

Minutes of the Special Selectboard Meeting of Wednesday, July 29, 2015 at 6:30 PM

Members present: Linda Cook, Chair; Christopher Ashley; Steve Flanders; Dan Goulet; Mary Layton, Vice-Chair; Neil Fulton, Town Manager and Jonathan Bynum.

There were about 12 people in the audience.

Also participating: Watt Alexander, Kris Clement, Nancy Dean, Suzanne Lupien, Jonathan Vincent.

Cook opened the meeting at 6:30 pm.

1. Approval of Agenda (Action Item). The Selectboard, by consensus, approved the Agenda.
2. Capital Facilities (Discussion Item). Goulet explained that due to work commitments, he had so far been unable to investigate comparative regional construction costs as agreed at the meeting of 24 June 2015. The Selectboard first considered the Highway Garage. There was discussion of the options of adding on to the existing structure versus constructing a new building and turning the existing structure into a cold storage facility. Cook was pleased that this was going to be a cooperative effort between the Selectboard and the Town Manager going forward. Ashley **moved** (2nd Flanders) to ask the Town Manager to investigate a pre-engineered steel building and other improvements mentioned tonight consistent with the program previously agreed to and to bring the results back to the Selectboard. **Motion passed.**

The Selectboard then considered the Police/Fire facility. Flanders favored bringing in an independent cost estimator to look at Breadloaf's drawings to see whether the previously used numbers were in the right ballpark. Cook was not in favor of the Breadloaf design, and felt that someone other than Breadloaf should be asked to produce conceptual drawings for a more economical alternative that the community can get behind. Fulton was unsure whether sufficient funds were available, but felt it was appropriate to put out an RFP for schematic drawings of sufficient detail to allow reasonably accurate cost estimates. Cook wanted the Selectboard to collaborate in producing the RFP so as to convey to bidders that a unified Selectboard is seeking a modest building that meets the needs laid out in the previously agreed program. After further discussion, Flanders **moved** (2nd Layton) to request that the Town Manager provide the Selectboard with a draft RFP that solicits proposals for a Fire & Police facility consistent with the program that the Selectboard last voted on. **Motion passed.**

3. Project Management (Discussion/Possible Action Item)
 - (a) Opinion from Paul Gillies. Layton said that she felt the opinion letter from Paul Gillies was unclear, and that she would like a second legal opinion. Cook said that she did not like the apparent misquotation on the second page and also favored a second opinion. Ashley and Flanders thought that the letter was clear, that Gillies had the requisite expertise, and that a second opinion was a waste of money. Ashley had questions about the fees charged by Project Managers. Goulet then **moved** (2nd Layton) to authorize the Chair of the Selectboard to seek a written legal response to the question of 24 VSA §1236(4) in its interpretation. There was discussion of whether the free legal services provided to the Town by PACIF might cover this expense. Goulet's **motion passed 3-2** (yes—Cook, Goulet, Layton; no—Ashley, Flanders).

4. Town Manager Evaluation Process (Discussion/Possible Action Item). There was discussion of the 2010 Personnel Policies, the Town Manager evaluation process as adopted by the

Selectboard in 2011, and the relationship between evaluations and step raises. Cook suggested tabling the discussion, since some members did not have the Personnel Policies in front of them. She urged the Selectboard to look through the documents mentioned and the three prior Town Manager contracts to seek improvements in the evaluation model used in the past.

5. Town Manager Contract (Discussion/Possible Action Item). Fulton had included in the packet a draft contract based on the template used for the contract of Pete Webster. Watt Alexander urged the Selectboard to seek legal counsel. He stressed the importance of determining whether the verbiage in the contract maintains the status quo created by the existing oral agreement. Cook agreed on the need for legal counsel and wanted to negotiate the contract in executive session. Ashley cautioned that contract negotiations are complex and often lengthy. Flanders felt that as much information gathering as possible should take place before an attorney is brought in, and questioned the rationale for taking these preliminary steps in executive session. Fulton stated that he had attempted to capture the preexisting oral agreement in the draft contract.

6. Town Manager's Salary and Grade and Step Arrangement (Discussion/Possible Action Item/Possible Executive Session). Layton expressed concern that the Town Manager received a step raise in the spring without a completed evaluation.

7. Payroll Policy and Procedure (Discussion/Possible Action Item). Cook said that she was uncomfortable with the Town Manager signing off on retro pay for himself if a mistake is made, and with the fact that electronic payments for payroll are scheduled to be paid on Wednesday whether or not a Selectboard representative signs the warrant. Fulton said that a simple coding error had necessitated a \$23 correction to his pay in the prior pay period, that the Town has a legal obligation to pay employees within 6 days of the end of the pay period, and that the bank requires two days of lead time for electronic payments.

8. Main Street Sidewalk from Hazen Street to Koch Road (Discussion/Possible Action Item). Fulton related that the Fire District sidewalk between Hazen Street and Koch Road was in need of \$28,000 worth of repair and curbing upgrade. Paving of the road in that area is due to begin on Monday, August 3, 2015. The Fire District had offered to contribute \$5,000 to the sidewalk project and turn the sidewalk over to the Town. Fulton recommends against the proposal, since it is not consistent with past practice and sets a precedent. The Selectboard did not accept the proposal. Ashley suggested that Jonathan Vincent (who had left the meeting) be invited back to discuss the broader issues relating to Fire District sidewalks and transferring them to the Town at a future meeting.

Flanders **moved** (2nd Goulet) to adjourn. **Motion passed.** Meeting adjourned at 9:45 pm.

Approved by the Selectboard on August 26, 2015.

Jonathan Bynum

Linda Cook
Selectboard Chair
Next Regular Meeting – August 26, 2015 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.