

Select Board Members
 Peter Hood, Chair
 Mary Just Skinner,
Vice Chair
 Phil Hyjek
 Steve Martin
 Liz Scharf

**MIDDLESEX SELECT BOARD
SPECIAL MEETING
Wednesday, September 15, 2021
REMOTE VIA ZOOM + Town Hall
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915**

MINUTES.

PRESENT VIA ZOOM: Peter O. Hood, Chair, Mary Just Skinner, Vice Chair, Members Phil Hyjek, Liz Scharf and Steve Martin. Treasurer Dorinda Crowell, Road Commissioner Vic Dwire. Budget Committee Member Randy Drury. Select Board Assistant Sarah Merriman took the minutes and was present at Town Hall which was open to the public.

Peter called the meeting to order at 5:03 PM and welcomed guests.

Considering an Hourly Pay Increase for a Highway Department Employee

Peter said members of the road crew have expressed concerns that they are underpaid. This is particularly pertinent to one crew member, Jay Files. After members of the crew came to the Board on August 17 to petition for more compensation, Peter went in person to the Town Garage and spoke to the crew members, reminding them that the time to discuss pay is during budget season in the fall. Jay then told Road Foreman Shane Brickey that if he did not receive a pay raise of \$1/hour, he was going to quit. Steve suggested adding a \$1/hour pay raise for Bruce Fitch, though he's about to retire.

Randy said it appears the issue isn't necessarily about the pay; the larger issue is that when Charles Pelchar was appointed interim road foreman before Shane Brickey was hired, he received a \$2.50/hour raise. Randy said he understands Jay's frustration that a member with less time on the crew received this pay raise for an interim position, yet Charles continues to receive the same pay even though a new foreman started work at the beginning of the year. Randy also said he can't find a job description for interim road foreman.

Peter said Jay was offered the interim foreman job and declined. Randy said he understands that. But he doesn't understand, as a taxpayer, why the interim road foreman's pay didn't return to its original level when the foreman was hired. Randy said he'd also like this discussion about pay to be part of the budget discussion for town input. Peter acknowledged that this situation was not handled the best way and also that no job description had ever been drawn up. At the time, however, it seemed to make sense that an interim road foreman be in place in case the foreman was not available.

Meanwhile, Peter said the Town is actively looking for a replacement for Bruce, who is retiring this fall. It's likely that a new hire will throw the entire pay scale for the Road Crew into disarray. Looking at what other road crews in nearby towns are getting paid and compensated, Middlesex is in the middle of the bunch. The Board will revisit all of these issues during budget time. Peter said considering the Town could potentially losing two road crew members right before winter has put a gun to his head.

Randy said he'd much rather the Select Board remind the crew that budget season is coming up and that that is the time to make these adjustments. Otherwise, the Board is setting a bad precedent.

Phil said he doesn't recall the Board taking a vote to keep the Assistant Foreman at that pay rate. Peter said there was no vote, but he remembered a conversation about this and that the sense was it's hard to take away pay when it was given. Phil agreed, but said this is where the Board made the mistake. Phil said he's not in favor of granting a raise of any sort to any individual who puts a gun to his head. He thinks this is a mistake. The interim increase was a bad precedent. Then the Board "messed up" with adding an assistant foreman without a vote of the Board. This is the time to shut this down, now. He said he would vote against the increase.

Liz said she, too, is worried about setting a precedent. What will the other road crew members ask for next? She said she believes they are compensated fairly compared to other places: there is job security, a steady paycheck, overtime and benefits. She said she thinks and hopes that if Jay leaves, the Town will find a candidate.

Peter noted other towns are looking for highway-department members. The problem is that an increased budget won't have an impact until July 2022. He said his preference would be to consider this at budget time, too. Liz said she understands these are extraordinary times; people are desperate for workers. Because of that, maybe in October during budget time, the Board will do a one-time salary adjustment or bonus.

Vic said he knows of two potential candidates for the road crew to fill Bruce's position. Mary said she remembers bringing up the pay of the interim/assistant road foreman, noting it should be lowered, and it was not brought up for a vote. She asked if Jay would be paid more than the Assistant/Interim Road Foreman with the \$1/raise; Randy said it would raise Jay's pay to about 40 cents more per hour. Mary said she's of two minds about this issue and agreed with Phil and Liz that no Board member should be pressured because they feel like they have a gun put to his or her head.

Dorinda said she's worried the potential exists that Charles might ask for more money. Also, what if the bookkeeper or zoning administrator made this threat? The Board would be in the same position. She said Jay is deserving of the raise; she just doesn't like the way it was done. She also said, there's no reason why partway through the year, all the employees' pay can be reviewed and adjusted.

Steve said he's had the same thing happen to him more than once as a general manager. He said this isn't a private company; it's the Town of Middlesex. He, too, is torn. If it was a private company, he'd tell the employee to leave. As for Charles's pay, one of the reasons his pay was left where it was, was because he was assisting the new Road Foreman and still is.

In response, Liz noted the Board is acting as the stewards of the Town. When talking about roads being plowed in two short months, the Board is talking about life and death. The Board could have a much bigger problem in not hiring/retaining a road crew member. If the Board's been tasked with making the best decisions on behalf of the town, the safety of the roads come first. Therefore, it might be in the Town's interest to tell Jay that he's valued and he should be paid \$1/hour.

Peter said he shares the above concerns. Peter said Jay was already told he would receive the \$1/hour pay raise. Board members asked who told him. Peter said he had a discussion with Vic last week before calling for the meeting.

Randy asked if the Board was in violation of the open meeting laws by making a chain of phone calls outside an open meeting. Peter said, potentially yes. Randy said there is way too much of this kind of stuff going on. The Board didn't vote on pay. The Board is having discussions and phone calls outside of meetings where everything is settled. Liz said to be clear, Peter will call to advise that there will be a meeting and there is no discussion about the merits of a meeting. Randy noted that Peter himself just admitted the Board was in agreement before this meeting started. Liz said, yes, but then the Board has a public discussion and noted Board members were wavering. Dorinda said that if she hadn't pointed out that the Board needed an open meeting, then this issue wouldn't have been made public.

About how Jay came to expect the raise, Vic said he received a call from Shane who said Jay was upset and he wanted to hear from the Select Board that day. Vic said he told Jay that he'd get a \$1/hour pay raise, based on Peter's assurances. Vic said

Mary's right; Charles should have been dropped down. There should be a policy that states if someone fills in for a supervisor, they should do it for two weeks with no pay change. If they continue to do the work, then the lower-level employee should get the raise. Jay didn't find out Charles was making more money until the August 17 Select Board meeting. He also feels he carries the burden of the operation. Jay's the only one who runs the grader, Vic said. He works on the excavator, too. Jay is a key member of the Road Crew, Vic said. This is the crux of the problem; it's what drove Jay to do what he had to do. Liz said this should just be put to a vote.

MOTION: Liz moved that Jay Files and Bruce Fitch each receive an additional \$1/hour effective September 4; Steve seconded. Mary and Phil opposed. Peter, Liz and Steve approved. The motion carried.

Peter asked if there should be an extraordinary process added to the budget process considering the Town will be hiring a new road crew employee. Sarah proposed creating a policy modeled on the State that outlines grades and steps, annual reviews and compensation. The Board agreed.

Dorinda said the current bookkeeper is leaving in November, which brings the Town to a crisis situation.

Liz said she wanted to stress that the Board does not do anything in secret. She said she never has conversations with anyone outside of the Select Board; it's not a systemic problem. The reason she voted yes is because it's in the best interests of the towns.

The Board agreed to hold an emergency meeting at 4:30 PM tomorrow (September 16) to discuss the bookkeeper/treasurer positions since the Zoom account needed to be used by the Planning Commission.

The meeting adjourned at 6 PM.

Respectfully submitted by Sarah Merriman, Town Clerk/Select Board Assistant

THE ABOVE MINUTES WERE REMOTELY APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON SEPTEMBER 21, 2021

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

STEVEN MARTIN

ELIZABETH SCHARF