

- | |
|--|
| <p>Select Board Members</p> <p><input checked="" type="checkbox"/> Peter Hood, Chair</p> <p><input checked="" type="checkbox"/> Mary Just Skinner,
Vice Chair</p> <p><input checked="" type="checkbox"/> Phil Hyjek</p> <p><input checked="" type="checkbox"/> Steve Martin</p> <p><input checked="" type="checkbox"/> Liz Scharf</p> |
|--|

MIDDLESEX SELECT BOARD
Tuesday, December 7, 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 Liz Scharf and Steve Martin. Treasurer Dorinda Crowell. Budget Committee members Randy Drury (who was at Town Hall), Mark Harris, Bill McManis and Elias Gardner. Energy Committee member Dexter Lefavour. Road Commissioner Vic Dwire. Planning Commission Chair Sandy Levine. Residents Chelsea Sharkey, Sandy Bettis and J.J. Vandette. WCUUSD member and resident Chris McVeigh. Select Board Assistant Sarah Merriman took the minutes and was present at Town Hall, which was open to the public.

Call to Order, Welcoming Guests, Amendments

Peter called the meeting to order at 5:09 PM. The agenda was amended to include a ratification of a Tenco proposal to add equipment to the Kenworth T880-510 under order.

FY23 Budget Workshop

Considering COLA Increases for Town Employees

The Board addressed potential cost of living (COLA) raises for Town employees. Peter noted that before adding COLA raises, already the FY23 budget was an increase of 8.28% over the previous year. Mark said the federal COLA increase for social security is 5.9% and noted the Town is at a disadvantage in trying to gauge what to do because the feds work on a calendar year and the Town works on a fiscal year that begins July 2022. The Board discussed the fact that it had already approved mid-year raises effective December 1st. Mark said that due to those mid-year raises, the Town now compares favorably to other towns of similar size. Steve said, in light of the raises, he recommended no more than a 3% COLA increase. The 3% would lead to a 9.32% budget increase. Mark asked how a 9.32% increase translates into taxes. Because the Board doesn't know what the 2022 Grand List will be, it's not possible to predict the tax impact, Peter said. Liz noted the 9.32% increase does not include spousal health insurance which the Town is debating covering. She also noted the education rate may go down, so that would affect the total 2022 tax bill. Dorinda said the ultimate result may be a lower tax bill, but the Town doesn't get any of the education money. Randy said the subsidy for the education impact may be a one-year deal, so the Board should consider that when setting a precedent.

Phil said the Board had to take an unprecedented action in approving mid-year raises to attract qualified candidates. And the Board ended up in that position because of prior actions that were insufficient. He reflected on the effects of inflation, COVID, and a persistent labor shortage. He said a COLA increase is not a raise but an adjustment to the cost of living. If inflation runs at 5-6% and the Board imposes a 3% COLA increase, then the Board's going to find itself in the same position of losing employees. Though he is loathe to raise taxes, Phil said for him the minimum COLA increase is 5% so the Board doesn't find itself in the situation it encountered in October when the Town was having difficulty hiring qualified employees. Moreover, Phil said, there aren't a lot of places to tighten the belt in the budget.

Peter asked the Board to consider using some of the fund balance to offset the tax rate when the Board sets it in the summer. No matter what, this will be a startling increase. Liz noted inflation will affect the general budget and the Board should keep that in mind. Peter said the Town tends to underspend its general budget. Liz said she agreed with Phil that COLA is not a raise; a 3% increase a year from now will not feel like an increase. Mary asked for Dorinda to plug in a 5% COLA increase to see what the effect would be. The effect would be a 10% budget increase before addressing health insurance.

Dexter asked if the Board could implement 3% COLA in July and budget for another COLA increase half a year later. Peter said in his memory the Board has never distinguished between COLA and merit raises. Nor has the Board allowed for individual merit raises. Randy said the Budget Committee has been talking about distinguishing between merit and COLA raises. What the Board recently approved was a market adjustment, he said. The Board might want to entertain the idea of looking at experience or rewarding employees for pursuing additional certification, learning how to operate a new piece of equipment, etc. Peter said it was a good idea, but noted it was budget time and it's not clear how the Board would institute

this.

Vic said there were lower income people in town to consider since most of them will not be receiving a 5-6% pay increase. Peter said he did not disagree, but didn't know what to do considering the Town found itself unable to hire qualified people. He suggested plugging in the 5% COLA and look for \$25,000-\$35,000 to cut and see if some fat can be trimmed that way. The Board agreed to plug in the 5%. Dorinda said that brings the budget increase to 10.1%

Paying 100% of Insurance Premiums for Employees' Spouses

Peter said that with the latest round of hiring/raises the Board has effectively violated its personnel policy by basically paying 100% of the health insurance premiums for the spouses of two employees via mid-year bonuses. To be competitive in the marketplace, Peter said the Board may need to consider instituting this as a policy by paying about \$315/employee spouse per month. (Currently, the Board pays for ½ of a spouse's health insurance premiums). There are three employees with spouses on the Town's health plan. To fully cover all three spouses would cost approximately \$15,000 a year. Randy said the Board has to consider the potential – that all employees could have spouses. Peter said that hasn't been the Town's historical experience. In addition, the Board has to consider how to compensate those employees who do not sign on with the Town's health insurance. Phil and Steve spoke in support of looking at a budget in which the Town picks up 100% of the cost of health insurance premiums for employees and their spouses. Mary asked for clarification about whether the personnel policy had been violated; Dorinda and Peter noted premiums are still being deducted from the paychecks of those employees with spouses. However, two out of three are being compensated with cash bonuses.

Dorinda asked for a clarification on the Town's annual contribution to the married employee's HSA. Currently, the Town contributes \$1,850 for the employee and \$500 for the spouse. Dorinda asked if the spouse should receive an HSA contribution of \$1,850. Steve said he'd like to see the numbers and reminded the Board that the Town approves, on average \$70,000 in special articles that go toward organizations not necessarily in Middlesex. In this case, the Board is considering compensation for people who work for the Town. Dorinda said that, before special articles, the budget would reflect a 10.76% with a full health insurance and equal HSA contribution for both employee and spouse. The budget increase rose to 11.01% with other adjustments.

Treasurer's Report

Dorinda said five months into the FY22 budget, there are some areas of concern. For example, legal fees alone reflect a 272% increase. The Board might want to consider that when compiling the FY23 budget. Overall, the Town has spent 50% of its budget – a little over where it should be.

Peter noted that one highway department employee ended up with two pairs of boots purchased by the Town this fiscal year, as opposed to the normal practice of one pair per fiscal year. The cost was \$160. Peter said this was a miscommunication, but that the Road Foreman and Commissioner are in agreement that this one time should be covered and hopes the issue can be put to rest. Dorinda's recommendation was that the extra pair be applied to FY23. In other words, that employee would not get a new pair when the new fiscal year starts in July. Mary and Phil agreed.

MOTION: Liz moved that the extra purchase of the boots be applied to the employee's free boots in FY23; Mary seconded. Mary, Liz and Phil voted in favor. Peter and Steve voted against. The motion passed. Peter said he felt this was a miscommunication that won't be repeated. The Board discussed tis.

MOTION: Liz moved to rescind the previous motion and to allow the employee to receive Town-financed boots after the new fiscal year begins in July 2022; Steve seconded. Liz, Mary and Steve approved. Mary and Phil objected. The motion passed.

Reviewing the Enhanced Energy Plan

The Board discussed the Enhanced Energy Plan. Any changes needed to be made by December 20, 2021 which is 15 days before the warned January 4, 2022, public hearing. Peter said the plan requires a lot of work on the part of the Town and wondered if meeting these goals and objectives is feasible.

Sandy said if this is adopted by the Town the plan would be cited by the State in energy decisions. Mary described it as an aspirational document. She said it's hard to amend because if you remove one piece, it affects the other pieces. Steve said he has questions, but needs to time to digest the dense plan. He referred to a section about discouraging the upgrading of Class 4 roads as being a concern, for example.

Dexter, who is on the Middlesex Energy Committee, said he's been going through this document for a year.

The committee has a number of objections to the plan. He said the committee has not endorsed the plan and has had nine months to digest it - and these are people for whom energy is a high priority, he said. He echoed Steve's concerns about Class 4 roads. He said the plan overlooks the needs of the individuals. The State's Comprehensive Energy Plan will be upgraded in 2022; the proposed Enhanced Energy Plan before the Board now will be obsolete since it's based on the State's 2016 version. He said he's not speaking for the Energy Committee, but as a member; he would like more time.

Peter asked why this needs to be voted on at Town Meeting. Sandy reminded him that the Board had encouraged putting the plan up for a vote during a regular election. She said this by and large was presented in 2020, but due to COVID it was postponed. That's why the plan is already a year older, she said.

Dexter said the concern is that, with Act 250 applications, compliance with the Town Plan is a requirement. (If approved, this energy plan would be tacked on to the Town Plan.) This document links land-use policy with energy policy, he said. Compliance with these goals should be voluntary, he said. Dexter said the Energy Plan could be used to stop development. Liz clarified that the Energy Committee has not ruled on it; they simply have not taken action. Dexter concurred. Dexter said it dumps a lot of work on the Town staff.

Peter asked when could the Energy Committee deliver recommended changes; Dexter said three to four months at least. Sarah noted the Board has until January 28, 2022, to warn the vote on the plan. Peter suggested going through the Public Hearing scheduled for January 4, 2022. He said he was not ready to recommend specific changes. The Board made no changes to the Enhanced Energy Plan it received from the Planning Commission last month.

Discontinuing an 832-Foot Class 4 Section of Dolan Road and Making it a Legal Trail

MOTION: Steve moved and Liz seconded approving the following: that the public good, necessity and convenience of the inhabitants of the Town of Middlesex require discontinuance of an 832-foot-long segment of Dolan Road, such segment being the Class 4 portion of the highway, which segment is further described as beginning 195 feet north/northeasterly of Dolan's Road's intersection with Bolduc and Tangletown Road, and proceeding 832 feet on and along Dolan Road, in a generally north/northeasterly direction. The motion passed.

MOTION: Phil moved Steve seconded designating the above segment as a legal trail. The motion passed, thereby enacting the Order and Report of Findings.

Highway Report – Approving \$86,212 Equipment on the Ordered Kenworth T880-510

The Board discussed ratifying \$86,212 in additional equipment to be added to the new Town truck, a Kenworth T880-510 which will arrive next summer. The Board agreed they had discussed approving adding this accessory equipment, but never formally made a motion.

MOTION: Steve moved and Liz seconded accepting the Tenco proposal to add \$86,212 of equipment to the Kenworth T880-510 the Town has ordered. The motion passed.

Vic noted the new Highway Department employee Steve McLaren has started work.

Mask Mandate

The Board reviewed the Legislature's emergency legislation empowering Select Boards with the authority to impose mask mandates on private businesses and public buildings. Phil said he did not think it was necessary. Peter said the Road Crew is opposed to any mandate and that the Town Clerk has already instituted a mask policy in the TC Office. He said he did not believe in imposing a mandate on private businesses. Liz said she spoke to Red Hen and that they would be in favor of a mask mandate because there would be (Town) legislative backing for their restaurant's policy. Peter said there's no way to enforce the mandate. Liz said a town-by-town mandate is not as effective as a statewide mandate. Chelsea spoke against. Sandy Bettis spoke in favor of a mandate; she agreed with Red Hen. Chris said he's in favor of a mask mandate even if it's not enforceable because it makes a statement and helps support Red Hen. Sarah forwarded Jeff Koonz's email in opposition.

Peter asked if there's a middle ground without going so far as imposing a mandate – perhaps by issuing a recommendation. J.J. said he thinks a mask mandate is unnecessary. Red Hen and Roots mandate masks, no problem. Stick & Stuff masks are not required and that's not a problem. Dexter said he agreed with J.J. As for Red Hen's opinion, Dexter said not all businesses were contacted. Sandy Levine said she appreciated the mask mandate in Town Hall during public hearings.

MOTION: Phil moved and Steve seconded passing over the town-wide COVID mask mandate. Phil, Steve and Peter voted in favor. Liz and Mary voted in opposition. The motion passed and the agenda item was passed over.

Considering WCUUSD's Request to Mail All School Ballots

Peter said the WCUUSD has asked Select Boards from its five towns to approve mailing March 1, 2022 WCUUSD ballots to all active-registered voters; all five towns must agree. Sarah said East Montpelier and Worcester approved mass mailing ballots, Berlin's Select Board passed over the request and Calais has yet to decide. The WCUUSD board has asked towns to decide by December 15th. Chris said even if Berlin has passed over the issue, he would appreciate the Middlesex Select Board taking a vote in case Berlin would like to reconsider at a special meeting.

Sarah said that if the Board votes to mail all ballots, she will use JetService and simply send the checklist to them to print and mail the ballots. Dorinda said the Town is being asked to mail all ballots, but the WCUUSD has not agreed to let the Town hold Town Meeting at Rumney School. Chris said he's going to talk to Jennifer Miller-Arsenault to discuss this tomorrow and will report back. He noted the Town does have an easement to use the school for Town Meeting, but COVID presents special issues. Mary said the Town should approve mailing ballots. Sarah noted the inconsistency in the Town Meeting voting if this goes forward. All Middlesex voters will receive school ballots, but Town Meeting will still be held in person and, so far, the Town ballot will be mailed only by request. She asked why the WCUUSD board imposed a deadline of December 15th; Chris said he didn't know. Dexter spoke in opposition, noting the WCUUSD has not been a "good neighbor."

Mary moved the Town of Middlesex mail to WCUUSD ballot for the March 1, 2022 School Meeting to all active registered voters. There was no second.

MOTION: Steve moved and Liz seconded passing over WCUUSD's request. The motion passed.

Peter said the school district has been obstructionist. Liz said it's been her experience as well that the school has been off limits to Town events. Chris said the easement was meant to ensure the Town retained access to the school. Peter said he hoped Chris would relay the message to the WCUUSD board that the Select Board is very concerned about this issue.

Discussing the Future of the Middlesex Volunteer Fire Department

Peter polled members of the Board about asking the voters at the March 1, 2022 Town Meeting about creating a Town fire department – as opposed to the current system of relying on a volunteer fire department that's a 501 C3 operating out of Town buildings with Town-owned equipment. Peter said the MVFD has made progress in training, recruiting and communication with the Select Board. Steve concurred. He said he thinks the Board should keep improving its relationship with the MVFD. He would not want to see the question of the MVFD on the ballot.

Phil agreed there's been progress, but said he'd still like to put this question on the ballot, even though the Select Board has the power to create a Town fire department without voter approval. He reminded the Board that the Town owns the MVFD's assets and provides 99% of the funding, even though the MVFD is a separate organization. The advantage would be that the Town would be able to appoint the fire chief. Liz agreed, but said if the Board takes this direction, the Board needs to provide a lot of information to voters. She said she's still not clear about the advantages of making the MVFD a Town department.

Dorinda noted that the Town is paying all the MVFD's bills and insurance. She said she doesn't understand why they're a separate entity and yet they file a separate tax return and write off the depreciation on vehicles they don't own. If they're a separate entity, they should be paying their own bills, etc. Mary said the question should be put on the ballot, but that the Board should take a stand. Peter said there's a risk of losing current fire fighters who don't want to be on a Town fire department. Liz pointed out that the MVFD has done a great job of improving and that being part of the Town is a good thing. Peter said his sense of the Board is that the Board is leaning toward creating a Town fire department.

Phil proposed approaching the MVFD and try bringing them on board with creating a municipal fire department informally. That cooperative approach would avoid having to put the question on the ballot. Mary asked about the carrot and stick approach. Peter said the stick might be that if there's no Town fire department, the MVFD would have to ask for funding via special articles and maintain its own finances. This hybrid version would end. Peter said he would approach Jeff with this suggestion.

OTHER BUSINESS

MOTION: Mary moved and Phil seconded approving the Select Board minutes of the November 16 and November 30, 2021 meeting. The motion passed.

All orders were signed.

The meeting adjourned at 7:51 PM.

Respectfully submitted by Sarah Merriman, Select Board Assistant

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

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

STEVEN MARTIN

ELIZABETH SCHARF