

West Windsor Selectboard  
Draft Minutes  
March 23, 2016

Present: Dick Beatty, Tom Kenyon, Win Johnson, Martha Harrison, Cathy Archibald

1. Call to Order – Selectboard Chair Dick Beatty called the meeting to order at 9:00 AM.
2. Changes or additions to the agenda – dry hydrant behind fire station; A-133 audit; proposal by Calkins Excavating; AO Lease; town hall furnace. Regarding the proposal by Calkins Excavating to remove the 20,000 gallon underground storage tank at the former resort maintenance garage, which the Selectboard approved on March 21<sup>st</sup>, **Win moved to authorize the Chair to sign the proposal on behalf of the Selectboard. Tom seconded the motion, which passed unanimously.** The order in which the agenda items were considered was rearranged.
3. Announcements/Public Comment – None
4. Discuss Rules of Procedure – Win said his understanding is that the model VLCT policy, if adopted, would replace Roberts’ Rules as the Selectboard’s Rules of Procedure. After discussion, the Selectboard agreed that Dick will revise the model policy and present it to the full board for consideration at a future meeting.
5. Discuss Conflict of Interest Policy – Win asked Martha to send Word files of the Rules of Procedure and the Conflict of Interest Policy to the Selectboard.
6. Discuss format for meeting minutes – Win noted that the Selectboard minutes contain more information than is required by statute. Dick said the minutes have been very helpful to him. Win said detailed minutes certainly improve transparency.
7. Discuss Personnel Policy – Tom wondered about the sentence that allows the policy to be changed with or without notice. Win said the policy can only be amended at a warned public meeting so there would always be notice, although it would not necessarily be direct notice to each individual employee. There was discussion about the applicability of the policy to elected officials. There was also discussion about what should be considered “full-time.” Dick felt that full-time should mean 40 hours per week, except with regard to the Affordable Care Act. Win suggested a pro-rated benefit package for employees who work between 30 and 40 hours. Win said another alternative is for the employer to commit to contributing a specific dollar amount towards health insurance. No decision was made. Regarding benefits during the probationary period, Martha said, according to Mike, the town’s current policy has been unevenly implemented. Cathy said benefits start on the employee’s first day. Dick read the existing policy, most recently revised in 2010. Win said he thinks these questions are addressed later on in the document. There was discussion about whether employees and public officials will be covered under the same Conflict of Interest policy, or different policies. Regarding Section 7, Hours of Service, Martha said her specific hours have always been flexible as long as she works 40 hours per week, which is why she included the sentence about flexibility in regular work hours. Win said we need guidance because we may be in violation by requiring an 8 ½ hour work day if the lunch break is not completely uninterrupted. Martha said she was unaware of the 20-minute coffee break for the first 10 years that she worked for the town. Tom said the coffee break is a highway policy. Win said he would like guidance on this issue. Martha said she currently works eight-hour days and eats lunch at her desk, while working. Win said that’s okay as long as it’s legal, but we need to check on that. Win suggested consulting with Jill Muhr from VLCT. Regarding commercial motor vehicles, Dick said he would like to know what types of equipment are considered “commercial motor vehicles.” Dick said if we adopt a policy that has a definition in it, he would like to know that the definition covers the types of equipment we have, including a grader, loader, dump truck, pickup truck, tractor, mower, etc. Martha said she will check with VLCT. Win asked if we currently pay on-call employees \$50 per weekend. Cathy said yes. Win said he is uncomfortable with requiring all town employees to be available in case of emergency. Tom said he thinks that provision only applies to on-call employees. Win said that’s not the way it’s written. Win said he thinks the third paragraph of the “Outside Employment” section is redundant and should be deleted. Dick

disagreed. Regarding "Performance Evaluations," Dick asked if we have personnel files. Martha said no, but Mike would like us to have them. The Selectboard agreed that the town should have personnel files for every employee. Martha asked who will keep the files. Win said Mike should start files for each highway employee and Martha should start one for herself. Tom said personnel matters are usually discussed in executive session, with no minutes, so there's no record to put in the file. Win said he was surprised to learn that the Highway Foreman does not have the authority to hire and fire. Regarding the section on Alcohol and Drug use, Dick asked if West Windsor has an "employee assistance program." Cathy said, through our insurance company, there's a firm that does drug testing. Dick asked if there is a counseling program, in addition to the testing program. Cathy said yes. Regarding "Use of Town Equipment," Win said the last sentence, which allows the personal use of town equipment at the employee's risk, conflicts with Section 6 and should be eliminated. Dick wondered if the town would be covered if the employee had an accident while using town equipment for personal reasons. Win said we should ask Mike if this is important. Dick said he is not in favor of allowing the personal use of town equipment. Regarding "Use of Town Computer System," Win would like to add political activity as a prohibited use. Regarding "Use of Personal Vehicle," Win said we don't have to reimburse for mileage at the IRS rate but he doesn't have strong feelings about it. Regarding "Eligibility for Benefits," Win noted that this is the first place where the policy is broadened to apply to elected officials as well as employees. Regarding "program requirements," Martha said she thinks that is referring, for example, to the number of hours an employee has to work in order to be eligible (e.g. 24 hours for retirement; 30 hours for health insurance). Dick asked Cathy about the cost of health insurance. Cathy said it's \$656 per month for a single person; \$1,313 per month for two people; and \$1,267 per month for parent-child. Regarding "Short-term Disability," Win asked Cathy how she keeps track of it. Cathy said she keeps track every year of what's used, what's not used, and what's banked; as employees use banked time, it's subtracted from the total they have banked. Dick asked if money is set aside in the Accumulated Supplemental Disability Fund. Win said, down the road, we may have to show an actuarial calculation of the liability. There was discussion about whether or not holiday leave that is not actually worked should be included in calculating overtime. Currently, holiday leave is included in calculating overtime. Regarding vacation time, Win agreed with giving the Selectboard the right to increase the amount of vacation time offered to a qualified applicant but said the maximum number of days that may be earned in one year should be the same for everyone (i.e. should not exceed 20 days). There was discussion about how vacation time is accrued. Win asked if actual practice is more flexible than stated in the policy. Cathy said, "I guess." Dick asked Cathy if she tracks employees from their actual start date. Cathy said yes. There was discussion about how vacation leave is accrued. Martha said she asked this question after she had worked for the town for five years; if the additional day would be added in August of 2010 and the Selectboard at the time agreed that it would. Cathy said there are no minutes of that discussion. Martha said, since it was a personnel matter, it was probably discussed in executive session. Dick said the policy should not say that vacation leave is accrued on a weekly basis if that's not the case. Martha said if an employee starts on a date other than January 1<sup>st</sup>, the vacation leave should be adjusted to reflect their years of service. Win asked Cathy if she adjusts vacation time on the employee's anniversary. Cathy said she adjusts vacation time at the beginning of the calendar year. Win asked if an employee who has worked for nine months by the beginning of the calendar year can take his or her one-week vacation. Cathy said no; they have to work an entire year before they can take vacation. Win said it sounds like the employee is awarded vacation on their employment anniversary date. Dick agreed. Martha said, when the amount of vacation steps up, there's a gap between when it's earned and when it's awarded. Win said we need to make sure the policy accords with what we're doing. Win asked if the current policy is written down. Cathy said it's the old highway policy. The Selectboard eliminated the sentence about taking vacation during the probationary period. Regarding the use of vacation and personal time, Win said the last day of the benefit year is always going to be the last Friday of the last pay period that is paid in the same calendar year. Win said employees should be notified of that date in advance so they can plan accordingly. Cathy said this year, the benefit year ends on December 23<sup>rd</sup>. Dick said he thinks the

way the draft policy is worded, employees can carry forward five unused vacation days every year and can accumulate the days so that after five years, for example, the employee could accumulate 25 days. Everyone agreed that is not the intention; unused vacation time cannot be accumulated. Dick said it should be easy to clarify. Win suggested eliminating the “Comp Time” section. **Tom moved to table further discussion of the personnel policy and discussion of the Drug & Alcohol Policy until a future meeting. Win seconded the motion, which passed unanimously.** Win suggested another work session. Dick said he will prepare drafts of the Rules of Procedure and Conflict of Interest policies. Win asked Martha to find out what help VLCT can offer us.

8. Discuss Drug & Alcohol Policy – See above.
9. Discuss sewer ordinance – Win said he will draft some language.
10. Other Business – Furnace: Tom said the furnace keeps quitting and the ground is still frozen. Tom asked if the other members want to move forward with a propane hot water system or if they want to look into other options. Martha suggested consulting with Efficiency Vermont. On a related matter, Tom said it’s time to sign our annual oil contract. Win said he’s not sure contracts have worked out for anyone in recent years. Win suggested that Tom have Tim Biebel come in; he’s a certified auditor and knows all the options. Dry hydrant: Tom said there’s a form we need to fill out if we want a dry hydrant installed when we take the dam out. Tom said the deadline is April 1<sup>st</sup>. **Win authorized Tom to sign the application. Dick seconded the motion, which passed unanimously.** AO Lease: Win said he thinks Matt Birmingham and Chris Callahan will have a final draft in the next few days and he thinks the insurance issue will be resolved as discussed at the last meeting. Audit: Win said he thinks we should discuss the A-133 audit process with an auditor soon. The Selectboard agreed that Cathy should contact John Mudgett. Win said the Selectboard should also have an understanding of the issues. Water system: Win said he remains concerned about the capacity issue and the need to determine the existing allocations. Stormwater pipe: Tom asked if the decision is to cover the hole and fix the drainage ditch along Ski Tow Road. Win asked if the state stormwater permit specialist has met with Mike yet. Tom said he doesn’t think so. Martha said the permit specialist, Chris Tomberg, would like to meet with Mike whether he’s fixing it “in kind” or altering it. Coaching Lane Extension deed & survey: Dick said Matt Birmingham is working on this issue. Regarding the “green belt,” the Boedtker’s attorney is working on a corrective deed conveying the entire parcel, including the “green belt,” to the Boedtkers. Tom asked if the “green belt” was supposed to go to the town. Dick said there is conflicting information on that. Martha said if the property is conveyed to two different parties, it has to be subdivided. Mountainside water system MOU: Win said he asked Matt about this. Dick said he will contact Matt again. Dick said an alternative is to ask Nate Stearns to send us a copy.
11. Sign Town Clerk’s orders – None
12. Adjourn – **Win moved to adjourn at 12:05 PM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison