

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
THURSDAY, APRIL 7, 2016

Present:

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

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

Note: All votes taken are unanimous unless otherwise noted.

1. *Call to Order*

Eric called the meeting to order at 7:07.

2. *Additions, Changes to Agenda*

Mike asked to add retroactive approval for him to act as the town's representative at the tax sale yesterday. The person who had planned to act on behalf of the town had the time wrong, but Mike happened to be there and was able to buy a piece of property for the town.

Duncan asked to add updates on the Coddling Hollow and College Hill projects.

3. *Discussion of Town Administrator Replacement Process*

Duncan said one thing for the board to consider is the possibility of combining the Community Economic Development Coordinator and Town Administrator positions. He thinks there are advantages and disadvantages to combining the positions and to keeping them separate. One factor that shouldn't be underestimated is that the Community Economic Development Coordinator job is fundamentally different from the Administrator job. The Administrator is hands-on, reacting to things that happen day-to-day or week-to-week, sometimes planning over a little longer time scale, for instance planning a paving project. The CEDC is more related to long-term visioning. Once the community has developed a vision the CEDC finds resources to make the vision come true. He thinks we could lose some of the value of both by having one person do both jobs. But the advantage of combining them is that only one person is needed. Probably in the end it is a little cheaper to do both jobs with one person.

The village is talking about having their Village Manager assume some community economic development duties. He has the impression that they feel they have done a lot of the development projects they wanted to do and may not see much value in continuing to share in that position as much as they have. It wouldn't surprise him to see them greatly reduce or eliminate their support. About 40% of the 24 hours a week Lea works in the shared position is for the village. Eric said if the village decided not to fund that time, the town wouldn't have enough work to keep Lea busy for 24 hours a week and the town doesn't have money budgeted to support that.

Mike asked, the village would rather have its own administrator? Eric said we asked and all they said was that they were budgeting for the position.

4. *Discussion of Responsibilities for Shared Employees*

Duncan said he thinks there need to be changes in regard to shared town/village employees. As it stands now, one board could take disciplinary action against a joint employee and the other board would have no control or input but would share liability if any legal action

resulted. Mike said we would be foolish to put ourselves in a position where that could happen.

Mike said there always was something of a rivalry between the town and the village but now it seems like there is a rift. Is that a fair statement? Eric said he thinks it is. Mike said he feels we have to take care of this rift. Duncan said Eric has reached out to the trustees about the possibility of a shared administrator. Eric said he got an emphatic no. When several people were retiring, the selectboard proposed looking at all the positions and considering doing things differently but the village was not interested and eventually decided they wanted their own administrator. The boards talked to Hyde Park, which has separate town and village administrators. The town and village in Hyde Park don't get along at all and do nothing together. The two Johnson boards did not want to split like that because there are so many shared properties, employees and projects. The boards thought they needed to work hard to keep communications open and have regular joint board meetings. We have had more joint meetings but it isn't slowing down the divide that is developing.

Duncan said the recommendation he got from VLCT is that there should be a clear written agreement in a situation where there are shared employees. Their strongest recommendation was to have all employees under either the village or the town and answerable only to one board and one supervisor and then for the employing entity to have a contract with the other entity to pay part of their benefits and wages. The majority of Susan's work is for the village, so she could easily be a village employee and the town could reimburse the village for 25% of her wages and benefits. She would be responsible to Rosemary as her supervisor and to the trustees if there were disciplinary action. The other shared employees should probably be town employees. Only Rosemary has the ability to fire Jan. Disciplinary action really is Rosemary's purview under the personnel policy, not either board's. Eric said neither board has power over Rosemary. Duncan said it would make sense for the office employees to be supervised by Rosemary. If the CEDC became a town employee after Duncan is gone it would probably make sense for the Town Administrator to supervise the CEDC.

Duncan said there are two other approaches we could take. Each employee could have an employment contract. He had an employment contract that said he could not be terminated unless it was by majority vote of both boards. That gave him some protection and prevented unlawful discharge lawsuits. The other option would be a written agreement signed off and annually renewed by both boards clearly outlining who was responsible for discipline, discharge and grievances. He thinks that approach is messier. He thinks perhaps this topic should be added to the agenda for the upcoming joint meeting.

Duncan said if the CEDC position became a town position the village could contract with the town to have the CEDC oversee a project for the village.

5. Discussion of Town Administrator Replacement Process (continued)

Duncan said we have a 12-year employee who is very good and in talking about combining the CEDC and Town Administrator positions we are talking about eliminating that job. That is something to keep in mind. Eric said it would all depend on the candidates. Some people may not have strengths in economic development. Duncan said he would say Lea has brought in between \$12 and 15 million of economic development to this community.

Currently Duncan is working 24 hours a week and Lea is working 28 hours including the 4 hours assisting him. If she were no longer spending 8-10 hours a week working for the village she could devote that time to town projects. He thinks it could work to have the Town Administrator work 4 7-hour days a week (28 hours) and have the CEDC work 24-26 hours. If the positions were kept separate he would suggest that the person in the CEDC position also continue to be Assistant Town Administrator. Eric said if we hire a part-time Town Administrator we will need an assistant so there will be someone here every day to meet with the public. Duncan agreed. Duncan said now he does most grant applications for things like paving or Better Back Roads grants. There is no reason the person in the CEDC position couldn't do that just as effectively, especially with Brian here and his skill set. Brian did the lion's share of preparation of the recent Better Back Roads grant applications. Duncan thinks that work could be shared between the CEDC and Brian.

Eric said with assistance from Brian and the CEDC, the Town Administrator position might not need to be as many hours as the board first thought. Duncan said if we end up with form based code, that could become part of the CEDC's workload. If that happened he thinks it would make sense to have the flood zoning administrator brought back in. We need to revisit the flood hazard zoning regulations and if we do that might make more work than what Howard Romero currently has to do. The roads permit process we will have to go through related to erosion control will add work for the Town Administrator and Brian. Probably some could be picked up by the CEDC. If the Town Administrator was 28 hours and the CEDC was 24-26, that would not be very different from what we have now. The impact on the budget will probably not be that great.

Duncan handed out copies of his job description and the CEDC job description with notes. There is one thing in his job description that he thinks needs to be hammered out. It says he will be responsible for general supervision over buildings as agreed by the town and village boards, but there has never been any formal agreement about things like who pays the cost for what in joint buildings. Mike said he thinks there has to be such an agreement in case future boards don't get along.

Duncan has some changes he would suggest to the CEDC job description if that is going to be kept as a separate position.

Duncan said the board has until June 1 to advertise the Town Administrator position. That would give a month to accept applications, then applications could be reviewed and interviews could be held in July. By no later than August 1, the board needs to make an offer of employment. Duncan is willing to work with the new person for a while. Mike asked, if there was a hold up in hiring a replacement, would Duncan stick around for the transition? Duncan said he will if he doesn't already have travel plans made.

Duncan said a big question, which doesn't necessarily have to be decided now, is whether to merge the CEDC and Town Administrator positions. If he and Lea were both to leave, then the board might decide to combine them. Eric said if the village decided not to fund their share of Lea's position then she would need to look for another job. At that point we would want to merge the positions. Until then, we should probably go with a part-time Town

Administrator. Duncan recommended that the board seek Lea's input as they discuss potential changes.

It was agreed to schedule a work session meeting for April 20 at 7:00. Eric asked Duncan to share with Lea what the board has been discussing. She can come to the meeting if she wants to.

Nat asked, what if the selectboard asks the trustees what they see in the future for the CEDC and they say they would like continue the same sharing that is happening now? Eric said if we make it a town position then they would need to contract with us. Duncan said another issue with a shared employee that we are seeing in the College Hill project is what can happen when an employee wears two hats. Lea is administrator of that project for the village but is involved from the other side because of the town's structures grant that is paying for part of the project. She is dealing with concerns from both sides.

Kyle asked, in the past have we had a mediator or facilitator between the boards for joint meetings? Duncan said in the past he served that role. Kyle suggested that with so many issues on the table it might be more time-effective if we had a non-partial person to help sort things out. Eric said maybe if the next joint meeting doesn't go well we can suggest that.

Duncan mentioned that 30 hours is the minimum amount considered full-time for health insurance purposes. We could say in our Town Administrator contract that we will provide health insurance even if the person is working slightly less than 30 hours.

Eric asked if Duncan could provide ballpark figures of what rate of compensation we should be looking for at the next meeting. Duncan agreed.

6. Discussion of Assessor Position Next Steps

Duncan said the first question is whether the board wants to contract for services or hire an assessor. Eric said if we contract the work out we don't have to deal with personnel – replacing someone who quits, etc. There is probably a little more cost if we contract the work out. If we contracted for services the same person might not come to our town each year, which would provide less stability. An assessor we employed would know the community.

Eric asked if we have a ballpark figure for what an assessor employed by us would cost per year. Duncan said he thinks we would probably have to pay \$25-26 per hour. He thinks the person would need to work 20-24 hours per week if we did a rolling reappraisal. We would also have to provide benefits. He thinks the cost would be \$25-30K. Nat said the least expensive of the quotes we got was \$25,800. He thinks it is an easy decision. Duncan said if the number of hours was low enough we might not have to pay benefits. However, he doesn't know if one person could do the work. It is a lot of work for one person, especially if they are going to do a rolling reappraisal. If we had a single assessor he thinks they probably would want to hire help during certain parts of the year, so he doesn't know if we would have much savings from hiring our own assessor.

The board agreed to contract for assessor services.

Duncan previously got quotes from Vermont Appraisal Company and NEMRC. Vermont Appraisal Company did our complete reappraisal in 2004 and a statistical reappraisal in 2010. A number of people on the listserv for managers and administrators said they use NEMRC and are really pleased. Rosemary already uses their programs for accounting. They have fairly recently branched out into appraisal work.

Duncan said we have to have someone on board by July 1. He thinks a 4 or 5 year contract would make sense, but it will need to have an exclusionary provision saying that if the voters don't appropriate the money we can get out of the contract. NEMRC proposed a 5-year rolling assessment. With either proposal we would save the \$115K reappraisal cost every 10-15 years because we would accomplish a full reappraisal every 5 years.

Duncan said one advantage of NEMRC is that they know the overall business really well. The Grand List module we use is from NEMRC. He likes the idea of contracting with NEMRC. Mike said that is cheaper than maintaining three listers. Duncan said it is a little more but not much. And we currently set aside \$9K a year for reappraisal. If we use some each year for a rolling reappraisal we may not have to do the complete reappraisal. Eric said in that case it is cheaper overall to contract for assessor services. Duncan agreed. Duncan asked Rosemary's opinion. She said NEMRC would be her preference.

Eric asked if anyone thinks we should do an RFP. Nat said it would be nice if we had more time. Rosemary asked if Duncan knows how many appraisal companies are out there. Duncan said there a few. He noted that Vermont Appraisal Services is primarily a full-blown reappraisal service company. Annual maintenance appraisal is not their primary function.

Mike moved to contract with NEMRC for appraisal services as described in Scenario 4 of Duncan's memo, Kyle seconded and the motion was passed.

7. ***Retroactive Appointment of Town Representative for Tax Sale***

Mike said he bought a property on behalf of the town – a double-wide home that was on land. No one was bidding on it. We will get our money back for the taxes by purchasing it. Nat asked if we will put it up for auction at some point. Rosemary said we don't own it for a year. More than likely the bank that is foreclosing on it will pay the taxes.

Nat moved to retroactively appoint Mike Dunham to represent the town at the April 6 tax sale, Kyle seconded and the motion was passed.

8. ***Update on Coddling Hollow Project***

Duncan said the board doesn't need to take action tonight. At the next regular meeting selecting a contractor should be on the agenda. The apparent low bidder is SD Ireland. Their base bid was the lowest. RMB Construction has a lower bid if we accept the bid alternate that deducts for the town buying the culvert. We are soliciting separate pricing from concrete manufacturers for the box culvert. He thinks the engineer's recommendation will be to go with the apparent low bidder, SD Ireland. If we can come up with a lower price for the box culvert then we will buy it ourselves and install it. Duncan will have further information on that for the next meeting.

9. Update on College Hill Storm Drain Work

Duncan said we got a structures grant for this work. The total cost including change orders exceeded the maximum grant amount. VTrans is willing to increase our total grant amount to cover our cost but that increases our 20% share of the total cost. The town originally agreed to pay \$24K – 20% of the original grant amount. Duncan's opinion is that the town should not be on the hook for more than that amount. If there is any additional cost he thinks the village should pay it using their money from the town's 10% on the Grand List contribution, \$75K of which is sitting in a bank account.

Eric said the town is donating \$24K to the village for village infrastructure. And because the village was ineligible for a structures grant the town got one for this project, sacrificing future structures grants for a few years.

Duncan said Sandy asked him in an email if the town has a written agreement with the trustees saying the trustees will be responsible for any cost overruns. The town is using a Class II paving grant partly to reclaim and repave all of School St. The state has gone through a second iteration of evaluation of Desroches' change orders and recommended that the village agree to pay around \$16K. Lea drafted a letter to Desroches and sent it to Duncan and Sandy for their concurrence. Sandy emailed that he was okay with it but that if Lea was acting as assistant town administrator he wanted her to acknowledge that the town was willing to pick up 20% of the total cost and if she was not he wanted her to get Duncan to put in writing that the town was willing to pick up 20% of the cost. Duncan said he would not do that. Nat said Duncan doesn't have authority to do that. Duncan agreed. He said the village has enough money to cover the cost overrun. Rosemary agreed that is correct. He said all the money the village set aside for that project is money they got from the town for the 10% on the Grand List.

10. Other Business

Kyle talked about what she heard when she went to the village annual meeting. She said Walter found a place in the budget where they had the wrong number, which meant they were about \$9K short for fire equipment. They decided they would move that money from the sidewalk fund. Sidewalk infrastructure is something that is important for the village and yet Sandy's report stated that the trustees decided not to go through with applying for a grant to put sidewalk along Railroad Street to the library because they couldn't afford the match. The trustees weren't even sure how much the match was. It wasn't very much. They had \$12K in the sidewalk fund but claimed they didn't have money for the match and now they are moving the money somewhere else.

11. Adjourn

The meeting was adjourned at 8:37.