



TOWN OF ORRINGTON

Special Selectmen's Meeting Minutes

April 15, 2013

Call Selectmen's Meeting to Order: The Special Selectmen's meeting of April 15, 2013 was called to order at 7:03 PM. Those present were; Chairman, Kevin Allcroft, Christine Lavoie, Howard Grover, James Goody, Terrence Bladen; Town Manager, Paul White; Town Clerk, Susan Carson; Fire Chief, Mike Spencer; Police Supervisor, Jon Carson; Town's Attorney, Ed Bearor; Bangor Daily News Reporter, Nok-Noi Hauger; 5 citizens. Allcroft stated that this is the appeal by Fire Chief, Mike Spencer against the 2 week suspension without pay that was issued by the Town Manager, Paul White. Normally, this would be an executive session behind closed doors, however; Chief Spencer has made a request that this be made an open session. The grievance may be heard by the public, but no one may speak. And only the issues that caused the suspension may be discussed.

- 1. Executive Session to discuss Personnel Matter Pursuant to Title 1 MRSA, Subsection 405 (6) (A) and Town Charter Sec 3.03 (4) (1):** White began the hearing by stating that the decision to suspend Chief Spencer did not come easily to him, he spent quite some time in thought about it. The reasons for his decision were; 1. A time sheet was turned in with hours worked when sick time was actually taken. 2. People hanging out at the fire station after previous directive to not have that happen. MMA insurance stated that we could be liable with public hanging out at the Fire Station. 3. Department vehicle (Envoy) was used for transportation to his second job. This vehicle was given to Chief Spencer last summer. The Board agreed that he could take the vehicle home but not for personal use. White found that the vehicle was at his other place of employment. At that time Chief Spencer was out on sick leave, and had the vehicle at the other employment place. March 26th these items were discussed with Spencer. During this meeting, White asked Spencer if the vehicle

was used for personal reasons, Spencer stated he does not. White stated he has proof the vehicle is being taken to the other employment, and Spencer informed White that he thought he could. Bladen asked White how Spencer can respond to a fire if he doesn't have the vehicle. White stated that he doesn't have an answer to that.

The floor was then given to Chief Spencer: Spencer stated that he has had many decisions to make during the last couple of months. He passed out documents to the Board. He stated that MMA has two separate insurance policies to cover the fire station. It's hard for him to be upstairs in his office and know when there are people visiting. Spencer stated that he does not know that he has to turn in a time sheet being a salary employee. He had spoken to the Town Clerk, and she stated that that he did not need to submit a time sheet. Spencer told her that he feels he needs to fill out a time sheet to account for his hours. He had a conversation with White prior to his two week sick leave for his medical procedure that he would use sick time but had come to the station to catch up on his emails and purchase orders. He was out sick on the 27th for 4 hours and on the 28th for 8 hours. He didn't feel he had anything to gain by recording sick time on the time sheet where he had come in and worked part of the morning. He stated that he knew nothing about having to turn in leave slips prior to taking time off until April 2nd when White sent everyone a memo stating that everyone had to turn in a leave slip when using time. He had 284 sick hours banked. He doesn't feel that not turning in a slip should warrant a 2 week suspension without pay. He stated that he was asked if he went to a meeting when he was on sick leave. He had. He has been responsible for gaining \$12,000 value of equipment for his department, with no cost to the Town. He feels the meetings he goes to are important. He is trying to do what's best for the Town. He is there to serve the public, if someone comes in to the station for a burning permit and stays for 45 minutes, he thinks it's important to reach out to the community and interact. He doesn't want anyone who comes to the station to get hurt. He feels an easy resolve would be to pick up a rider policy with MMA insurance to cover people. Spencer then reads the vote from the selectmen's meeting when the Board allowed him to use the Envoy. "Lavoie moved to give the Envoy to the Fire Chief to use how he sees fit, with the idea that it is not a personal use vehicle. Grover seconded. Vote was 5." He stated that "how he sees fit" is not "how White and Spencer see fit". He has not told anyone in his department

that they cannot use the vehicle. Spencer feels personal use is taking the family for a picnic at the beach, or going grocery shopping. When he uses the vehicle it is with the idea that he has a way to respond to a call. He has had the opportunity to take the Envoy to Foster's every time he has worked, and he has not done that. Spencer stated that there was an understanding between him and White that he would take "sick leave" when he was out for surgery, but that he would come in the morning to do some desk work. He feels that the tone changed when the vehicle issue came up. There is an understanding with R.H. Foster that he drops everything and runs if there is a call. The particular shift he took was to deliver fuel to two schools in Hampden that were running out of fuel. He felt he was in a spot where Foster needed his assistance. He knew ahead of time where his deliveries were and that since they were only in Hampden, he decided to drive there with the Envoy so he could respond to emergency calls in Orrington should any arise. He feels he and White are two different types of managers. He has managing experience with Irving Oil before working for Orrington. He thinks a suspension is two or three days. He spoke with several Chiefs and Town Managers who didn't think 2 weeks was fair. He took the Envoy to his second job so he could respond, not to save his own fuel. He feels it's offensive to have the Town Attorney sitting in this room tonight. Allcroft stated he is pushing his luck, and to remember that he works for the Town. Attorney Bearor works for the Town as well. Spencer stated that he feels he has done a lot for the Town and that he has turned things around at the fire department. His intent is to point out that a 2 week suspension without pay is not justified. Bladen pointed out that Spencer mentioned other fire fighters have used the Envoy to respond to calls. He asked how anyone can respond to a call if the Envoy is at Foster. Spencer stated that he knew ahead of time that the Foster job was in Hampden so that was a one-time event. He had every intent of responding to a call should there be one. That was why he took the Envoy. Bladen thinks that since it is a municipal vehicle, it shouldn't be used to go to his second job. Bladen also said Spencer's comment about being offended by Ed Bearor's attendance tonight was disrespectful to Ed and to the Board. He feels that the Chief shouldn't have to be reprimanded. Goody asked if he has always had to fill out a time sheet as long as White has worked here. Spencer stated he has because when he first started working here, he was an hourly employee. When he changed to salary, he continued to fill out time

sheets. During the first of the two weeks Spencer was out sick, White stated that the Envoy was not at the Fire Station. He instructed him to take it to the station the second week. Goody also asked if Spencer had been given any restrictions from the Dr. while on sick leave. Spencer had a lift restriction of 30-40 lbs. He then asked if R.H. Foster knew he was on sick leave from Orrington at the time. Spencer said he believes he told them that night, and that was why he didn't want to deliver then. He is not sure that he told them he was out for the week. White interjected that he had asked Spencer to decide between working light duty or taking sick leave. Grover asked if there was anything in Mike's personnel file. White stated there is. There have been other discussions in the past with Spencer and has placed notes of the discussions in his file. Grover stated to Spencer the reason it was asked for people not to hang out at the fire station is because it is a liability for the public, and if an employee who is not scheduled to work is there and does work, he could come back and charge the Town. Grover reiterated to Spencer that the Board gave White the directive to address the public visiting the station. He was doing what he was instructed to do by the Board. Grover asked if Spencer had to discipline one of his employees would he expect things to turn around. Spencer said he would talk to his employees, and maybe write them up, but it has never come to the point where he had to suspend anyone. Spencer then told the Board that he felt he and Paul had been on the right track and were working better together. He got him a jacket with the fire department seal on it. Lavoie had no questions. She just wanted to tell Mike that she feels he has done a good job. Allcroft stated this is really an issue of perspective. In his opinion, personal use of vehicle is when it is being used to go to and from a second job. He also sent in a time sheet that was clearly wrong. It is technically a falsified document. Spencer stated that he does not try to cut corners and do wrong. Allcroft stated that Spencer and all other Town employees work for Paul. Not the Board. Paul works for the Board. Selectmen are not to interact with employees. White is the only one who can give direction to employees, and Board directives go through White. Bladen asked Spencer if he felt it was right when he came into his workplace the other day to talk to him about this. Spencer stated that he was told that Bladen had been asking questions regarding this situation. He felt he should speak directly to him to make sure he had the answers to those questions. Bladen

feels that he may have been trying to sway him. Spencer said that was not his intention at all. Allcroft asked for a vote in favor of upholding White's decision on the suspension. Vote: Yes-5. The appeal was denied and the meeting was adjourned at 8:30 PM.

**Respectfully Submitted,
Susan L. Carson, Town Clerk**

Chairman

Manager

Clerk