Selectboard Meeting Minutes March 31, 2021 4:00 pm Via Zoom

Call to Order: Andrew Baker, Chair called the meeting to order. Those in attendance included Margaret Payne, Robert Manners, Town Administrator, Terry Narkewicz, Highway Superintendent, Mark Shippee, and Town Counsel, Donna MacNicol.

Overtime Policy – the purpose of the meeting was to continue discussion regarding the Town’s overtime policy. Since the policy was revised in 2018, Andrew stated that he is uncomfortable with the manner in which highway employees are using sick, personal and vacation time as “time worked” so not to lose any overtime hours. Andrew indicated that he is supportive of the proposed wage increases for highway employees, he is willing to allow Holidays as time worked, and would agree to eliminate a section in the town’s personnel policies that requires partial days to be taken in four hour increments. Ultimately, Andrew would like to see the overtime policy revert back to the 2018 revision.

Donna MacNicol stated that in accordance with the Fair Labor Standards Act, an employee should not receive overtime until after “working” 40 hours. Mark indicated that he had spoken with the Department of Labor and cities and towns are allowed to deviate from the FLSA. Donna agreed however, she stated that 80% of the industry follows these standards otherwise, the employer has no control over their overtime budget.

As requested by the Board, Terry shared survey responses from ten (10) other municipalities’ seven of which follow the FLSA (three of the seven include Holidays as time worked).

Mark presented three different scenarios (one with regularly scheduled hours, one with overtime calculated after 8 hours, and one with overtime calculated after 40 hours) to illustrate potential costs to the town when overtime is utilized. He talked about the long hours, the demands during the winter months, and the desire to maintain a hardworking cohesive crew. Bob echoed Mark’s comments stating that Highway employees are considered to be emergency personnel noting that there are safety concerns given the long hours.

Donna stated that if driver safety is a concern, Mark as the Supervisor should be sending employees home to rest up if a lengthy storm is predicted. She agrees that the employees should be compensated fairly however, the town’s overtime policy in its current state, allows the employee to determine whether they get their overtime in a given week. Further, she noted that the Town’s overtime policy must apply to every department; not just the highway. She feels that the existing policy far exceeds what the FLSA intended.

Bob asked whether overtime should be paid after 8 or 40 hours. Donna indicated that 40 hours is the industry standard.

Bob argued that the existing policy language is beneficial in that it takes the safety component in to consideration as well as reward the employees for a job well done. Donna suggested instituting a “bonus” program or some other means of reward rather than a policy that allows one to finagle more money via overtime.

Mark stated that he was beginning to feel that there was an implication of manipulating ones’ timesheet to earn overtime. “You don’t know these guys like I do. It feels like you are trying to make a black and white issue out of a grey area. It feels like there is a lack of respect”.

Donna stated that it was not fair to say that the Selectboard does not trust the highway employees. There is no wrong doing. The crew is following the policy as it presently exists. The problem lies with policy language that is easy to manipulate. She argued that the Town must set boundaries.

Andrew noted that there are six paid Holidays during the winter months. He stood by his original proposal of compensating employees fairly, including Holidays as time worked, and omitting a section of the personnel policies that requires time off to be taken in four hour increments.

Margaret Payne agrees that employees should be compensated fairly. She would like the decision to be based on fairness and not the impact on the employee. She suggested paying double time for Holidays worked. She also realizes that the uncertainty of snow events complicates matters but noted that every job has its obligations and complications. Before making a decision, Margaret indicated that she would like an opportunity to speak with Mark and review the materials before taking a vote.

With that said, the group agreed to reconvene in a subsequent meeting to be scheduled at a later date.

Other Business:

**Mass Energy Technical Assistance Grant RE: Cowell Gym Heating** – Energy Management Associates, Inc. was hired by the Town to evaluate the Cowell Gymnasium’s heating system. The firm presented three heating options for the Selectboard to consider. After reviewing each of the options, the preferred option is to replace the existing boiler with a high efficiency propane boiler. The upfront costs are higher however, the annual fuel savings are expected to be 20%. Before asking EMA to draft bid specifications, Terry wanted to get a sense from the Board as to whether she should pursue a Green Communities Grant application (due May 9th). The Town’s contract with EMA is good until 9/30/22 therefore, if the Town were to apply for grant funding and not qualify, EMA could create bid specifications for a simple replacement boiler rather than the preferred system with an estimated cost of $132,576. Either way, Terry recommended that the Selectboard earmark $50k - $60k at annual town meeting in the event the town is not successful in receiving grant funding. Members of the Selectboard agreed that an application to Green Communities would be advantageous if the deadline can be met. Terry will contact the FRCOG to see if they can assist with the application.

**Smith Vocational School RE: Notice of Pending Application** – The Town has received notification of a pending application under review for a Shelburne resident who wishes to enter the Agricultural Mechanical Program as a 9th grader. Terry has contacted Vocational Education Advisory Council representative, David Newall to discuss potential costs.

**Attorney General’s Office RE: Recording Public Meetings via Zoom** – The AG’s Office has advised that Town Boards and Committee’s must comply with an individual’s request to record ones public meeting when using Zoom. With the Selectboard’s approval, Terry will draft a memorandum to all town boards and committees advising them of the said ruling as well as provide instructions for recording their meetings.

**Adjournment**: Bob presented a motion to adjourn the meeting at 5:45 pm. Margaret seconded the motion which was passed unanimously.

Respectfully submitted,

Terry Narkewicz

Town Administrator