

JOHNSON SELECTBOARD/VILLAGE TRUSTEE BOARD
JOINT MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, APRIL 10, 2017

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood
Village Trustees: Gordy Smith, Walter Pomroy, Scott Meyer, Dave Goddette, Bob Sweetser
Others: Brian Story, Meredith Birkett, Rosemary Audibert, Raymond Gilcris, Anne Mullings

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Eric and Gordy called the meeting to order at 6:05.

2. Municipal Building Repairs Contract

Meredith said Wescom Construction's fixed price bid has been updated based on discussion of specific materials to be used. The original bid was \$12,500 and the revised bid is \$18,100. The revised bid is based on using vinyl siding. Gordy had asked for a price for cement board siding. That would be about \$6K additional, not including painting. That would bring the cost close to \$26K. The total amount budgeted by the town and village for this project is \$28K so we are getting close to the maximum budget without dealing with any of the underlying problems causing damage to the siding. Meredith and Brian want input from the board about whether to make any changes to the materials used.

Gordy said the labor cost for vinyl is quite a bit less, but he feels we should not use vinyl because of its lower longevity. Scott said his brother-in-law is a builder. He says vinyl will buckle and pop in the sun if it is not done perfectly. Scott has seen a lot of vinyl siding fail within 5 years so he would vote no to vinyl. Bob said he thinks cement board, once painted, will match better with the rest of building. Brian said a lot of the siding on the building is in poor shape. We will have to replace it all within a few years, so even though vinyl may not be a perfect match now, eventually the whole building could be matching vinyl.

Dave asked, did we check if there is a warranty on the siding currently on the building? Meredith said she did not check that. Brian said he would be surprised if it had a warranty because it is wood siding.

Raymond said if we use cement board we should make sure to use mesh to prevent moisture from getting behind it.

Walter said his concern is that we are maxing out the budget if we use cement board siding and we don't even know what the underlying problem is. How much of a problem is it to wait to decide what siding to use until we know more about the problem? Brian said it depends on how much damage is found. If there is not much, siding could be replaced quickly if we had the siding to put up but if we haven't yet decided what siding to get the building would be left vulnerable, just covered with a tarp. But it is possible that once the siding is taken off it will take several weeks to do the necessary repairs, in which case we would have plenty of time to decide on and order siding.

Bob asked what we know about the cause of the problem. Brian said we know the flashing around the trim was installed poorly. He also suspects we haven't kept up with caulking and painting we should have done over the years. Meredith said she thinks Stanley Wescom is concerned that the building might be wrapped in plastic, not breathable materials. Brian said sheathing buildings in plastic was a more common practice at the time this building was built. People thought it could cut down on mold, but it proved not to be a good practice.

Scott said his concern is that we have had a number of projects that turned out to be poorly done and we have been responsible for fixing the problems. He is in favor of getting warranties. If we do go with vinyl, what's our backup plan if it was installed incorrectly or fails? Who pays for it? Nat said he assumes Wescom would warranty his work. Scott said he thinks there should be a warranty for the product and a warranty for the installation. Brian said he doesn't think we will get anyone to warranty labor. Eric said any warranty on the work is likely to be short – maybe 90 days or 6 months. Scott said he knows of situations in New York where vinyl siding failed because it was installed incorrectly and the person who installed it was responsible for coming back and redoing it. Meredith said our agreement with Wescom doesn't have any warranty but we can talk to Stanley Wescom about adding it.

Nat asked about ongoing maintenance considerations with cement board. Does it have to get repainted every few years? Gordy said the cement board on the fire department building came pre-primed. They haven't done anything with it. Dave said he thinks you can order it in the color you want and you don't have to paint it. Brian said he has read that it does need to be painted periodically. Some is color treated beforehand but that would probably be more expensive. The kind Stanley Wescom was looking at purchasing was not painted, but preprimed. If we paint it we can match it to the fire station and the existing siding.

Walter said he doesn't want to take wood siding off the table. If done right it will last. The problem seems to be the original construction, not the materials. Hopefully that will be fixed. He feels wood will be more than sufficient.

Brian suggested the board authorize him and Meredith to sign a contract with Wescom that calls for using vinyl siding, which probably will be the cheapest option. We can amend it later with a more expensive option if we want but we can default back to the cheapest option. Walter said he doesn't think vinyl is the cheapest option. He thinks wood is. He would rather start with that. He would not authorize vinyl being the starting place. Once we identify and solve the issues he thinks wood will work long term. Bob said it takes longer to put wood or cement board siding on than it does to put vinyl on. The increased labor cost increases the cost of wood. Doug said he thinks the initial contract should just be for work needed to determine what the problem is, not for replacement of the siding. Brian said we can change the contract so it doesn't include putting siding material back up. After we can tell what needs to be done the boards can make a decision about siding material.

Doug moved and Mike seconded to move forward with a fixed price contract with Wescom Construction just to remove the existing siding and trim, but not install new

siding. Walter made and Scott seconded the same motion for the trustees. Both motions were passed.

3. *Update on Sick Leave Policy*

Brian said town and village employees have a bank of combined time off (CTO) that maxes out at 480 hours. It was intended to be a bank of time that could be used for any reason – vacation, sick leave, etc. When an employee retires they are paid for 100% of the time in that bank. The idea was to allow people to manage their own time off. It was thought to be pretty fair. CTO is pretty common these days. A second sick leave reserve bank (CTO reserve bank) was started to help people with long term illness. That bank has a max accrual of 480 hours. When an employee retires, time in that bank is paid out at 25%. Employees can transfer time into the reserve bank but can't transfer time from it into the CTO bank. There is also a catastrophic bank with no upper limit. None of the time in that bank is paid back when an employee retires. It can only be accessed if the other 2 banks are emptied first.

Brian believes the intention of the boards was to have the sick leave bank to be used as a backup for sick leave after time in the CTO bank was used. Then once time in the second bank was used up, employees could use time from the catastrophic bank. But he doesn't believe the way the policy is written supports that interpretation. He believes we should implement the policy as written.

Mike asked what brought this discussion on. Eric said we had a request from someone to use time from their sick leave bank when they still had time in their CTO bank. Brian said the employee wanted to know why they couldn't use time from the sick leave bank because their reading of the policy indicated it should be allowed. His reading of the policy also indicates it should be allowed. There is some rationale to support a different reading, but he doesn't believe it is strong enough. He feels we should implement the policy as written and allow time from the second bank to be used for sick leave or bereavement even if there is time in the CTO bank. This defeats the purpose of having a CTO bank. It amounts to more vacation time for employees.

Eric said for the catastrophic leave bank there is very clear language stating that time can only be used after the other banks are exhausted. But there is not that language about the CTO reserve bank. He believes the boards' intent was that it would be handled that way and that has been the practice during the 10 years we have had that policy, but it is not clearly spelled out. We have treated all prior requests by denying access to the sick leave reserve until the CTO bank was empty, so he would be hesitant to just change the interpretation rather than overhauling the policy.

Anne asked, if the boards don't allow employees to use that time, how can they say they will only pay 25% of it upon retirement? Eric said he is not saying we should or shouldn't, but in practice we haven't done it the way Brian is suggesting. He thinks we need to continue looking at the personnel policy, as we were doing a year ago, and address this as part of that work. Anne said she believes the way it has been done for the past 10 years is wrong. Eric said that is the practice the two boards have maintained and he would be hesitant to change it tonight.

Mike said most companies have separate vacation and sick leave. He agrees this needs to be revisited and we should bring it more in line with what most other companies do.

Walter said he thinks it is time to bring the personnel committee back together.

Brian said there is a new paid sick leave state law we have to comply with by next January. He believes our current policy is compliant but he recommends rewriting our sick leave policy using specific language from the law to make sure we are in compliance.

Gordy asked, wasn't it discussed in personnel committee meetings that we have long term disability after 6 months so employees don't need more than 6 months of sick leave?

Nat said when he served on the personnel committee he concluded that the current policy saves the town and village money. It eliminates the need to purchase short-term disability. Employees like it. The only negative identified was that some people have built up a lot of time, leaving to large lump sum payments when they retire, but he thinks we could budget for those payouts. He came out of the personnel committee meetings feeling positive about the system we have.

Scott said we shouldn't have to discuss what the intent of the policy was. It should be clear and easy to follow. He feels we need to figure out language that allows anyone to pick up the policy and come to the same conclusion.

Anne said the employees like the way it is structured now. The year the highway department employees got no overtime and had to use comp time they didn't use their vacation time so their banks grew. Raymond's kept growing and time went into the second bank and when he wants to use time from the second bank he is told no. Raymond said now he has 1200 hours and when he retires he will only get paid for what is in the first bank and 25% of the second bank, and the rest will be gone. Anne said that is time he earned.

Anne asked if the boards are going to keep implementing the policy wrong until they make a decision on the whole policy. Eric said he feels until we have a new policy we should implement the one we have as we have understood it.

Brian suggested an executive session to discuss his consultation with a lawyer.

Mike moved and Doug seconded to enter executive session to discuss a personnel issue. Dave made and Scott seconded the same motion for the trustees. Each board invited the other into its executive session along with Rosemary, Meredith and Brian. Both motions were passed and the boards entered executive session at 6:48.

After the boards came out of executive session, **Dave moved and Walter seconded to amend the existing CTO policy to include the following sentence in the Sick Leave Reserve section: "Sick Leave Reserve may only be used after all CTO has been exhausted." Doug made and Mike seconded the same motion for the selectboard. Both motions were passed.**

The boards agreed to re-activate the personnel policy committee policy. The selectboard will decide later who will be its representatives on the committee. Eric suggested inviting Jan and Troy to participate again. Brian said he would like to invite at least one highway department employee to participate. Eric agreed that would be a good idea.

4. Discussion of 3/10/17 Vehicle Accident

Brian and Meredith proposed offering to pay Anne Mullings's deductible for the accident she had on village property on town meeting day. A claim was submitted to VLCT and they denied it so Anne has to use her personal insurance policy to cover the accident. Brian said we are not accepting liability but offering assistance out of kindness. Anne said her deductible is \$500. Gordy said he met with Meredith and Brian and they called Eric on the phone. He felt Anne, being a long-time employee, deserved to come before both boards for discussion and a decision.

Doug said he feels this is a legal matter that should only be discussed in executive session.

Walter asked if Anne was acting as an employee at the time or traveling personally. Anne said she was arriving at work at 7:30, her normal start time. Walter said in that case she had not officially started her duties yet; she was still commuting.

Anne said the parking lot was very icy that morning because the highway department employees had not been called out to take care of it as she feels they should have been. She expects to come to a place that is safe to work.

Raymond said he heard it raining the night before at his house. He got up at 4:00 am and his yard was icy. He waited and didn't get a phone call until 7:30. There have been 5 times this winter this has happened.

Walter moved and Dave seconded to enter executive session to discuss a legal and personnel matter the premature public disclosure of which would place the town and village at a substantial disadvantage. Nat made and Doug seconded the same motion for the selectboard. Each board invited the other into its executive session along with Rosemary, Meredith and Brian. Both motions were passed. The boards came out of executive session at 7:37.

5. Adjourn

Walter moved and Dave seconded to adjourn the joint meeting at 7:37 and the motion was passed.

It was moved and seconded for the selectboard to adjourn the joint meeting at 7:37 and the motion was passed.