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| <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> |
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MIDDLESEX SELECT BOARD
SPECIAL MEETING
Tuesday, November 9, 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. Lister Eric Young. Road Foreman Shane Brickey and Road Commissioner Vic Dwire. Budget Committee Members Randy Drury, Mark Harris and Elias Gardner. Former Road Foreman Gary Lamell. Select Board Assistant Sarah Merriman was present at Town Hall which was open to the public and took some of the minutes aside from the * Budget Workshop portion, which was recorded by Liz.

Call to Order

Peter called the meeting to order at 5:03 PM. There were no amendments.

Approving Two Listers' Errors and Omissions

Eric said a parcel owned by Mark Graef and Kara Palac that was part of a subdivision on Wood Road has been incorrectly appraised by the Town at 38 acres, when it should be 32.2 acres. Eric said six acres that had been mistakenly added to the property in 2015 needed to be removed. Since the correction comes after the 2021 Grand List was filed last summer, the new acreage needs to be approved by the Select Board. This will reduce the total value of the property from \$377,100 to \$339,600. (See Errors and Omissions Certificate, attached, for both parcels.)

MOTION: Mary moved and Phil seconded amending the 2021 Grand List due to errors and omissions by reducing the parcel at 145 Wood Road from 38 acres to 32.2 acres. The motion passed. The Board will sign the certificate.

Eric said the Vermont Tax Department's Property Valuation and Review Division mistakenly counted two Green Mountain Power listings instead of one. The State requested this change but because the Town inputs land into the Grand List system, the Town must make the corrections.

MOTION: Mary moved and Steve seconded amending the 2021 Grand List to reflect that there is only one Green Mountain Power parcel abutting the dam on the Winooski, not two. This reduces the Green Mountain Power's total value from \$350,000 to \$150,000. The motion passed. The Board will sign the certificate.

Nepotism Policy

Peter said because a leading candidate to replace retired road crew employee Bruce Fitch is the road foreman's brother-in-law, the Board must decide whether to amend the Town's Personnel Policy to change the definition of nepotism so it no longer includes siblings-in-law. Peter said other nepotism policies he's researched do not forbid hiring of sisters-in-law or brothers-in-law. Dorinda noted federal nepotism policies include siblings-in-law. Liz said the relationship to the direct supervisor is key in many of these policies. Randy said for the State a relative can't work in the same department, much less under a related direct supervisor. Liz said it's best not to supervise family members or friends. You might not be able to reprimand or supervise them and other employees might raise eyebrows if they get perks. There is a reason for nepotism rules and she's not sure it's worth changing the policy.

Phil said if you make an exception, you invalidate the policy by setting a practice which could be brought up in a court of law. The other thing that comes to mind is what Dorinda said about federal policy. Would this affect grants? Sarah said she discussed this with a state auditor who oversees the Town's federal grants and the auditor said the feds were more interested in purchase policies that specify towns cannot enter into contracts with individuals related to employees of the municipality.

Peter said siblings-in-law seems like a stretch, but if it's common practice, it's common practice. If the Town proceeded with this, who would be the supervisor of the employee related to the foreman? Anyone looking at this would say it doesn't pass the sniff test. That said, desperate times calls for desperate

measures. Randy said, re: the State, even those in same households fall under the nepotism policy. Liz said there's a waiver provision in the State nepotism policies, too. Maybe the Board should rewrite its policy to include a waiver provision. That said, Vermont is small and relatives can end up working in the same place. Still, she's worried about how the other road crew members might react when it comes to pay, etc. if the foreman's brother-in-law is a fellow employee. The candidate may be perfect, but she's worried about opening up a can of worms. Mary agreed.

Peter said the only reason he's considering this is that he's feeling desperate. He's very concerned about having a three-person road crew, especially during COVID when there's a possibility sickness could take out one or two more at a time. If citizens are outraged by that, just wait until the roads aren't plowed. Liz said this is tied to wages, too. Maybe now is the time to look at hiring contractor to do winter plowing because right now the Town is operating in panic mode. We have to do this in a thoughtful way that's not going to be driven by panic, she said, because once you've amended your policy and have hired this person, you can't go back.

Peter said the Town has no standby people and he didn't think it's that easy to hire contractors, especially if they have to come in in the middle of the night to plow the roads. Dorinda asked if the Town should advertise. Victor asked if the Town could hire a temporary person, for example a seasonable person who is out of work in the winter.

Phil said he wanted to return the discussion to a review the policy, which is what was warned on the agenda. Peter said it's all tied together. Gary said a three-person road crew has been working for years and that nepotism has been a factor for ten months since Shane, Steve's son, was hired. Liz disputed this, saying that Vic is the Road Commissioner, not Steve. Steve had stepped off as Road Commissioner before Shane was hired.

Peter read the nepotism clause. How can Shane not supervise his wife's brother if he's a member of the road crew? he asked. Peter suggested not removing the sibling-in-law clause but waiving it. Liz suggested investigating other options, perhaps hiring a snowplow operator. It's possible the economy could correct next year and the Town wouldn't be in this position.

Peter asked if there's anyone Vic or Shane knows who could fill in on the road crew. Vic suggested contacting Jeff Newton, president of Dubois Construction on Three Mile Bridge Road, which often helps the Town on certain jobs. Vic said Dubois plows a lot of parking lots. Kingsbury is also in town. He's not sure if they would be willing to be standby plowers for the town. Randy said he thought that was a great idea; Peter concurred. Vic asked if these contractors would come in for emergency situations or be hired all winter. Peter said maybe for emergencies such as massive snowstorms. Peter said the most viable way might be to put them on for the entire winter. Vic agreed.

Peter said his sense of the Board was that members were reluctant to amend or waive the Personnel Policy to allow this hire. He asked Vic and Shane to contact one of the local contractors to see if they could provide temporary winter crew.

Liz asked if the Board wants to add a clause to the nepotism policy saying that a waiver could be considered in dire circumstances, just in case the Board cannot find someone to work temporarily. Should the Board consider passing this tonight, but not implement it until exhausting other options? Peter said he'd like to defer both decisions for a week. Will the Town lose the opportunity to hire this person if this is put off a week? he asked. Shane said the candidate could probably wait a week.

Phil said he would prefer not to make any change to the nepotism policy, especially in light of finding help. He reiterated that the Board meets next week and can revisit the question then. Mary said the Board needs to find a short-term solution and the Board needs to look elsewhere, especially since the candidate is a brother-in-law and Shane would his supervisor.

MOTION: Phil moved and Liz seconded tabling this issue until next week. The motion passed. Peter urged Vic and Shane, when he gets off vacation, to reach out to Middlesex-based companies to see if they could fill in as winter plow drivers for at least four months. The Board ended this discussion at 5:57 PM. Shane and Sarah left the meeting.

Budget Workshop: Emergency Mid-Year Pay Increases*

Peter said the Town's pay scale is such that it is challenging/impossible to hire people in this era of COVID. He asked what the Board should be doing for the road crew and office staff and other staff now? And, what will our budget be for the following year? Currently Sarah's assistant town clerk/bookkeeper makes more than Sarah and Sarah has been here 10 years—and that isn't fair, he said. If we choose to make

dramatic changes, we will likely have to go into our fund balance. Peter said he's not comfortable not taking action now.

Steve said he's not comfortable with the state's "step system," but that the Board definitely needs to increase the wages of Town employees and get ahead of the curve. Everyone is competing against each other. We need to be somewhere in the middle—not on the high end, not on the low end, he said.

Peter reiterated that it's not just towns dealing with this issue, but also businesses. The Board discussed whether the right number would be in the \$25-\$35/hour ballpark. Peter discussed giving raises to the road crew and then bumping up Shane's salary. That could cost about \$20,000.

Phil agreed that \$24-25/hour is a good starting point for the road crew—and agreed the Town is competing against municipalities and private employers (school districts, businesses, State). Phil cited examples such as McDonald's, Walmart, and Amazon which are giving large pay increases. He said it's a national problem—labor is the position to negotiate and it's working! Schools are having to implement IEPs for special ed children, but they can't find staff to provide services. For the town of Middlesex, we have an obligation to take care of our townspeople so our roads will be in good shape. Yes, we will end up paying more taxes, but people will be unhappy if we can't provide them with the services they need to live in a rural area, he said. We can't just throw up our hands and say "we can't pay that kind of money".

Town Hall Staff:

Town Clerk/Select Board Assistant

Phil said he wanted to start with the folks who work in Town Hall. He said it isn't fair to have the assistant town clerk make less than the clerk. He said Sarah does a lot to make this town run and she ought to be compensated for it. Sarah currently pays for her spouse's health care.

Peter said, in thinking about this, we have to make two decisions at once—next year's budget, and interim raises. Liz agreed with Phil and suggested a 10-12% raise for Sarah to bring her up to \$30.25 or \$30.80 per hour (10%, 12%) This would be the equivalent of \$64,000 for a full time 40 hour/week job. Mary asked again what the Town offered the bookkeeper – which was a \$6,000 bonus plus \$29/hour.

Peter asked if the Board was going to consider paying the entire cost of spouse's health insurance. If so, is the Board willing to do that now? Should it give Sarah a bonus to cover the cost? Peter said that 10% wasn't enough for Sarah's experience and work; he thought it should be \$32/hour. Steve agreed that Sarah should be making \$32. Randy reminded the Board that the assistant town clerk is not "just" an assistant town clerk, she is also an experienced bookkeeper. The Board discussed this. Dorinda suggested the Board set a rate, but that it should separate the jobs so that the Town could pay less for the assistant town clerk but more for the bookkeeper which will equal out to \$29/hour. This way, the Board will know how much an assistant town clerk costs vs. a book keeper and can plan for the future.

Mary suggested that the Board raise Sarah to \$32/hour and give her a \$3000 bonus. Peter suggested \$32/hour and a \$6,000 bonus. Liz mentioned that a bonus gets taxed, but that health insurance is taken off the taxable income. Dorinda said the bonus would be \$5K and the additional \$1K could cover the cost of the tax burden.

Dorinda explained that Sarah pays \$3,822.30 in health insurance with January 1, 2022, rates for the year. The town pays \$7644.60 for the employer for January 2022 (50% is what the employee pays for the spouse) For the HSA everyone gets \$1850, and anyone on a spousal plan gets half of that, \$925.

Deductibles are: \$6900 for a single person and \$13,800 for a two-person plan. Randy said this will be about a \$15K impact by giving Sarah the raise and a bonus (for a full year job).

Dorinda said the Board can play around and plug in a two percent raise to see how that changes the spreadsheet. Phil said that the 6K bonus over 6 months is worth about \$5.86/hour for the bookkeeper.

Peter suggested the Board offer \$32/hour and \$3K to cover the health insurance through July; the rest of the board disagreed and said they wanted to match the \$6k that the Board gave to the bookkeeper.

Final outcome: Sarah makes \$32/hour with a \$6K bonus: ½ the bonus is given in calendar year 2021 and the second half in January of 2022.

Health Insurance:

Dorinda said the VT BlueCross/BlueShield health insurance rates for 2022 decreased by a very small percentage, but that in the years before rates increased by 13%, 10%, 3%, and 13%. Randy suggested the Board put a place keeper in the budget that is an average of the cost of health care. Peter suggested the Board concentrate about the immediate issues tonight and take up the FY23 budget at another meeting.

Treasurer:

Steve suggested that Dorinda gets raised up to \$35/hour because it's an extremely important position and she does a fantastic job. The board agreed to increase Dorinda's hourly rate to \$35/hour. Plus, with the new book keeper, she will be working fewer hours.

Listers:

Dorinda said the budget came from the listers and Eric requested \$30/hour for himself and \$25/hour for the two unknown listers. Eric put himself in at 300 hours and the other listers at 250 hours. They estimated the new assessor through NEMRC would come in at \$18K. Peter suggested raising the listers NOW to \$28, \$24, \$24 (Eric, unknown, unknown).

Delinquent Tax Collector:

Delinquent Tax Collector: Peter asked why the Delinquent Tax Collector is paid \$28.37 per hour and Dorinda, a former DTC, said it's not an attractive job. Dorinda said several towns use flat rates--\$10k, done. The DTC is a tough job, and it's well worth paying someone well, she said. Currently Dorinda is sending out notices, but she isn't making calls. Peter asked if \$28 was enough and Dorinda said yes, and that we only budget 100 hours—a few a month. Peter and Mary suggested just turn it to \$28 flat, not \$28.37. Board agreed to \$28/hour.

Health officer, Animal Control:

Dorinda said that Health officer and Animal control haven't changed in years, but this year we have some capable and skilled people and we should change to \$28 to match the DTC. Mary said let's make it a nice round number—she doesn't like \$28 and thinks it should be \$25. *Board decided that it would \$30/health officer \$25 for animal control.*

Zoning administrator/Asst Zoning Admin:

Zoning Administrator Kevin Thompson's pay is raised to \$25/hour and Assistant ZA Sarah Birge's pay is raised to \$22/hour.

Recreation director:

Mitch Osiecki's pay is raised to \$25/hour

Road Crew:

The Board discussed raising Foreman Shane Brickey to \$30/hour. One road crew member would earn \$25/hour and the less-experienced member would earn \$24/hour. Steve suggested the least experienced should be closer to \$23; Phil agreed, but if he is filling in as foreman, then perhaps he can make more during that time—but not all the time. The Board agreed to now raise the foreman to \$30, \$25 for the more experienced road crew member, and \$23 for the least experienced road crew member. For the possible fourth position, the Board would put a place keeper of \$25/hour.

Randy said at some point the Town needs to establish a value for years of service. New people coming in shouldn't necessarily be making the same amount as the people who have worked here for many years.

Final Outcomes:

\$405,079.80 is the new salary total for all staff (no benefits) over 12 months versus \$370,879.37, which was the current salary total for all staff (no benefits) over 12 months. This is a \$34,200 difference.

Effective increase over 7 months of a \$19,950 increase since the new pay grades will begin on December 1st, 2021. Plus the \$6,000 bonus for Sarah = \$25,950.00 increase.

The total amount for salaries with this increase is \$553,663.99 with benefits (as a 12 month total).

Randy said it's likely a shot in the dark, but could the Town use the ARPA monies and say that COVID is causing these salary increases? Because it is.

Randy suggested a contingency line item for emergencies like these, to cover costs like this unprecedented time. He said he wants the Board to be as transparent as possible with the townspeople. Peter reminded him that the Board has the Select Board discretionary account, and maybe it needs to be larger because of these unexpected expenses.

The board brought Sarah in and told her the happy news and she was very grateful.

Respectfully submitted by Liz Scharf, Select Board member.

Update on Manosh/Hill Lawsuit

Peter told the Board that Manosh has withdrawn its appeal of the Planning Commission's decision regarding a subdivision of Manosh's property on South Bear Swamp Road. However, abutting landowner Mike Hill is appealing the Vermont Superior Court's granting of the dismissal to the Vermont Superior Court, even though that's not in the Town's interests. Dorinda asked if the Town should pay a \$160 bill

incurred because of Mike Hill's interactions with the Town attorney; the Board agreed she should because the attorney is billing for time spent representing the Town.

The meeting adjourned at 7:39

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 NOVEMBER 16, 2021

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

STEVEN MARTIN

ELIZABETH SCHARF