

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, APRIL 20, 2016

Present:

Selectboard Members: Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood, Mike Dunham

Others: Duncan Hastings (Administrator), Rosemary Audibert (Clerk)

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order*

Eric called the meeting to order at 7:00.

2. *Additions, Changes to Agenda*

Duncan added discussion of second constable issues, discussion of the status of the SD Ireland contract, and review of equipment quotes for gravel pit work. Nat added discussion of a goodbye gathering for Lea.

3. *Second Constable Issues*

Duncan reviewed the authority the board has over the constables. Ours are appointed for one-year terms, not elected. Their law enforcement authority was removed by the voters. They can serve writs and processes, serve as animal control officers, and issue tickets for ordinances. Mostly they deal with animal control and open burning and trash ordinances. They can only be removed for just cause after notice and a hearing. They have a statutory right to issue writs and process subpoenas. The board can't change that. But the board can choose whether or not to give them authority to enforce our ordinances. The board decided to discuss the specific issues later in executive session.

4. *Status of SD Ireland Contract*

Duncan stated that the information he provided the board on Monday, which was the basis for their vote to award the contract, contained an error. Ruggiano Engineering had obtained three quotes for the precast structures to be used to evaluate the options for the town to select the bid alternate. The bid alternate would allow the town to purchase the box culvert separately from the base bid. Contractors were required to submit a base bid price (an all-inclusive installed price) and a bid alternate price (a deduct for the town to purchase the culvert with its own funds, but to assume all other aspects of installation). The base bid included the installation of poured in place footings as a pay item. The separate quotes included a price for pre cast footings, therefore those quotes need to be reduced by the cost of the pre cast footing. When reviewing these three quotes, Duncan mistakenly read the White Mountain PreCast quote as already including the necessary deducts for the pre cast footings for the culvert and wing walls. That quote did not include the deductions for the footings and when the deductions are applied there is a \$24,375.00 difference in price. This difference is too significant not to consider in the contract discussions with SD Ireland. The board agreed to discuss this further in executive session, as it is a contract issue.

5. *Review of Equipment Rates for Gravel Pit Work*

Brian called Tatro, Percy, and SD Ireland. Tatro's quote was the lowest and he would like to use them. **Mike moved to authorize paying Tatro up to \$10,000 for heavy equipment work at the gravel pit, Doug seconded and the motion was passed.**

6. Goodbye Gathering for Lea

The board discussed possible places to host a goodbye gathering for Lea. It was agreed that Doug would talk to the Studio Center about using space there.

7. Discussion of Town Administrator and Community Economic Development Coordinator Replacement Process, Job Descriptions and Related Issues

Duncan said the board needs to figure out whether to keep the town administrator and CEDC positions separate or roll them into one. Eric asked whether board members want to see it become one job or keep it as two jobs, maybe with one person filling both. Rosemary asked if the two jobs would have the same rate of pay. Duncan said he thinks they would have to be the same pay rate. Eric said he thinks it may depend on the candidates. There may be some who could fill both roles and would be willing and there may be someone the board would like for town administrator who did not have the skills to be the CEDC, so then we would have to either have a standalone CEDC position or share an employee with the village.

Duncan said Lea does not believe the shared employee approach is a good idea. She felt it worked all right when Duncan was a shared administrator because issues could be worked out. But the reason she is leaving now is the stress of working for the village under the changed circumstances. Mike said he agrees it would be difficult to work for two boards.

Doug said he thinks we want one person to do two things and we ought to hire the person for that. If there are reasonable numbers of people who can do both, that is what he thinks we should look for.

Nat asked what the job title would be. Duncan said the job description he wrote up has Town Administrator and Community and Economic Development Director. Eric said he would guess they would use one or the other title depending on what they were doing.

Doug said it might be difficult for the person to maintain balance and limit each aspect of the job to the amount of hours desired. Kyle said that is her biggest concern. Eric said he thinks the right person would be able to prioritize. Duncan has had to prioritize between the town and village. Mike asked what Duncan thinks. Duncan said he thinks it can be done. We have to find the right person. Most of the time general town work would require 28-30 hours per week and the rest could be CEDC work. Right now Lea is working 25 hours per week and 10 of those hours are for the village so he would think there would be time enough for both jobs. At any given time a particular project may demand more. The problem is that there can be projects requiring extra time in both areas at once. Eric said we only got 16 hours of Duncan's time per week before he retired from the village. Now we are getting 23.9. That still leaves 16 for community and economic development, which is what we pay Lea for currently. Duncan said Lea is also being paid for 4 additional hours to assist him, so his 23.9 hours is really 27.9.

Doug said he thinks it would be advantageous to have the same person in both positions because it would enable them to be the point person and move things ahead.

Nat said he thinks if Duncan were hired for 40 hours he would find plenty to do. There is always more to do than there are hours. He shares Kyle's concern. He thinks it is incumbent on us to emphasize that it is two positions and we want a balance.

Doug asked if Brian has the capability to pick up some of the work. Duncan said yes; he already has. He did all 3 of the Better Backroads Grant applications. However, the more we load on him the less he is able to be a working supervisor and the more pressure there will be either to add part-time help or to merge the town and village highway and street departments.

Regarding efficiencies from one person doing both jobs, a counter to that is that he thinks it has been valuable to run things by Lea and get her perspective and vice versa. It made applications better and more competitive. We would lose that.

Doug asked if he thinks Lea would be willing to take phone calls from someone we hired. Duncan said maybe on a somewhat limited basis. She has a few grants going now. She was going to talk to Tasha Wallis about LCPC handling those. That could help with the short term gap.

Nat said the Conservation Commission uses her time. They have a grant out. She coordinates the rail trail group. There are a lot of strings out there. Doug said she provided structure that kept the beautification committee moving ahead. Nat said he is concerned about what will happen this summer before we can hire someone new.

Mike said the job description seems to cover all jobs assigned. A lot of times, contracts say "and all other duties assigned." Duncan said he thinks that phrase is in the job description, too. Doug said he thinks we created a list of what we are delegating to Duncan. There is outstanding policy of what power we surrender to him. It's in writing. Duncan said the job description tries to lay out those issues the administrator has to communicate with the board chair about. The board chair can then authorize action or call a special meeting and the administrator can report to the full board about the issue at the next meeting.

Duncan said a different board chair and administrator could view things differently from him and Eric. He and Eric have built up trust. That is something to be aware of. People need to get to that level of trust. Eric said in the beginning the administrator should check in more often. Doug said our current system works well because of Duncan's competence. It could be a disaster if we had a different manager who was less competent or had power issues.

Nat said he thinks the language in the job description is a little too vague for someone we don't know. For instance, it calls for the administrator to consult with the board chair "where action requires substantial expenditure of funds." That isn't clear-cut. Duncan said he thinks that could be further defined in the employment contract or in a separate document. There may be applicants who have been used to being town managers and don't appreciate the difference between the powers and duties of town manager and town administrator. The board has to be sensitive to that.

Doug suggested a wording change – changing “take appropriate action to ensure that the essential functions of the town are carried out” to “ensure that the essential functions of the town are carried out.”

Eric said what he sees as a “substantial expenditure of funds” varies depending on circumstances. For instance, if the rec committee wanted to spend \$500, that might be a threshold for him to call on the full board to decide. If the highway department wanted to spend \$5K because a truck broke down at 2:00 am, he might say there was no choice and they should go ahead and do it. He thinks the town administrator needs that flexibility. He doesn't think we would want to put a dollar amount. But with the wrong chair and administrator there could be problems. Nat said you read about towns where the board and the administrator or manager don't get along. Duncan said typically it's a manager that doesn't get along with the board. He personally doesn't believe manager style government is right for Vermont. It sets up conflict between the board and the manager.

It was agreed that the job title should be Johnson Town Administrator and Community and Economic Development Director. It was agreed to make the wording change Doug suggested. Nat suggested consistently using “selectboard” or “selectboard members” rather than “selectmen” or “board of selectmen.” It was agreed to use “selectboard.”

Duncan mentioned that part of the job description talks about having supervision over town and village buildings as agreed, but there is currently no agreement. He thinks the wording is okay, but someone will need to follow up and come up with a list of buildings and responsibilities.

Nat said the desired skill set doesn't say anything about emergency management or highway work. Background in those areas would be beneficial. Mike said the language about knowledge of town organizations and functions might cover it.

Nat said the separate job description for CEDC mentions annual performance reviews but the town administrator one doesn't. Duncan said that was in his contract.

Mike moved to approve the job description for Johnson Town Administrator and Community and Economic Development Director with the proposed changes, Nat seconded and the motion was passed.

Rosemary asked if the job description addresses anything related to form based code. Duncan said under other duties that may be assigned it lists code enforcement. Eric said that is also covered by the language saying the duties include anything else the selectboard wants the administrator to do.

Duncan said if LCPC could do some of the tasks Lea has been doing that would be a great solution to fill the gap before a new person is hired. He is willing to put in a few more hours. Eric had thought there might be potential for Ron Rodjenski in Hyde Park to help fill in on a short term basis. Doug asked if Ron can do some of Lea's work. Duncan said maybe.

Duncan asked, if we advertise this soon, would there be a possibility of hiring the person on a part-time basis if they have the flexibility so that by September 1 they would have been trained and could slide right in? Board members agreed that would be nice if it is possible. Doug said he would not want to hire someone now to replace Lea's portion of the work and then have them start doing Duncan's work later. He wants them to start with all aspects of the work. He would hope we would bring someone on in July or August. Eric said he thinks August 1 is about the quickest we could have someone on board. He thinks it would be great to hire the person full time starting August 1. He thinks we should get them full time as soon as we can. Doug agreed. Rosemary said the person could need to give their employer a month's notice.

Duncan said the board should give thought to the pay range. Eric asked if we have a survey of the pay range for town administrators. Duncan said yes, he did one. He believes \$28 or \$28.50 per hour is around the mid-range. Nat said that comes out to \$56K per year. Duncan and Rosemary said Lea was making \$26.10 and Duncan is making \$28.50. Duncan said \$28.50 per hour is \$59K annually. He suggested \$55-65K could be the range. Eric said it would depend on experience. Duncan said he took a \$9/hr pay cut when he went from the combined position to the town administrator position. Managers get higher salaries than town administrators. Rosemary said the village is looking at paying over \$40/hr for their manager position. Nat asked if the posting needs to have a salary range. Duncan said he will get phone calls and people will ask. His response would be that it is negotiated depending on qualifications and requirements but he would give them a potential range. Doug said he would be interested in local comparisons, for instance from Hyde Park and Morrisville.

There was discussion about where to post the advertisement.

Mike asked what Rosemary thinks about the pay. She said she thinks what Duncan makes now is at the low end. Duncan asked if she thinks \$65K is enough for the high end. She said she thinks so. Duncan said we can start there and we can always negotiate if there is a very qualified person. Eric said it might be worth looking at the employee survey from VLCT to see the range. Duncan said \$28.50 was about the midpoint when he checked, but a person with his experience wouldn't normally be paid that little.

It was agreed that Duncan will write the ad and send it out to everyone and Eric and Duncan will decide on the salary range. Some board members will need to look through the applications and decide who to interview. Duncan said he really liked it that the board invited him to spend a day in Johnson when he was a candidate. That gives a chance for candidates to meet the employees and gives employees a feeling of buy-in. Eric said he thinks the board extended that opportunity to finalists. Duncan agreed it would just be for serious candidates. Duncan said it made a big difference in his decision.

Doug said he would like Duncan and Lea to help the board review applications in the first cut. Eric said this is probably something in which the board should not delegate its authority. Doug said he is just suggesting that they participate along with the board and give input. Eric said maybe that would be all right. Nat said he would like to think about the process, including who interviews candidates.

Eric said one of Lea's responsibilities was serving as webmaster. Susan was her backup and will probably be the primary web person now. Duncan said people in the office will have to get training from Lea. He talked to Rosemary about it. They will think about capacity in the office.

8. *Executive Session – Second Constable Issues and Status of SD Ireland Contract*
Mike moved to go into executive session to discuss second constable issues and the status of the SD Ireland contract, Kyle seconded, the motion was passed and the board entered executive session at 8:28. The board came out of executive session at 9:00.

Duncan has notified SD Ireland that they were selected as the low bid, but has advised them of the difference between the price of the culvert in their bid and the White Mountain PreCast quote and asked them to meet and negotiate terms of the contract which would either allow for the town to select the bid alternate (which would allow the town to purchase the box culvert themselves and have the contractor install it) or negotiate a revised base bid price (where SD Ireland would use their own pre cast culvert).

Duncan has discussed this issue with Ruggiano Engineering and they concur that the difference in price needs to be addressed and that the town should meet with SD Ireland to discuss options to select the alternate or negotiate the contract price. A meeting has been scheduled for Monday at 1:00 p.m.

Mike moved, based on the new information provided by Duncan, to rescind the following vote taken Monday: "Nat moved to accept the recommendation of Ruggiano Engineering to accept the SD Ireland bid of \$294,660 for the Coddling Hollow project without the bid alternate, Doug seconded and the motion was passed with Mike opposed." The motion seconded by Kyle and passed with Doug opposed.

Mike moved to accept the SD Ireland bid of \$294,660 for the Coddling Hollow project as the low bid and to negotiate with SD Ireland over the selection of the bid alternate or the base bid price, Kyle seconded and the motion was passed.

9. *Adjourn*

The meeting was adjourned at 9:08.

Minutes submitted by Donna Griffiths