

**TOWN OF GILFORD
BOARD OF SELECTMEN'S MEETING MINUTES
September 5, 2018
4:00 PM
GILFORD TOWN HALL**

At 4:00 pm, Chairman Benavides convened the public session of the Board of Selectmen's meeting in the 1st floor conference room.

Board members in attendance were: Selectman Gus Benavides, Selectman Richard Grenier and Selectman Dale Channing Eddy.

Staff member in attendance was: Town Administrator Scott Dunn.

Following a brief discussion, R. Grenier made a motion to approve a Purchase and Sale Agreement for Lot 12 in the Lakes Business Park to be sold to DASLTC, LLC in the amount of \$113,000 and to authorize the Town Administrator to sign; seconded by D. Eddy and passed with all in favor; (3-0).

The Board then met with representatives from the AFSCME Council 93 to discuss an allegation made by the Union against the Town for an Unfair Labor Practice. Union representatives in attendance were: Steve Lyons, Chris Kilmer and Michael Denver.

C. Kilmer said the Town neglected to follow step 1 in the grievance procedure for a claim filed against the Town on May 23, 2018. He indicated the Union will not file a ULP with the NH Public Employees Labor Relations Board if the issue can be resolved informally and the Town provides written assurance that it will comply with the collective bargaining agreement in the future.

S. Lyons presented a NH Supreme Court Case (appeal of the Town of Pelham vs. NH-PELRB) in support of the Union position whereby a municipal employer is obligated to follow a contractual grievance policy even if the Town's supervisory employee does not have the authority to make a decision.

S. Dunn noted that he consulted with the Town Attorney prior to making a step 2 decision on the grievance and was told by-passing the Public Works Director in this instance made sense. He said he has done this many times over the years in other municipalities without any Union complaints. He noted the DPW Director was recently hired and still on probation. The DPW Director did not have the authority to interpret the Union contract on a health insurance dispute that applied to several members of the workforce. He said his decision clearly indicated it was a step 2 decision which could be appealed to the Board of Selectmen using the step 3 process, which the Union ultimately did and the matter was eventually resolved so there was "no harm and no foul".

M. Denver spoke to say the Union always follows proper procedures and he expects the Town to do the same thing.

S. Dunn said after quickly reviewing the NH Supreme Court decision provided by the Union, he did not believe the circumstances in that case were applicable to the current situation, but he suggested the Board seek clarification from the Town Attorney.

It was noted by several attendees that the Town and the Union has a good working relationship.

Following a period of questions and answers between the Selectmen and other attendees, it was the unanimous consensus of the Board to have the Town Administrator draft a written letter from the Board to the Union acknowledging that step 1 of the grievance procedure was not followed in response to the Union's grievance of May 23, 2018 and stating the Town's intentions to not by-pass this step in any future grievance procedures.

With no further business to come before the Board, R. Grenier made a motion to adjourn the meeting at 4:43pm; seconded by D. Eddy and passed with all in favor; (3-0).

Respectfully submitted,



Scott J. Dunn, Town Administrator

Approved by the Board of Selectmen on the 12th day of September, 2018.

Attest:



Selectman Dale Channing Eddy, Clerk