

BALDWIN TOWNSHIP SPECIAL MEETING

October 15, 2009

Present – Supervisors Larry Handshoe, Jeff Holm, Bryan Lawrence, Jim Oliver and Jay Swanson. Fire Captain Larry Boeke was also present.

Call to Order - The October 15, 2009 special meeting of Baldwin Township was called to order by Chairman Jeff Holm at 7:00 p.m.

Pledge of Allegiance – All present recited the Pledge of Allegiance.

Approve/Disapprove Fire Truck Financing – Three proposals were received: Baystone Financial Group, Leasing 2 and Ehlers & Associates. Swanson/Lawrence to go with Ehlers. There will be an 8 month delay for the first payment. Handshoe suggested checking what it will cost interest wise as Ehlers figures are estimates and Baystone and Leasing 2 are set interest rates. Holm stated that the 10 year payment should be eliminated with Swanson agreeing that it should be a 7 year payment. Upon voice vote, the motion carried with Lawrence, Swanson and Oliver in favor and Holm and Handshoe opposed.

Motion to Close the Meeting per Minnesota State Statute §13D.05, subd. 2. – Notice is hereby given that the Town Board of Baldwin Township, Sherburne County, Minnesota, will hold a special meeting on Thursday, October 15, 2009, at 7:00 p.m. at the Baldwin Town Hall to conduct a closed session as required by Minnesota State Statute § 13D.05, subdivision 2 for preliminary consideration of allegations or charges against an individual subject to its authority. The person subject to the closed session has the option to request that it be open to the public. The Town Board may also open the meeting after the closed session in order to take action if it determines it may be warranted.

Dated this 6th day of October, 2009. Posted on October 6, 2009.

The meeting may be opened at the request of the employee or may be opened by the Town Board to take further action if warranted.

Fire Captain Larry Boeke requested that it be an open meeting.

Larry Boeke: He is appealing his suspension status. On September 23rd at 6:00 p.m. he was suspended. Three days later he received a letter stating the same with the reasons for the suspension being insubordination, conduct unbecoming an officer and degrading his immediate supervisor. He is asking for clarification of what warranted the suspension and disputes the progression of steps as far as suspension instead of written or oral suspension.

Jim Oliver: The policies in the handbook state: oral, written, suspension and then dismissal.

Larry Boeke: The letter was unclear. Claims conduct unbecoming to an officer, insubordination and degrading a superior. He asked for clarification from Mark Bennett, Assistant Chief.

Mark Bennett: For actions at the town board that previous Monday. You spoke to town board and made some comments that were personnel related and degraded immediate supervisor.

Larry Boeke: Specifics? What was degrading?

Mark Bennett: Talked about the assistant chief and used some statistics that may or not be factual. No previous authority or permission to speak to the board that evening.

Larry Boeke: Our fire dept meetings are public and any citizen can observe. Is this the understanding of the board? (Board): Yes. How does that relate as a personnel issue? I said the numbers of eligible voting members that were there. The main reason I brought it here was because I knew it would not get to the town board. Issues have progressed and have gotten worse. With the state of the morale of the department there would not be any closure in site without the help of the board.

Bryan Lawrence: Prior to the meeting on Monday night, did you contact either of the superiors?

Larry Boeke: I did not make any calls written or verbal of my intentions. There have been no secrets with the firefighters and the chain of command.

Bryan Lawrence: The issue is with suspension.

Larry Boeke: Under the circumstances and gravity of the situation (read from the fire department handbook) that intervention needed to be made by the board.

Bryan Lawrence: Almost the end of your suspension?

Larry Boeke: Yes. Unclear of status. Bryan (Lawrence) was unsure and was supposed to get back to me.

Bryan Lawrence: Did talk to the board and it was close enough to this meeting date and there was no concrete decision as to what the status was.

Larry Boeke: I hope it doesn't make this meeting a mute point.

Bryan Lawrence: If followed procedure from the handbook you would have gotten message across.

Larry Boeke: Leadership. Will not hide behind a rule that is almost like a whistleblower clause. Do not need to worry about personnel spilling the beans. These are not new revelations. On-going problem for a long time. Ample opportunity for the chief and assistant chief to fix this. No effort on that part. Understand what the rule is and why he is suspended. Felt, under the circumstances, it was too little too late and no effort on the part of the chief to address at all these issues and concerns. We need to bring it to the attention of someone else to get it fixed. We have a counseling form. Never given an opportunity to address the accusations or charges. Never saw this form. There is a section for the employee to sign acknowledging receipt. Never had a chance to address the accusations. The chief called over the phone and told him he was suspended and then received the letter. Goes to show the due process with the situation. Letter stated that he degraded; the term is somewhat subjective, nothing personal about what happened. Just passing along information. Stood up as a citizen, stated what was public record. No specifics at all. Not personal.

Mark Bennett: That evening, after speaking to the board, you had a lengthy conversation with the chief. You did not mention that you talked to the board, correct?

Larry Boeke: Correct. Far past the point of going down that road.

Mark Bennett: Ongoing problem. Was there three board members at the firefighter meeting?

Larry Boeke: Place of the town board chair is to pass along to members of the other board? Did not feel that the fire department liaison would bring it back to the board. Jim Oliver is caught between firefighter and board member. Did know that there was three board members present. Was not part of Mark's report to the board that evening. Chief was unaware of motions made and passed. Thought it would be part of the minutes.

Mark Bennett: The meeting was Sunday night and the town board meeting was the next night.

Larry Boeke: Did not find it a stretch that it would not get passed along to the chief as MaryBeth was running the meeting and taking the minutes.

Mark Bennett: Don't trust management of the fire department?

Larry Boeke: No, I do not. Violated one rule. Under these circumstances I felt, and prompted by many, to get it on record and have something done. Have it go one way or another once and for all. Restate the fact: I do not have faith in the 2 senior members of the fire dept – leadership style is not good for the dept. Leaving it up to the board. Personally feel that the suspension should be null and void or reduced to a written warning. First offense.

Mike Rademacher : Does a firefighter lose their status of a citizen? He clearly stated that he was here as a citizen.

Bryan Lawrence: The chief was working with the morale committee, reviewing findings and putting them in final form.

Mike Rademacher: Lose status as a citizen?

Bryan Lawrence: That is a legal question. If you take the information gained as a firefighter and relay it as a citizen that is a legal question.

Larry Boeke: Care less if citizen or firefighter. Doesn't care. Felt information should get to the board. A lot of firefighters felt it was extremely important and unhappy about the situation. The chief never addressed the situation. No communication whatsoever. The morale is extremely low and ill. The leadership should address the firefighters. Understands what it says in the handbook. Doesn't agree with handing out suspension on first instance. It does not match severity of the offense. Asking to overturn suspension and make sure that there is nothing in his record.

Josh Vaccari (128th Street): Would ask the board to heavily weigh what is present to you. Put yourself in his shoes. Never seen action taken on it – next step in resolution would be human resources, aka the board. This is a job we are taking about. If he sees a problem – who else is he to go to?

Jim Oliver: I disagree with how the procedure was done. A suspension, or dismissal, better be oral, written and then suspension. Otherwise there is no recourse. Important that we follow procedure. Agree that it is not personal. It's something that bothers him and he was not trying to get to anybody. He chose the best way possible. Disagree with Mark with the communication. It is common sense – when a meeting is held over there – it needs to come to the board – has to come from the top down. New board, communication and transparency. Everything is out front. The problem with fire department: transparency. Leave it up for everyone to talk about. If transparent – we would not have these problems.

Mark Bennett: I disagree.

Jim Oliver: The management style is obviously not working. It's not militaristic, it is common sense. It's a 5 year department. Nobody does it on our neighboring departments. If it happens 2-3 times, then get into suspension. The department does not need it. That is the problem with the department.

Mark Bennett: I view this as a job. This is not a small company. It's a government agency. We have rules and procedures and treat everyone the same. Keeps me you and township out of harms way in regards to lawsuits. If treated differently, then we would be here on a different night. Common sense will get you in trouble with the law.

Jeff Holm: Why wasn't this form filled out? Suspending people over the phone? Not the proper procedure.

Mark Bennett: Chief has the ability to determine the severity.

Jim Oliver: Number 7: the chief and assistant chief have rights to deviate from all procedures. Remember Vollkommer saying it would open to lawsuit. Common sense should prevail over everything. Open meeting – public information – just stated the facts.

Mark Bennett: He didn't follow the procedure.

Jim Oliver: Neither did you. Everything is a lawsuit. Appointing versus elections. It is a volunteer department.

Larry Boeke: This is a paid position. It is a privilege to do this. We understand that it is a job. We have to be professional. Represent the community the right way. It should be a family oriented organization. Heard the voice of so many who want it that way. Extremely ignorant the special organization it is – could be family department. In light of the problems and chaos in the department for the last 3 years – it needs to be fixed. It is not like I willfully disobeyed or put someone in harms way – people need to recognize that it is not just a job. Leadership is unwilling to listen.

Mike Rademacher: (reading from the handbook) "Chief will attend all meetings". Issues not being addressed – not following their own job descriptions. It was the will of the department with a majority. Going after the whistleblower.

Bryan Lawrence: According to my schedule that meeting was switched due to Labor Day.

Larry Boeke: There is a policy in place and he understands that he is not supposed to come to the town board with issues. He respectfully disagrees with how it has been handled. Problem has gotten worse and worse. Not solvable within in the fire department. Right on target with 75% of the guys here. Got suspended for it and disagrees with it. Steps for discipline should be progressive. Administrative policy breaking does not warrant a 30 day suspension.

Jay Swanson: There is a policy in place and he understands that. Knows fire department is a mess and needs to be fixed. Will not be fixed overnight nor as quickly as some would like. As a board, we have to believe that the chief is doing for the best interest of the fire department.

Rumblings are at an all time high that are not true. Agree that a 30 day suspension is not correct. Should follow rules and regulations (suspension is not first step). Need to speak to fire chief and find out his side of story. Someday we'll have a chief in place that everyone loves. Understand what he is saying and understands that there are grievances over there. You guys are a department of Baldwin Township. A big piece of

the community. It really bothers him that, in the past, with oaths taken to protect the township, and not show up for a call because you were mad or pissed off. That goes against whatever a fire department would be. I think that could happen as there is enough animosity in the department. Problems need to be addressed wholly and soundly and with transparency – we need to get passed this. There is no better barometer for the board with how well rank and file firefighters are holding up to chief is elections.

Larry Boeke: Decision without chief? Assistant chief is here. He would like some closure here tonight if possible. Expect that chief earns our respect and not demand it. That is key.

Larry Handshoe: Without communication you won't have any of that.

Larry Boeke: Regarding the suspension status. Put off until we had this meeting or not. He has missed 13 calls that he could have responded to. He is a pretty seasoned and experienced firefighter and missed these calls because of a violation of an administrative policy.

Jim Oliver: Disagrees with suspension policy. If there is a reason to suspend somebody they should be able to work until this meeting is held. From now on, suspension should be, if someone files an appeal, they should be normal firefighter until after the fact.

Sean Weldon: Has been going on for 3 years. Sitting with a row of guys who left. We know exactly what he is going through. It can happen overnight if you allow it to. Election process was the worst thing you allowed to do away with. Same problem we had – cancer in this department – unless you get rid of – it will go on and on.

Bryan Lawrence: (asking Sean Weldon and Ross Martin) Were you not chief and assistant chief?

Ross Martin: For a point.

Larry Handshoe: Need more communication over there. Firm believer of if you want a position you earn it. Not a lot of communication over there. Talked to other chiefs – talk to the firefighter if a problem. Should have been some communication before a written reprimand.

Jeff Holm: Public information. You did not do anything personal. I watched the video. Have to take some ownership as I allowed you to speak that night. Severity is overboard. Should have been oral or written. Pick and chose on how you want to go about it – went for the quick bite – flex some muscle – forgot counseling form and obtain a signature. Many things in this township, besides the fire department, township in general is lacking good policy. Probably all wrong at this point. Missed the boat on this form and suspension went too far.

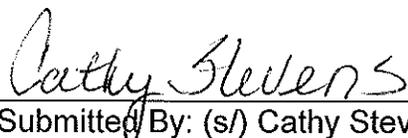
Jim Oliver: Said his peace.

Bryan Lawrence: Made plenty of comment.

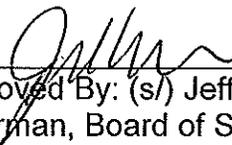
Jeff Holm: This is the place and time to take any action of the request of the captain.

Oliver/Handshoe motion to make it an oral reprimand about what happened and talk about not violating the administrative policy in the future and not a suspension. Swanson questioned if the participants should be the chief, assistant chief and the captain or the chief, assistant chief and a group of captains? Oliver stated that it should be the chief and person that the reprimand is for. Boeke commented that, technically, the assistant chief is his direct supervisor. Holm stated that the counseling should be for coming to the board. Boeke stated that none of the calls from the 23rd to tonight should count against him. A friendly amendment was made by Oliver and seconded by Handshoe that none of those calls count against him. Upon voice vote, the motion carried with Handshoe, Oliver and Swanson in favor and Lawrence opposed.

Adjourn/Recess – Lawrence/Oliver unanimous to adjourn at 8:12 p.m.



Submitted By: (s/) Cathy Stevens
Clerk/Treasurer
Baldwin Township



Approved By: (s/) Jeffrey Holm
Chairman, Board of Supervisors
Baldwin Township

8Attendees: Jim Buell, Elaine Philippi Chuck Nagle, Rick Wagner, Justin Suckut, Bill Swigart, Josh Vaccari, Gary Taylor, Tim Jensen, Robin Fischer, Joe Kiel, Sean Weldon, Mike Rademacher, Jesse Ewert, Cal Watson, Ross Martin, Don Larsen, Mark Bennett