

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
JUNE 6, 2016**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Jacob Spell, Matthew Krasnow (arrived 4:35 p.m.).

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Robert Mack, Moe Harvey, Roger Richmond, Vanessa Crowley, Charles Russell, Ellie Russell, Janet Morrison, Christina Booher, Stephen Brooks, Peter Trono, Dorothy Pellett, Burlington Free Press; John Hammer, Charlotte News; and others.

ITEMS TAKEN UP:

- 4:30 PM Response to wage claim filed by Mary Mead
- 5:00 PM Scheduling of pay-grade re-evaluations
- 5:15 PM Peck Electric application for CPG NM-6691 – Town's response

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 4:31 p.m.

LIQUOR LICENSE RENEWAL – LITTLE GARDEN MARKET

MOTION by Mr. Tegatz, seconded by Mr. Spell, to recess as the Charlotte Selectboard and convene as the Charlotte Liquor Control Board.

VOTE: 4 ayes, 1 absent (Mr. Krasnow); motion carried.

MOTION by Ms. Spear, seconded by Mr. Spell, to approve a 2016 liquor license for one year for the Little Garden Market as presented.

VOTE: 4 ayes, 1 absent (Mr. Krasnow); motion carried.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to adjourn as the Charlotte Liquor Control Board and reconvene as the Charlotte Selectboard.

VOTE: 4 ayes, 1 absent (Mr. Krasnow); motion carried.

The Selectboard members signed the document.

AGENDA

No Changes.

RESPONSE TO WAGE CLAIM FILED BY MARY MEAD

Mr. Morrison reviewed that a letter from the Vermont Department of Labor was received last week. The Selectboard has 10 days to respond to an unfair wage complaint filed by Mary Mead. An extension was requested to June 10th. A response letter was prepared, reviewed by Joe McLean, Town Attorney, and others. A motion to proceed with the process was needed in order to send the response to the Department of Labor on time.

Options were to accept Mary's claim, reject it, or ask for further information, said Mr. Morrison.

Mr. Russell asked for a copy of the materials.

Mr. Krasnow noted that Part C of the state statutes allows for mediation to settle the matter between the employer and claimant. Mr. Bloch explained that the Department of Labor commissioner would investigate the claim. Mike Hoyt was the Supervisor of the Wage Program, said Mr. Bloch.

Mr. Morrison explained that the process included a determination, negotiation, and a 30-day appeal period, which would be heard by an administrative law judge.

There was lengthy discussion regarding the current Salary Administrative Policy, Wage Policy and pay rate grid; state statutes related to elected town clerks and town treasurers and a town's responsibility to set salaries only; and attachments to be sent along with a letter in response supporting the Town's position.

Mr. Mack asked how the Town tackled the Town Clerk's vacation and personal time. Mr. Morrison replied that the Town Clerk/ Treasurer managed her time. The Town had no input and could only set a salary as per state statutes, reiterated Mr. Morrison.

Mr. Russell said that the Town polices as written were confusing. The Selectboard has no authority in setting hours at either 35 or 40 per week for the Town Clerk/Treasurer, which is meaningless. The Town Clerk/Treasurer shouldn't be in the pay policy, said Mr. Russell.

Ms. Booher said that the Selectboard must submit a copy of the Personnel and Pay policies with the letter of response. Regarding hours, for example, holiday pay is based on 8 hours of holiday pay even for a salaried position. That must be accounted for in the pay roll. When you divide Mary's pay by 35 hours per week, or by 40 hours per week her annual salary did not change. Then the holiday rate increased from 7 days to 8 days, said Ms. Booher.

Mr. Krasnow said that the Department of Labor will make a determination. Mary Mead submitted a complaint to the state labor agency, dated May 24, 2016. On May 26th the Selectboard met in good faith with Mary and the Selectboard hired a mutually agreed upon consultant to find a way to move the issue forward. The fact that she decided to make a complaint at the state level prior to meeting with the Selectboard was offensive. The Board should stop further Palmer Analysis review until a state determination is made regarding the Clerk/Treasurer's wage rate and see how Mary goes through the process. He did respect the freedom to take the issue to the Vermont Department of Labor, however, said Mr. Krasnow.

Ms. Booher stated that the hours worked per week and job ranking via the Palmer Analysis were two different situations.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow to accept the draft Letter of Response, dated June 6, 2016, regarding Mary Mead's wage claim letter to the Vermont Department of Labor, WH ID 14398.

FRIENDLY AMENDMENT by Mr. Morrison, to authorize the Charlotte Selectboard Chair to sign the Letter of Response.

DISCUSSION:

Mr. Morrison said that there would be a split vote of support of the letter. He recommended to designate the Chair to sign the letter so that the vote taken shows that the Selectboard approves it and the letter goes forward, said Mr. Morrison

Ms. Spear stated that all five Selectboard members should sign the letter. Mr. Morrison reiterated that once the vote was taken, even if it was a 3-2 decision, that one signature is done is the usual practice. It could be a split decision since two of the Board members would not sign it and three would, said Mr. Morrison. Mr. Spell pointed out that he signed the letter regarding the rail road to show Selectboard solidarity and cohesiveness. He did understand Mr. Morrison's point, said Mr. Spell.

Mr. Tegatz said that if the letter went out with three signatures and two blank signature lines then it either meant a Board member was not in attendance, or didn't sign it. Ms. Spear stated that she didn't agree with the letter.

AMENDMENT by Mr. Tegatz, seconded by Mr. Krasnow, to accept the draft letter of response with the addition of 'approve/disapprove' signature lines similar to those that are on liquor license renewals.

AMENDMENT by Mr. Krasnow, seconded by Mr. Tegatz, to change Paragraph 3, 2nd to last line, after the ";" to read "...Selectboard members have no authority to dictate the Clerk/Treasurer's work hours, or how she performs the fundamental aspects of the job...", and to include the following enclosures:

- the Personnel Policy
- Salary Implementation Policy and
- Salary Administrative Policy

DISCUSSION:

Mr. Spell asked if the Mary Mead's concerns were adequately addressed, given that her reasons were the pay scale and grid. What paragraph will the Labor Commissioner find that the Selectboard's position was correct, asked Mr. Spell. Mr. Krasnow replied that it is in the letter of response, specifically in the second sentence that the Selectboard does not agree. Mr. Morrison said that the draft letter has been reviewed by the Town Attorney.

Mr. Bloch said that the response letter should be addressed to Michael Hoyt, not Mr. Dow.

Mr. Russell pointed out that two Selectboard members have said they do not support the letter. Ms. Spear stated that she straight out supported Mary Mead.

Mr. Russell said that the point is that Jacob Spell asked if the letter in response addressed Mary Mead's premise that the Selectboard set her hours. The burden is on Mary to show where the Selectboard ever set her hours to 35, or 40. Her other error is the calculation of an hourly rate times hours. The Town Clerk/Treasurer is a salaried position(s). You take the annual salary multiplied by whatever percentage raise someone gets. It was never backed down into an hourly rate, said Mr. Russell.

Ms. Spear said that it isn't a good document. We inherited it from a previous Selectboard. We don't need the document. It was personalities and politics that put this in place. The Town has a 22-year exemplary worker, said Ms. Spear. Mr. Morrison asked if Ms. Spear believed there shouldn't be boundaries on someone's salary. Ms. Spear replied that the Town only has 10-20 employees.

Mr. Richmond pointed out that the Town voted on the line item at the March Town Meeting. It is an annual salary divided by whatever – done deal. The Town budget is on page 26 of the Town Report, said Mr. Richmond.

Ms. Russell said that there were two versions of a Personnel Policy – one for elected officials and one for non-elected employees. The two documents dealt with what each was paid, said Ms. Russell.

Mr. Tegatz said that he has not seen a second version. There is a section in the policy that says the policy doesn't apply to elected officials, said Mr. Tegatz.

Ms. Booher said that in 2014, there were three alterations in the pay roll after Town Meeting. Mr. Richmond said that once the voters approve it, it should be there. Mr. Mack said (to Mr. Richmond) that there are many times that the budget has been altered after Town Meeting.

Mr. Tegatz summarized that there were three changes:

- Address the letter of response to Michael Hoyt
- Edit to Paragraph 3
- Add "approve/disapprove" signature lines

Mr. Trono asked where the Town was regarding a review of the Town Clerk/Treasure job ranking. Mr. Morrison explained that Mr. Krasnow had suggested halting further Palmer Analysis while the matter was in litigation. Mr. Krasnow clarified that the labor commissioner can set a wage rate, and the work that the Town was doing would be for naught. We should take a wait and see position, said Mr. Krasnow.

Mr. Spell suggested that the Selectboard could say they 'don't agree', and restate Mary Mead's concerns and state that the Town has tried to work it out. The response letter is vague in addressing Mary's claim. We should clarify why don't we support it, said Mr. Spell. Mr. Morrison replied that he didn't agree with the math.

The Town has addressed the relevant issues – there have been job and pay rate reviews with us, with out lawyers, etc., said Mr. Morrison. Mr. Tegatz said it was not up to the Selectboard to re-phrase what she wrote.

VOTE: 4 ayes, 1 abstention (Mr. Spell); motion carried.

Mr. Bloch said that a Letter in Response to the Vermont Department of Labor would be ready for Selectboard signatures this evening so that it could be sent out by morning.

SCHEDULING OF PAY-GRADE RE-EVALUATIONS

Mr. Morrison said that the meeting on Thursday, June 8, regarding an on-going review of the Palmer Analysis would be cancelled. Staff would notify Mr. Sadowski. No action was needed, said Mr. Morrison.

PECK ELECTRIC APPLICATION FOR CPG NM-6691 – TOWN'S RESPONSE

Mr. Morrison reviewed that the Planning Commission appointed a Planning Commission representative regarding the Peck Electric solar application before the PSB. An issue was the impact of the solar installation to the view corridor from Mt. Philo and Route 7. The Planning Commission would file written testimony for the July 11th PSB hearing. There was suggestion of engaging the Town Attorney to make an argument for a denial or cancellation of the project on behalf of the Town. The Town, ANR and State Parks met for a site visit. The park representatives might have a stronger argument., said Mr. Morrison.

Mr. Tegatz reported that Clark Hinsdale III has 30 years of history on conserving land in that view corridor. Ralph Nading Hill called it the top view in Vermont. It is the one asset that attracts people to visit Charlotte, and the Charlotte stores, said Mr. Tegatz.

Ms. Spear said that she didn't want to see a solar installation there. Mr. Krasnow pointed out that a former Road Commissioner had planned a water park in that view corridor and was turned down due to the reflection of water on the view.

Mr. Spell noted that the Governor vetoed proposed changes to the siting of energy projects. Mr. Bloch said that the towns still have a say – the existing rules are still in affect. Mr. Hammer reported that there is an attempt to reconvene the legislature to override the veto.

Ms. Crowley said that it can not hurt if the Selectboard was not behind the project. The developer will make \$25,000 per year for 25 years. It could be put some place else, said Ms. Crowley.

Mr. Trono asked how much would be spent on the Town Attorney, and what is the degree of success. Mr. Morrison suggested placing a limit; for example, \$1,000 or 5 hours of work. The attorney could help assess a probability of success and help with a strategy based on experience, said Mr. Morrison.

Ms. Spear suggested starting a petition to alert the Town that an installation was going in. Mr. Trono suggested asking the State Park if could get signatures of park visitors.

Mr. Bloch said that Clark Hinsdale was drafting a letter of opposition of the project.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to oppose the Peck Electric installation of a solar farm along Route 7 and south of the Mt. Philo State Park, and authorize legal council assess the degree of success in opposing the project and prepare relevant legal testimony by Monday, June 13, 2016.

DISCUSSION:

Mr. Morrison suggested that he, Mr. Tegatz and/or Mr. Bloch talk to the Town Attorney tomorrow.

VOTE: 5 ayes; motion carried.

ADJOURNMENT

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 5:46 p.m.

Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.