

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

MIDDLESEX SELECT BOARD
Tuesday, January 4, 2022
REMOTE VIA ZOOM + Town Hall
Middlesex Town Clerk's Office
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES.

PRESENT VIA ZOOM: Chair Peter O. Hood and Board Members Phil Hyjek and Liz Scharf. Treasurer Dorinda Crowell. Budget Committee Members Randy Drury (who was at Town Hall), Mark Harris, Bill McManis and Elias Gardner. Road Commissioner Vic Dwire. Planning Commission Chair Sandy Levine, and Commission Members Phil Comen and Theo Kennedy. WCUUSD Board Member Chris McVeigh. Paul Zabriskie. Energy Committee Chair Lauri Scharf. JJ Vandette and Scudder Parker. Trails Committee member Michael Levine. Select Board Assistant Sarah Merriman took the minutes and was present at Town Hall, which was open to the public and recorded by ORCA.

Call to Order, Welcoming Guests, Amendments

Peter called the meeting to order at 5:10 PM. The agenda was amended to include discussion about COVID protocols for future meetings and whether to schedule a special meeting.

FY23 Budget Workshop

Referring to the Board's tentative plan to contribute \$10,000 to the paving fund and \$5,000 to tennis court repairs from the fund balance, Dorinda questioned how to show that on the proposed FY23 budget without affecting the bottom line of the budget. Randy said the Budget Committee voted that the fund balance should not be used to supplement the paving fund and the tennis court repairs. He said the Committee felt it was important to reserve the fund for the capital improvement plan and to cover quarterly payments for taxes and operational tax flow. The Committee felt that if the Board wanted paving and the tennis court funded, then they should be funded in the budget that will be put before the voters for transparency's sake. The Board discussed how to reduce the \$30,000 paving fund contribution by \$10,000 so it would be \$20,000 and remove \$5,000 from the tennis court repair so the Town will be asked to fund only \$5,000. The Board already discussed eliminating a summer roadside mowing and eliminating roadside road repair. Peter proposed moving money out of the Select Board Discretionary Fund which would have a net effect of creating a budget increase of 10.01%

Randy said the Budget Committee's other approved recommendation was to reduce the COLA increase for Town employees to 3%; that would bring the budget increase to 8.87% if \$2,000 was removed from the Public Works budget. Phil asked if the \$10,000 was necessary to add to the paving fund; Dorinda said not this year. His preference then would be to not fund the \$10,000 at all. Put \$5,000 in for the tennis court repair and pay for the remaining \$5,000 from the Discretionary Fund. He said he would not support a COLA reduction to 3%. He agreed to 4%.

By reducing the paving fund to \$20,000 and using \$5,000 from the discretionary fund to pay for the tennis court, the budget increase would be 9.5%, Dorinda said. Peter said now that the budget is at 9.5%, he supported the 4% COLA. Vic asked if the COLA increase would be reflected in the overtime line item; Dorinda said the software program includes any percentages the Board approves. With a 3% COLA, the budget would come down to 9.16%. Liz said in her mind that was not worth it. She would vote for a 4%. Peter said it did not feel right to pass a budget with only three of the five Select Board members present. The Board agreed to schedule a special meeting at 5 PM, January 11, 2022, to approve the budget. Mark said the Budget Committee was trying to get the increase under 9% and the Board needs to ask if it's done everything it could to limit the budget increase. Liz asked Dorinda if it's possible to find how much is usually put back into the fund balance every year. Dorinda said the 2021 budget would have been overspent if not for two unanticipated state payments of approximately \$100,000, so there's not always a surplus. Also, all the money appropriated for the pay raises passed in November is coming out of the fund balance. So, it's being reduced by \$50,000. She said the fund balance allows for the four tax payments, to pay the education bills on time, and, actually, the Town does not over budget every year. Peter asked the Budget Committee to think of other ways to reduce the budget than by reducing the COLA. Mark clarified that the Budget needs to be reduced by \$7,000 in order to bring the increase under 9%.

which is the Budget Committee's goal. Vic said \$7,000 could be cut by eliminating a mowing; Michael Levine said two mowings were necessary to keep down noxious weeds
Peter adjourned the budget discussion at 5:47 pm until the Special Meeting on January 11, 2022.

Personnel Policy Sick Time Due to COVID

Should employees be allowed to go in the hole in their sick time for COVID-related absences? Phil stressed this would apply only to COVID-related illness. Liz outlined two scenarios: 1) someone gets sick with COVID and they are given extra sick time or 2) someone doesn't have sick time and gets sick with COVID in which case the Town grants them five days. She suggested a limit of five days. Dorinda questioned whether COVID-related illness counts toward disability insurance.

Liz said it takes months of sickness to qualify for disability. The immediate question is what happens if an employee without banked sick time gets COVID. Peter asked about sick time if an employee must care for dependents. Randy asked if the extended COVID sick time would be per occurrence or annually. Dorinda said one employee has already gone into the hole because of COVID by 70 hours and is replenishing it pay period by period. Liz recommended that employees be allowed to go into the hole for five days and deal with this on a case-by-case basis. Dorinda said that won't work because payroll decisions have to be made on Mondays.

Liz suggested not allowing an employee to go into the hole more than 10 days at any time. Dorinda stressed this should be COVID-related only and the Board needs to be clear if caring for family members qualifies. The Board agreed it would. Peter asked what if someone goes into the hole for 80 hours and then gets sick with another illness? Chris McVeigh suggested creating a "COVID bank" from which employees could withdraw sick-time hours. Liz said the Town doesn't have the budget for that.

MOTION: Liz moved and Phil seconded allowing employees to accrue up to 80 hours of negative sick time only if the illness affecting them and/or their families is related to COVID. The motion passed. This policy will be reviewed in six months as the pandemic progresses.

PUBLIC HEARING: ENHANCED ENERGY PLAN

Sandy said for two years the Planning Commission has worked on the Enhanced Energy Plan – which, if passed, would be an amendment to the 2019 Town Plan - and unanimously voted to approve it, twice. She said she hopes that the Board passes the plan as is and puts it before the voters at the March 1, 2022, Town Meeting with the provision that the Town Plan and the Enhanced Energy Plan be valid for eight years.

In response to Dexter Lefavor's comments from a previous Select Board Meeting, Theo agreed that a lot of the data the plan relies on was the best available data at the time. There is nothing in the document that is a requirement. This is a template to move to renewable sources at a municipal level by 2050. He added that the Commission tried very hard not to disenfranchise anyone so that the document is financially and culturally equitable. Theo warned that if the Board made any amendments, procedurally, the plan would not meet the statutory timeline to be on the March 1, 2022 Town Meeting ballot.

Paul thanked the Commission for working diligently on this plan. He said the plan puts the onus on municipalities to engage in energy efficiency. It's not perfect, he said, and he expects it to evolve. Right now it's important to get the process moving forward. He urged the Board to put this before the voters who can then engage in a public debate and vote.

Chris said the plan is an aspirational document and said it is a really good first step. He asked the Board to think of ways to incentivize residents to go solar. Lauri also spoke in favor and said it was nice to see an entity working together instead of individuals going at energy efficiency alone. J.J. Vandette also spoke in favor. He said the document establishes guideposts and noted technology is changing fast so this document is "good enough for now."

Peter referred back to Dexter's comments that this document was based on an outdated energy plan used by the State. Paul said those State plans are constantly evolving, the planet is in peril and every day of inaction is another win for the fossil fuel industry. Sandy said the State's new Comprehensive Energy Plan is out in 2022; there is nothing stopping the Town from updating its own plan later, provided it's approved.

Liz asked if the plan is approved for eight years, can changes be made within those years? Sandy said the adoption process is the same but there is nothing stopping the Town from going through that process sooner. Theo added that passage of the plan could give the Town deference at public utility hearing since it focuses on conservation, efficient use of energy, reducing fossil-fuel transportation, patterns of land use and siting of renewable energy in line with the Global Solutions Act.

Scudder spoke in favor. A letter in favor by Elliot Burg and August Burns was read into the record.

Peter recapped that at the next regularly scheduled Board meeting on January 18, 2022, Board will vote on whether to place this on the March 1, Town Meeting Australian Ballot. The hearing concluded at 6:32 PM.

Planning Commission Update

Sandy said the Planning Commission is moving forward quickly updating zoning regulations with a plan to conduct outreach in spring and summer with a vote in November 2022. The US Route 2 and scoping study improvements are also moving along and there will be a public meeting and community forum at the PC's meeting in February. Elias and Phil have said they don't plan to run. Sandy said she has faith that there will be at least two candidates to take their places.

Trails Committee Work Plan

Michael said the Trails Committee is a subcommittee of the Conservation Commission; anyone interested in trails can join. Currently, the Committee is interested in promoting the use of existing town public rights of way, specifically Davy Road, Upper/Lower Barnett Road and a section of Class 4 Road between North and East Bear Swamp Roads, a popular walking loop. He asked the Board to review and approve the Trails Committee Work Plan as the Conservation Commission has. That way, the Trails Committee can go to the next step, perhaps putting up signage so people can find trails. Also, the Committee would communicate with neighbors so they understand about the pedestrians and the Committee would be careful to keep the signs in the Town's rights of way. These trails are assets around town, people need recreation and it's nice to know you don't have to go far to find nice trails, he said.

Vic asked if the Trails Committee wanted material delivered and/or work from the Road Crew on the trails; if so, that would need to be budgeted. Michael said he's not sure the Committee is ready to compile a budget. Dorinda said if it's a Conservation Commission subcommittee, it's possible costs could be paid for from their funds. Michael said the MCC could pay for signage.

MOTION: Phil moved and Liz seconded endorsing the Middlesex Trails Committee Work Plan. The motion passed.

Highway Report: Adhering to the Forty-Hour Work Week

Vic said the Road Crew has questions about how the Road Crew can take time off in the winter when they've already worked 40 hours early in a week. Shane said if a crew member works 40 hours by Wednesday and then gets sick Thursday or Friday, he can't put in for those hours as sick time because he's already worked 40 hours - even though those hours might not have been on his regularly scheduled work days. That's not fair. Dorinda said the work week is based on 40 hours per week. The Town pays up to 40 hours. The employee got 40 hours and then put in for an extra 8 hours of vacation. That's not the way it works. Dorinda said this is not her decision; it's based on the Town's approved Personnel Policy. Shane said the guys can't get sick or take time off if they've already worked 40 hours. Dorinda said it's not a 48 hour week or 56-hour week. It's a 40 hour week.

Phil said he researched the federal regulations regarding overtime. Once you've worked the 40 hours, you are whole. You don't need vacation or sick time. The employee has worked his whole week. Liz said overtime can only be paid for physical hours worked above the 40 hours physically worked (as opposed to sick/vacation/personal time - the exception being holidays.) Dorinda said if the Board wants to include those types of hours, it will have to amend its Personnel Policy. Shane said at his previous employer, the Town of Marshfield, overtime was calculated by eight-hour days, not by 40-hour weeks.

Randy said a lot of this comes down to a budget. Liz said the budget is for 40 hours per week. Shane said he doesn't see what it matters if the employee is due the vacation time anyway. Liz explained that if an employee is sick or on vacation, then he would not be working those hours which are made up by sick or vacation time. They are not intended to be added onto a 40-hour week. Shane said he understood and left the meeting.

WCUUSD's Proposed Procedure to Access to Rumney School

Peter suggested the Board pass over this since it's an important issue and it's getting late. Chris said he was mostly interested in urging the Board to reconsider its vote from December to pass over mailing WCUUSD ballots to every voter. The Board may take up mailing WCUUSD ballots at the January 18, 2022, meeting when it will also discuss mailing Town Meeting Australian ballots to every voter, if permitted by the Legislature.

OTHER BUSINESS

MOTION: Phil moved and Liz seconded approving the minutes of the December 22, 2021 Select Board Meeting. The motion passed.

MOTION: Phil moved and Liz seconded approving renewal of a Class 2 liquor license for The Roots Farm Market. The motion passed. The Select Board members present will sign the license.

CORRESPONDENCE: The Board reviewed a letter from the State of Vermont re: the 2022 Equalization Study Results. That the CLA dropped to 89% did not come as a surprise, Peter said, but at least it won't mandate an automatic town-wide reappraisal

The Board reviewed an email from Morris Knight on North Bear Swamp Road asking why the Town erected two barriers at either end of the Class 4 section without signage. In response, Peter said he thought the Board was not blocking off both ends of the road, just the end near the Thourons who complained that people drive down the Class 4 section in the winter/spring, get stuck and then Rupert Thouron has to get them out. Vic said you have to close the other end as well because cars will drive up, get stuck at the narrow end now blocked off by the Thourons and not be able to get out. The Board agreed signs need to be erected at both ends noting this part of East/North Bear Swamp is closed to vehicular traffic for the season. Sarah was instructed to write this in a letter to Morris.

MOTION: Phil moved and Liz seconded accept Bill McManis's resignation from the Budget Committee effective March 1, 2022. Liz acknowledged his service and thanked him.

All orders were signed

Peter recommended that Select Board meetings be held by Zoom until further notice. Don't see resuming in-person meetings.

MOTION: Phil moved and Liz seconded a motion to hold Select Board Meetings remotely with one person physically staffing Town Hall for public access until further notice. The motion passed.

The Board scheduled a Special Meeting to approve the FY23 Budget at 5 PM, January 11, 2022.

Meeting adjourned at 7:32 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 JANUARY 18, 2022.

PETER O. HOOD, CHAIR

N/A

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

N/A

STEVEN MARTIN

ELIZABETH SCHARF