

Grand Isle Select Board Meeting Minutes August 1st 2022 06:00 PM

I. CALL TO ORDER

Board Members Present: Adam White (Chair), Josie Leavitt (Vice Chair), Jeff Parizo, Couper Shaw, Eric Godin

Community Members Present: Ron Bushway, Rachael Griggs, Melissa Boutin, Suzanne Moquin, Anna Marie DeMars, Esther Blow, Lucille Campbell, Susan Lawrence, Mary Parizo, Kristina Botala, Jean Prouty, Dan Cota, Linda Effel, Randy Gover, Joe Longo, Mike Donoghue, Emily Clark, Mitchel Richardson, Shannon Bundy

Board Members to Amend Agenda for Matters Not Listed:

Jeff-Education Tax Rate/CLA

II. GUEST OPEN COMMENT- None

III. REVIEW AND APPROVE MINUTES

Adam's Edits to the 7/18/22 minutes:

- Misspelling of Linda Effel and Ellen Paradee's last names.
- Period placement on Part 4, 7th item Highway department, add Racheal Griggs to bullet 9.
- Part 5 Guest:
 - 2nd to last bullet change internal control training to government financing for select boards (was stated as internal financial controls for selectboards at 0:28:57 minutes)
 - Last bullet point Adam: "I think I like stroked, striked" doesn't make sense, rephrase, document who says what
 - Change bullet with section F line 3 to include that there were multiple conversations going on at once, Couper noted, and correct the name of the procedure to Rules and Procedures of the Grand Isle Select Board (was identified as Personnel Policy in previous meeting @ 0:42:05 minutes).
- Part 6 New Business- conflict of interest disclosure change the word 'is' to 'became'.
- FY22 Audit add 'permission to have' communication.

Jeff made a motion to approve the meeting minutes for July 18th 2022 with changes, Josie Seconds the motion.

Mike Donoghue was concerned about the minutes being accurate. He recommended the board review the final version prior to approval of what was rattled off-he wasn't sure if Jessica 'got 'em all'. He described that the law requires that the minutes give a true indication of the meeting and its hard to determine who said what. With the transition from Eric who did a great job, he felt that the select board has to take a couple of extra minutes. 'You're writing the history of the town, and approving it. People are going to come back 5, 10, 50 years and try to figure out what happened and it needs to be pretty clear".

Jeff rescinded the motion to approve the meeting minutes for July 18th 2022, Couper Seconds. No discussion. Jeff Parizo, Couper Shaw, Adam White, and Josie Leavitt approve, Adam Godin abstains. The motion is rescinded.

IV. HIGHWAY DEPARTMENT / BUILDING FACILITIES MANAGER UPDATE provided by Ron Bushway

- No building issues, still waiting for library door to be delivered. Delivery may take a while because some materials are still hard to obtain.
- Brad was off Tuesday through Friday last week, Mike hauled cans from the transfer station, did some roadside mowing, and worked on equipment.
- 2nd pass of roadside mowing is about done, there are still some areas being worked on.
- Equipment is being worked on and greased.
- Line striping is complete- East Shore South, Hyde, the class 2 roads.

V. NEW BUSINESS

Hyde Road Dog Matter

Adam: 2 dogs repeatedly getting loose from residence on Hyde Road. Dogs have been picked up from Adams School Road, Reynolds Road, and US Route 2. Dogs are unregistered with the town. One of the dogs has just had a litter of 12 puppies. Trevor Boutin, the current animal control person has been dealing with this issue, and the previous animal control person Todd Boutin dealt with this as well.

- Dogs were found by individuals on Reynolds Road last Friday, 7/29/22. Trevor picked the dogs up and Adam met with the owners. He provided the owners with the town Dog Ordinance when they came to collect their dogs. They were told about the possible \$400 dollar fine for 2 dogs being off-leash and unregistered.

Link to ordinance: <https://www.grandislevt.org/wp-content/uploads/2017/03/2017-Dog-Ordinance.pdf>

- Thursday night, when the dogs were initially lost, the owners went through various yards with flashlights, yelling up until 03:30 a.m. causing disturbances with property owners.
- The selectboard can issue fines for this. The animal control constable can issue fines. Adam has contacted VLCT to identify how the process for this works, and placed a request 8/1/22 to the judiciary to get Trevor assigned his Judiciary ID number. Once this is set up, he will have a fine book.
- Adam has contacted surrounding municipalities to determine where they keep dogs that are picked up. Currently, Grand Isle does not have a place to keep dogs at large or vicious dogs. This has been an issue for 3 + years. Milton PD provided Adam with a number for a possible place to keep dogs for the town, he is waiting for them to call back.
- The town can fine dog owners, but has no place to keep the dogs until the fines are paid.
- Ron asked if the dogs have had their rabies vaccines. Adam stated that the owners have stated they are up to date, but no documents have been provided.
- Jeff was one of the people woken up. He said some choice words to the owners, who didn't leave fast enough. He was told that his son saw the dogs out again on Saturday, but has no proof.

- Jeff reminded Adam that every time Trevor issues a ticket, he will have to show up to court. The constable's pay may have to be adjusted if there is a large volume and he has to show up in court frequently. The zoning administrator can issue tickets but will have to be present as well.
- Racheal Griggs asked if there is a limit to the number of times that the dogs are captured, if they would be put down if they are not being taken care of. Adam answered that usually the response is monetary (fines).
- Racheal asked what if they [dogs] damage something, or kill someone's animals? Jeff responded that the property owners have every right to shoot the dogs if they attack someone's animals (state statute- <https://legislature.vermont.gov/statutes/fullchapter/20/193>).
- Jeff brought up a state statute that all animals need to be leashed. Adam mentioned dogs do not need to be leashed on personal property or property where the owner has given permission for the dog to be off leash. (Town ordinance describing unleashed or 'at large' dogs: <http://www.grandislevt.org/wp-content/uploads/2016/12/Grand-Isle-Dog-Ordinance.pdf>).
- Racheal stated that she thought the law mentioned that the leash could be voice control. Jeff replied he didn't know how far the law went into that part of it.
- Adam will continue to pursue locating a kennel for housing vicious dogs and runaways.
- Mike Donoghue asked the name of the dog owner. Adam responded that it is Ashley Larrow.

Internal Controls

- Josie and Adam attended financials for selectboards training, they will be sharing the recording and slides with board members. At the training, a speaker listed off policies that will be added to the selectboard list of policies to add.

Education Tax CLA

- Last week Adam sent everyone a notice of education tax rate for fiscal year 2023, it will not be set by the selectboard.
- The homestead education tax rate is 1.5198, the non-homestead education tax rate is 1.6017.
- The municipal tax rate will be set August 15th, and will be added to the meeting agenda.
- Jeff asked Melissa how this (education tax rate) compared to last year. Melissa responded that it is lower.
- Jeff asked the parameters for the low end of the automatic reappraisal numbers. Diane responded that it's 85%. He asked Sue what the high end was and she responded that it was 115%.

VI. OLD BUSINESS

Sign Update

- Josie shared the signs have been worked on, and she thinks they look wonderful. Shannon informed Josie that she is having 'a heck of a time' with the letters.
- Adam stated the letters have warped and fallen off over time, and if Shannon is unable to use them, he will work with an individual to get the letters recut. He also stated that the repairs on the south sign make it look refreshed and elegant.
- Shannon Bundy explained that the letters are too warped to lay flat on the face of the sign. She asked if Adam can have his contact who owns the appropriate equipment cut new letters. He

said yes, if Shannon could drop the letters off to the town office. Shannon will trace the relief in the signs to provide a template for the missing letters. Work on the north sign will hopefully begin 8/2/22. Adam to reach out to Kyle to get numbers for costs to bring back to a future selectboard meeting.

- Racheal thanked Shannon and asked her if it was possible to screw the letters on versus using glue. Shannon responded that the current material used for the lettering should not be screwed in but if the material used for the lettering were different it could be screwed in.
- Linda wanted to know who is going to pay for the sign update. Adam responded he will see how much it costs. She reminded Adam there was a sign contest. Adam responded that there was a motion made for sign supplies. Eric added that the town is paying for this. Linda asked what fund it is coming from. Adam responded that it could come from the general fund. Ron felt it should come out of the select board fund for fixing things, he explained there is a select board maintenance fund. The select board will see what is left in the fund.
- Shannon asked if future maintenance should be done by the highway department (for example staining every 3 years).

IT RFP

- Couper has written the IT RFP: it includes the number of devices that the town has, the response due date is the 5th of September, and that it is for 24/7 monitoring services. Couper used the information from another town's RFP to compose this one and added items that were unique to Grand Isle.
- Josie asked Couper how many people he would be sending the RFP to. Couper responded that he had 4 businesses, and was open to suggestions for additional businesses.
- Adam will send the RFP bid policy, and the VLCT classifieds page for Couper to post the RFP on.
- Jeff added that it could go on the municipality page in The Islander. Adam also added that it could go on the Grand Isle town website.
- Couper to correct the mailing address for the RFP from the town office to the P.O. Box.
- The proposal due date for this RFP will be changed to September 16th, to be reviewed September 19th at a selectboard meeting.
- The contract will go from November to October on the bid.
- Eric mentioned that the contract dates might depend on what the firm prefers.

Adam motions to approve the Request for Proposals for IT services with changes as discussed. Jeff Seconds the motion. Jeff Parizo, Couper Shaw, Adam White, Josie Leavitt, and Eric Godin approve. The motion passes.

Storage policy

Eric spoke with friends who happen to be (not municipal) attorneys, and was told to discard his previous work and start from scratch. He was told to keep it simple and adjust as needed based on town discussions. He read the following Proposed Town of Grand Isle Storage of Personal Items on Town Property Policy:

The town of Grand Isle strives to keep its facilities clean, orderly, and above all safe. To meet these objectives, the town asks that employees and town residents follow the following guidelines.

- Personal items may be stored in designated storage areas within town facilities, such as lockers or personal offices.
- Employees are responsible for keeping personal storage areas tidy and clean.
- Employees are responsible for cleaning out any personal items upon completion of employment. Any items left more than 1 week after employment ends will be considered 'abandoned' and disposed of by the town.
- Personal vehicles not owned by Grand Isle are not to be left on Town property for more than 24 hours without the express permission of the Select Board of the town.
- Any vehicles that are left on town property beyond the 24-hour limit are subject to removal by the town of Grand Isle, and the owner will be subject to a fine for removal of the vehicle, equal to at least the cost of towing.
- Please be advised that the Town of Grand Isle is not responsible for any items lost or stolen from personal storage areas.

Eric was told to keep it simple and adjust as needed because this is relatively uncharted territory for municipalities. He would like to post it to the website so that community members have an opportunity to comment on it and board members can discuss at the meeting on August 15th.

Turn to Joy- Town Garage Evacuation

Jeff stated the owner is still working on it -move to the August 15th Agenda.

NEMRC response to time clock

- Jeff stated that NEMRC does not have a program for time clocks, and different municipalities use different software. He doesn't think it's worth the town investing in this software at this time. He feels that a time sheet that is shared with all of the departments (same format) it would be sufficient.
- Josie and Adam will work on a draft time sheet that all employees of the town would use.
- Adam reviewed current, in use time sheets, and explained the basic differences between them. He described that the Docents at Hyde Cabin, the transfer station employees, the highway department and town office employees all use time sheets.
- A draft time sheet will be distributed to selectboard members sometime this week for review. Adam would like to discuss and approve it at the next meeting August 15th.
- Ron asked the protocol for time sheet delivery. Adam responded this process needs to be written down clearly.
- Jean Prouty, president of the historical society explained that the term docent is not used anymore, and the Hyde Cabin employees prefer the term Tour Guides. She explained tour guides bring time sheets to Melissa.
- Eric would like department heads to sign time sheets. Jeff added that the department heads should be asked to attend a meeting after the time sheets are approved and work out a system to get signatures prior to submission.

- Sue mentioned that elected persons are their own boss, and that she does not sign off on anyone's time sheet. She agreed that she is willing to use the town time sheet and explained that she doesn't get comp days or sick days. Because time sheets are being submitted on different days and elected persons in the listers office don't have a boss, who will sign the time sheets? Adam responded that there will need to be a discussion regarding this.
- Jean asked the frequency that town employees are getting paid (for example weekly, bi-weekly). Melissa explained that there is not a universal pay period, but employees are paid weekly or bi-weekly based on employee preference, and could possibly receive a check the same day they submitted their time sheet. Selectboard is paid annually, DRB is paid stipends.

Fiscal Year 2022 end of year draft numbers

- Have been provided to board members for review
- At the August 15th meeting FY 24 budgets will be discussed.
- Board members were asked to look for irregularities and reminded to be realistic about revenue.

Bonnie Batchelder- Auditor request for Minutes/action/motion from session

- Jeff is unable to find any documentation where the selectboard came out of executive session with a motion on overtime.
- Adam stated that there are many instances that the selectboard went into executive session and didn't provide any information of the outcome of the session.
- Melissa mentioned that there were multiple instances over multiple years, where there wasn't an existing policy in place, where there were executive sessions where she asked to be compensated for her over time. It was approved whether or not it came out of executive session being noted that way. The warrants were all signed off by the board members.
- Adam responded that some of the overtime was covered by the FEMA and COVID grants.
- Racheal mentioned that there were around 3 executive sessions, and a motion had been made during executive session which is illegal.
- Eric stated motions would have been made when they came out of executive session.
- Adam responded that the documentation did not provide what was decided in executive session, but he does feel there could have been a general understanding.
- Diane stated that the selectboard agreed to the overtime due to extra work load.
- Jeff asked what communication he should have with Bonnie regarding the overtime. Adam responded that during the time period in question, there were several occasions that the board went into executive session, a few times it was noted that Melissa attended, but unfortunately it concluded with no decision made.
- Rachael stated that it was agreed that Melissa would be paid overtime in executive session.
- Eric responded that the warrants were signed by the board and the chair and that is all that's needed to prove the select board authorizing Melissa's overtime.
- Rachel provided the Dec 2 2019 outcome from executive session "Jeff Parizo motions to authorize the town clerk Melissa Boutin to move forward with a personal matter". The motion was not about overtime, but it was discussed at that meeting.

- Jeff found 7 instances in his minutes with no decision, Melissa attended a couple of times. He explained they were doing executive sessions quite a bit, they weren't doing it right, and he knows that now.
- Anna Marie suggested that moving forward decisions should be documented somewhere. Without it written down, there is no proof.
- Mary wanted to know the dates of the meetings that Rachael has in her minutes that might be helpful for the selectboard to review the purpose of the meetings.
- Racheal Griggs stated that no motions were made except the one that pertained to that time period. She thinks an agreement was just made with Melissa.
- Jeff agreed that the chair signed the warrants, with the authorization of the whole board.
- Eric agreed that he was not indicating culpability of the chair.
- Josie stated that the statute says minutes of an executive session need not be taken... but shall be exempt from public copying and inspection under the public records act. A public body may not hold executive session except to consider the following: employment stuff. Executive sessions are had, talked about and not recorded.
- Adam agreed that minutes do not need to be taken but the general direction forward should be included.
- Josie replied that sensitive issues can be communicated without giving specifics, because to do otherwise would defeat the purpose of going into executive session.
- Adam agreed, and added that it should be a case-by-case basis and when appropriate documentation should be made. He reiterated Mike Donoghue's point that it is a record of the town.
- Linda addressed the Dec 2, 2020 executive session, within a month she was presented with a separation agreement post brain injury, it had nothing to do with overtime. At that time Melissa had Linda's help 2 days a week and Sue Moquin's help 3 days a week. She questioned where the overtime is coming from.
- Eric explained that it has been determined that the 12/2 discussion was not pertaining to overtime. Rachael was using that as an example of when there was a motion notated in the minutes after an executive session.
- Mitchel asked if executive sessions needed to have a vote and some minutes to make them legal.
- Eric explained that he thought that it had to be notated on an agenda that the selectboard is holding an executive session. He is not certain if there is a requirement for a generalized heading for what it is, but the select board usually does. Normally it will say 'personnel issue'.
- Mitchel explained that he was not referring to the heading, that he was referring to the outcome of the executive session available to the public.
- Eric responded that usually a decision is made in executive session, then when the select board comes out of executive session, they make a make the motion in public.
- Michael reiterated that state law does require that you do affirm any agreement that is made in closed door sessions. Any votes taken need to be affirmed in public with a motion, and a second.
- Jeff explained that this was where the ball was dropped with regards to documentation and providing the public with the information once an executive session agreement had been made. It's not about the discussion in executive session, but it is important to provide documentation

of decisions made in executive session. Jeff will send the response regarding the absence of documentation of the executive sessions from that time period to Batchelder & Associates.

- Adam explained that Brad informed him that the old comp book was lost in transit when the old garage moved to the new garage. Brad had disclosed this information a few weeks prior to Bonnie asking for it at the meeting. This was known and relayed to Bonnie in time.
- Jeff asked if he should communicate that to Bonnie Batchelder, Adam responded that he did on July 19th and cc'd all members of the select board.

Batchelder & Associates Audit Update- No updates

Town Treasurer- Discussion of OT pay

- Jeff wanted to address the attorney opinion that going forward, there should never be overtime pay.
- Josie corrected that the attorney stated that if you are elected there is no overtime pay, if you are appointed you do get overtime.
- Adam responded that both town clerk and treasurer are elected.
- Anna Marie asked if Melissa is hourly or salaried. Melissa responded she is compensated hourly, the two times that she was paid overtime were a personnel issue and COVID.
- Ron asked when compensation changed to hourly because he believed that the town clerk was always paid on a salary. Melissa explained that she was always paid hourly. The last time Melissa took overtime was January 2021.
- Jean asked if a work week was 40 hours, and if it is why are people receiving comp time after 37 hours.
- Eric believes that statute states that if over 37.5 hours is worked, it's full time and has to be eligible for full time benefits. Jean replied she wants to make sure overtime is hours worked over 40 hours.
- Melissa explained that any time she worked overtime, it was over 40 hours. Any time it was 37 hours worked and 3 hours comp time, it was either a mistake or caught later. Jean explained that her conclusion from researching state and federal labor information is that overtime is paid after 40 hours. Pay is straight time until 40 hours is worked.
- Jeff communicated with the town attorney who informed him that our town treasurer and town clerk are elected, they are not subject to the Fair Labor Standards Act- overtime rules would not apply, even if greater than 40 hours are worked per week.
- Adam explained that it appears that Melissa had been consistently been working overtime, asked the board to get paid for the overtime, and the board said yes but never documented it anywhere.
- Eric and Couper asked if the board is even allowed to grant overtime to elected officials.
- Jean explained that terms of pay may not be changed for an elected official until the end of term, when it can be renegotiated.
- Adam responded this is correct, but he doesn't think in this case the terms of pay are different, but it will be looked into.
- Joe asked if Cheryl is was paid hourly or salaried. Anna knows Fay had salary, and thinks Cheryl had salary, but she can't say for certain.

- Adam will speak with the town attorney to find out if the select board is allowed to grant an elected official overtime.
- Ron spoke with Cheryl and she informed him that she was salaried and never paid herself overtime.
- Bonnie to be contacted about hours above 37 per week being paid as comp time, the board would like clarity on how overtime was paid.
- Josie reminded everyone that the entire selectboard from 2018 to 2020 all agreed to have the chair sign the warrants. All of this information was included in the warrants. The best record that is documented is that the entire selectboard approved those payments.
- Mitchel thinks that the key questions Bonnie had at the last meeting need to be answered. Adam agreed, and Jeff will provide Bonnie with an update.
- Emily Clark explained that payroll services are not expensive and suggests the board investigate using one.
- Anna Marie wanted to know if comp time and overtime are different. Eric explained that they are, comp time is used if you leave early to cover the remainder of your shift, paid in straight time.
- Jeff wants to know what is supposed to be done going forward, he doesn't want to go back and make Melissa pay anything back. He explained that when he looks at the warrants he can't tell when overtime, sick time, vacation or comp time is used. Jeff explains that when the warrants were signed, they had no idea what they were really signing, it just looks like paychecks.

VII. REVIEW AND SIGN WARRANTS

- Adam asked Melissa to confirm that \$20,000 to Bonnie Batchelder is the second of 3 payments. Melissa provided the invoices.

Jeff motions that we as a select board authorize the select board chair to sign the warrants. Eric Seconds the motion. Jeff Parizo, Couper Shaw, Adam White, Josie Leavitt, and Eric Godin approve. The motion passes.

VIII. ADJOURNMENT

Eric motions adjourn the meeting at 7:36 p.m. Couper Seconds the motion. Jeff Parizo, Couper Shaw, Adam White, Josie Leavitt, and Eric Godin approve. The motion passes.