

Town of Woodbury Select Board

October 10, 2016 Select Board Meeting

Approved Meeting Minutes

Select Board Members Present: Michael Gray-Chair, Thomas “Skip” Lindsay

Town Officers Present: Brandy Smith-Town Treasurer; Diana Peduzzi-Town Clerk; Erni Wilbur-Assistant Town Clerk; Michael McGlynn-Lister

Town Employees: Harry Dailey—Road Foreman

Members of the Public: Vail Leach; Dan Currier

Media: Leif Goldberg—HCTV

Michael Gray called the meeting to order at 6:02 P.M.

Adjustments to Agenda:

Michael noted there were two items on the agenda that would be postponed until the October 24 Select Board meeting and will be discussed in Executive Session. The items are a discussion of Town Highway Funds, and Harry Dailey’s overtime/compensatory time from FY 2014, 2015, 2016. Michael indicated the information discussed in the Executive Session would be publically disclosed after that meeting.

Skip asked that his report on the VCLT Town Fair be included in the “Updates” part of tonight’s agenda. Michael agreed.

Public Comment:

Michael McGlynn wondered why the discussion on Town Highway Funds would be held in executive session. Michael Gray replied that this was a personnel issue concerning Harry Dailey who preferred to have the initial discussion in executive session and focuses on financial compensation for Harry Dailey. Michael McGlynn wondered why the Town Highway Fund discussion would be held in executive session since this was an item in the budget. Michael Gray replied that it concerned financial compensation to a highway employee pertaining to winter overtime. After some discussion, Michael Gray returned the Town Highway Fund discussion to the agenda as part of tonight’s open meeting in order to discuss the use of the Highway Fund to pay for pay raises.

Skip asked that his report on the VCLT Town Fair be included in the “Updates” part of tonight’s agenda. Michael agreed.

Michael mentioned that Guy Rouelle will not be attending tonight's meeting.

Approve Bills to the Town: Michael made a motion to approve the bills to the Town, Skip seconded the motion, and the motion passed unanimously.

Approve the Minutes from the September 26, 2016 Select Board Meeting: Michael made the motion to approve the meeting minutes, Skip seconded the motion, and the motion carried unanimously.

State Clean Water Grants and Vermont Youth Conservation Corps (VYCC)

Dan Currier from the Central Vermont Regional Planning Commission was present to make the Town aware of upcoming Grants that Woodbury may be interested in applying for. One Grant is the Clean Water Fund Grant. This Grant would help pay for studies concerning storm water installations and Class IV Road work.

Dan, noting that Woodbury being the headwater of the Kingsbury Branch, thought that Woodbury might be interested in applying for the Master Planning Grant in concert with East Montpelier and Calais.

Dan continued the Stormwater Master Planning Grant is a way to look at all Town gravel roads, all paved roads, Village areas, homes, and determine where the storm water problems are located. The Grant will look at ways to address the storm water issues and determine the cost to address these issues. The Grant would look at private roads and identify storm water issues but there are no Grant funds available to repair private roads. Michael Gray commented that many of Woodbury's private roads are associated with lakes and ponds and asked if a Lake Association would be eligible for this Grant. Dan replied they could be eligible if they met certain State criteria. Dan noted the Lake Association(s) would need to contact the State Agency of Natural Resources to ascertain their eligibility.

Dan remarked the Master Planning Grant would look at all roads in the watershed to see how Woodbury and the other two Towns affect the watershed. Dan indicated by undertaking the Grant, Woodbury would be more prepared to apply for the Clean Water Act Permit in 2018. Dan stressed that Woodbury should apply for a Better Roads Grant in 2017 and undertake another road inventory which will support the Clean Water Grant application. The Stormwater Grant application is due on October 25 and the CVRCP will write the Grant on behalf of Woodbury, Calais, and East Montpelier if Woodbury is interested.

Dan would need a letter of support from the Select Board should the Town want to participate in the Storm Water Master Planning Grant. Skip will serve as the Town's point of contact for Dan.

Michael made the motion to join Calais and East Montpelier for the Clean Water Fund Grant through Central Vermont Regional Planning Commission. Skip seconded the motion and the motion passed.

Dan commented the Clean Water Fund also has a Grant available designed to have the Vermont Youth Conservation Corps participants come to Woodbury and work on Class 4 roads. This work is at no cost to the Town other than providing a place for these workers to camp. The project in mind would be work on the West Woodbury Road. Again, Dan would need to know if the Town is interested and he would subsequently apply for the Grant. Dan will contact the Town if the Grant is awarded.

The Select Board asked Dan to proceed with applying for this VYCC Grant.

Cabot Road/Village Erosion Project:

Paul Lamberti was present to discuss the erosion challenges on Cabot Road. Paul suggested solving the problem with blacktop on the whole area that includes Town property and private property. Michael noted paving the property owner's land is unaffordable to them. Michael remarked that the work done to mitigate the erosion problem when Cabot Road was repaved was not the correct solution. The berm needs to be removed and replaced with an alternative solution. Michael continued there are monies remaining in the paving Grant that will cover the Town's cost to mitigate the erosion problem. Michael recounted a meeting held with VTrans, Lamberti Construction, the property owners, and the Town where a plan was formulated to address the erosion issues. Lamberti then drafted a cost proposal that proved too expensive for the property owners.

Several alternatives were discussed including removing the berm and swale, repaving the entire site, and installing a catch basin, installing reclaimed asphalt in the property owner's driveway.

Harry suggested that reclaimed asphalt might work for the landowner's portion of the project. Paul asked if it was clean reclaim. Harry said it was. Paul said that using reclaimed asphalt might work and the reclaim would go in the driveway, but the bank would still need to be paved. Discussion was held about the cost of the reclaim and the amount of reclaim needed.

Brandy asked which line items on Lamberti's invoice pertained to her and her husband. After a brief explanation regarding the cost of reclaimed asphalt, Skip asked Paul to create two estimates, one for the property owners and one for the Town.

Paul would like to start work as soon as possible since he will be unavailable after Oct. 26. Paul was asked to submit a rough plan to be given to Shauna Clifford for her approval for the Town's portion and work directly with the property owners for their concurrence.

Road Foreman's Report:

Harry reported that Pike Industries called to say that the subcontractor would be on Cabot Road tomorrow (Oct. 11) to install the guardrails.

Michael noted in an executive session a month ago, the Select Board met to discuss pay raises and used a pay scale chart created by Guy Rouelle to determine step pay increases. During that session, a decision was made to increase Harry's pay from his current \$23.24 to \$24.00 per hour. Michael made the motion to raise the Road Foreman's rate of pay from \$23.24/hour to \$24.00/hour. Skip seconded the motion. A discussion ensued with Harry noting his hourly rate increased by 2% with the cost of living adjustment and his actual hourly rate is \$23.56. Michael calculated Harry's new adjusted pay rate at \$24.32. The first motion was taken back by Michael and was corrected to raise the Road Foreman's salary to \$24.32 an hour. Skip seconded. Motion carried.

Michael noted the Select Board would like to use the surplus in winter sand and salt budget surplus to cover increased Road Crew wages and winter overtime.

Michael remarked the pay scale table was created to aid in budgeting future employee compensation and to make the Highway Budget more predictable.

Michael McGlynn wanted to know who currently is a salaried employee. Michael commented that Harry is the only salaried person but his status may change.

Skip noted that the Board has not addressed salary increases for the Town Clerk and Treasurer.

Harry reported that the East Montpelier Road Foreman did not like the Mutual Aid Agreement that Skip prepared. East Montpelier will look at the agreement drawn up by Calais and give Harry a copy of that agreement for Skip's review. Michael McGlynn was concerned about depreciation of equipment used in the mutual aid agreements. Skip commented that if equipment was shared, depreciation would equal out. Skip noted depreciation is an item not necessary as part of a Mutual Aid Agreement. Harry will show the Mutual Aid Agreement again to East Montpelier and Calais.

Conversation returned to the guardrails. Skip wanted to know who determined if guardrails were needed and in what locations. Harry replied that Tom Anderson of VTrans had input in previous guardrail planning. Harry mentioned that he has applied for dangerous zone Grants for guardrail installations, but the Town has never qualified for the Grants. Michael Gray asked if

there were other guardrail installations planned but not installed due to lack of funds. Harry responded in the affirmative and cited several locations where the guardrails were planned but not installed including on Cranberry Meadow Road.

Town Treasurer's Report: Brandy distributed the current Balance Sheet and Financial Statement documents to the Board.

Brandy reported that tax payments have been coming in well and delinquent taxes are being reduced. Therefore, she has not had to use the Town's line of credit to borrow money.

Brandy noted she paid the voter approved appropriations to various social service organizations. Brandy continued that there is a discrepancy between the budgeted and allocated amount for the Cemetery Commission. Brandy remarked that she had paid the allocated amount. .

Skip and Brandy attended the VLCT Municipal Budgeting Workshop held on September 27, 2016. Skip reported on that meeting mentioning several points of interest to him. Skip remarked the Workshop presentations included:

- Municipal Budgeting and Finance: Legal Requirements and Best Practices
- Voter Authorization to Spend or Borrow: Town Meeting Articles
- Tools to Manage Future Public Investments: Capital Plan and Budget

Skip mentioned one best practice is to create a Budget Closing Plan at the end of the fiscal year that will detail actual expenditures vs budget amounts and identify any carryover monies. The Plan will be submitted to the Select Board at the close of the fiscal year and made available to the public. Skip offered to together a bulleted list of items to be included in a budget plan.

Brandy noted another best practice is to separate the Highway and General funds and have discrete articles for voter's approval at Town Meeting.

Skip remarked that the VLCT has recently canvassed municipalities asking for their employee's compensation. The VLCT plans to use this information to create a booklet containing this information and distribute it to municipalities in October 2016.

Skip noted that he and Brandy would be speaking with Union Bank to discuss the creation of a "Sweep" account for the Town's deposits. Briefly, the Town's money is deposited into one bank, the Union Bank, and Union Bank then distributes the funds to other Banks thereby eliminating any risk that deposits in excess of \$250K would not be FDIC insured. Brandy commented there are no additional fees or cost to the Town to establish and maintain a "Sweep" account.

A discussion ensued regarding future appropriations to service organizations. Michael remarked the Town Auditors had planned to form a committee to vet the service organizations. Diana commented the Auditors would not be able to move forward with the vetting process this year.

At this point Michael McGlynn was getting ready to leave the meeting but wanted to be included in the executive session at the next meeting for the overtime discussion with Harry. Michael McGlynn remarked that it was his understanding salaried employees are not entitled to receive overtime compensation. Michael Gray commented that full time employees who work 40 hours per week are eligible to receive overtime compensation and that it was a nonissue for Marsha since she did not work 40 hours per week. Michael Gray noted that Harry was on salary and was told that he is not eligible for overtime and that he should take compensatory time in lieu of overtime pay. Michael Gray noted that Harry has been on salary for three years and has not been paid overtime. Diana commented that was not that the deal when Harry transitioned from an hourly to salaried employee and that Harry agreed to not be paid overtime. Michael Gray noted that might have been the deal but that it is not true and was based on false information. Michael Gray commented that Harry is due to be paid for the overtime he has worked for the last three years. Skip asked if the Town's Personnel Policy carried any weight in this issue. Michael Gray noted the Town's Personnel Policy has no standing in this situation and Federal Law trumps the Town's policy. Diana asked if the Town's attorney was consulted regarding the situation and Michael replied that he was and concurs. Mike McGlynn asked if this situation will pose a financial burden on the Town and Michael Gray replied it would pose a burden. In summary, what Harry was told regarding overtime pay/compensatory time as a salaried employee was incorrect.

An Executive Session is planned to be held during an upcoming Select Board meeting with Harry Dailey and the Board to discuss this personnel issue. Any settlement will be announced after the Executive Session concludes. Michael McGlynn was satisfied with this answer.

All agreed the Town's Personnel Policy must be edited to reflect Federal and State law regarding compensation and other items.

Town Clerk's Report: Diana presented the following documents to the Select Board:

An email was received from Front Porch Forum asking the Town to support them financially. After some discussion, Skip made the motion to donate \$50 to Front Porch Forum for continued service to the town. Michael seconded the motion and the motion passed.

Diana also passed a Solar Speed sign pamphlet to the Select Board.

Diana said that she and Brandy would like to receive compensation similar to what Harry has received. Again, after some discussion Michael made the motion to increase Diana's and Brandy's compensation by 4%. Skip seconded the motion and the motion carried.

Old Woodbury Store Hazard Mitigation Project:

- **Lead and Asbestos Testing:** Two bids were received for Lead and Asbestos testing at the old Woodbury Country Store: One from Clay Point Associates and one from Crothers Environmental.

Clay Point Associate's Bid was for \$5,235.00. The breakdown is as follows:

Asbestos Evaluation	\$2,445.00
Lead Evaluation	\$1,565.00
Lead Soil Sample	\$1,225.00

There were no risk assessment estimates.

Crothers Environment's Bid was for \$5850.00. The breakdown is as follows:

Lead Evaluation	\$1,675.00
Lead Risk Assessment	\$ 700.00
Asbestos Evaluation	\$2,975.00
Asbestos Risk Assessment	\$ 500.00

Skip will contact Clay Point Associates to see why their bid did not include a cost of risk assessments. Skip will review both responses and make the decision as to who is the successful respondent.

- **Commercial Property Appraisal:** Diana commented she has received one response to the Commercial Property Appraisal RFP.

Appointment to Woodbury Fund Committee: Peter Peltz asked that the Select Board to appoint Robin Durkee to the Woodbury Fund Committee to replace Wendy Silk.

Michael made the motion to appoint Robin Durkee to the Woodbury Fund Committee. Skip seconded the motion and it passed.

Updates and Follow-ups: and Follow-ups:

- **Personnel Policy:** The Town's personnel policy was discussed and Jill Muhr from VLCT has requested a copy that she can review. The Select Board members will take sections of the Policy and review and edit as required. Once the Policy is in its final draft form the VLCT attorneys will review the document.

- **VLCT Town Fair:** Skip reported he attended the two-day event noting day one focused on a complete rewrite of the VLCT's legislative policy initiatives. Day two consisted of vendor presentations and informational meetings.

Michael Gray made a motion to adjourn at 8:01PM. Skip seconded the motion ant the motion carried.

Approved Date: October 24, 2016

_____/S/_____
Michael Gray-- Select Board Chair

_____/S/_____
Thomas Lindsay--Select Board Member