favor of two engines and one ladder. Without the good fortune of having an economic base like Braintree and Quincy, he suggested that they

look to other towns of similar size (geographically and population) to do a comparative study. He wished to identify what could be done regarding additional revenue and added that he did not have a problem asking the voters of Weymouth to decide whether, or not, they wanted to see property values suffer because of a diminishment of the school system or a public safety risk based upon the inability of the fire department to respond. Councilor McDonald supported the measure but felt there needed to be further discussion about where to go in the future in terms of revenue.

Councilor Smart expressed his support of the measure and, like many of his colleagues, urged the Mayor to take Mr. Hammond's initial offer to continue the discussions. Knowing that negotiations took over three years and how difficult they were, he felt they needed to go back to the table to ensure the town has adequate fire protection.

Councilor Pap wished to point out that the Fire Department had been good stewards of the resources provided to them by returning funds at certain times during the fiscal year.

President Mathews asked for any further discussion and then for a vote on the motion. VOTE PASSES 9-1 with Chairman DiFazio voting NO.

At 7:20 PM, with no further business to conduct, a MOTION was made by Vice-President O'Connor to ADJOURN and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Paula MacLeod as Recording Secretary.

Approved by:

President Arthur Mathews