

Bakersfield Special Meeting of the Select Board
Tuesday, January 25, 2022
7:15pm

Meeting was called to order at 7:15pm by Josh Goss.

Members present: Joss Goss (chair), Brenda Churchill, Lance Lawyer, Terri Gates

Members absent: Gary Denton

Residents/Guests attending: Larry Westcom, Heather Tanner, Dan and Katie Forand, Rosalie Williams, Tod Cosgrove, Bernard Machia, Savannah Riddle, Linda McCall, Tonia Raftery, Robert Tanner, Dave Westcom, Danny Goss, iPhone, Sdeuso, Deanna and Rodney Allen, Mark Allen, Cheryl Irwin, Sharon and Pat Evans, Tami Brennan, John West, Mac Newitt, Lisa Maynard

Josh said that we are trying to address the inaccurate warning on the 19th. We will be going over the minutes from the meeting. The first order of business was to discuss Employee wages for the Road Crew, and we started with a presentation from the Road Crew. They started by saying when their last raise was and asked for the 10%.

Tod said that in the minutes it mentioned a proposed increase that they were supposed to get in 2020 and 2021. He asked the board if the proposed 3% increase for salaries was ever approved because if that was ever voted on and if that was approved in the budget, then we should be paying them what we approved. He said based on Fair Labor Laws, that is required. Josh said that was discussed when we were trying to get on the fiscal year budget. Lance said that it was discussed in 2020 as part of the purposed budget when we were trying to get the town to vote on the next fiscal year and it was shot down by the townspeople.

Josh said at the 2020 mark we started having the guys pay 20% of their health insurance. Last night, we went over the figures for the raise and went through the insurance for vision and dental. Lance said to cover all three employees for vision and dental was going to cost \$1576.80 total. Josh said that the motion was made, seconded, and passed 3-1. Josh said that at that part, my calculations were made, and numbers were put into the actual budget.

Terri asked if the 3% match for the guy's 401K is off their gross pay. Lance said the town will match up to 3% of what the guy's contribute, so the estimate of what they would match if the guys contributed 3% of their gross income including an assumed average of 200 hours of overtime, the board calculated would be \$5548.15, so the total for all three would be \$23,048.00.

Tod asked the board if they had given any thought of making a 3-year compensation plan for the guys so they would know what to expect and raises could be negotiated and planned so you would know ahead of time something that you all agreed to would be more gradual and not 10% all at once. Tod said that U.S. wide the cost-of-living raises are between 3%-5%, for this one year. Mark said we lost 4% when we started paying for insurance and then no raise

in 2020 and no raise in 2021, so we are not getting a 10% raise. Tod said that contracting raises ahead for a 3-year period, so these guys get their raises, would be fair to them to do something like that. Tod said that he hates to say it, but the climate of the world and Covid kind of set things aside. Terri said that this is the worst year for a lot of people, some people lost their jobs in this town, and some are still not up to their normal paycheck and now they are asking 10%. Tod said that a lot of people are on a fixed income. Josh said the tax rate that is for the town is $\frac{1}{4}$ of what your tax bill is. Josh said that he knows there is sticker-shock. He said that he has it because he lives here too. He said looking at it and actually calculating how much of that is coming to your town is kind of sickening really. The School District is asking over for \$18,000,000.00 for their budget and we have no say in that. Terri said we should have a say.

Tod said that when you compare the crew's wages to other towns, they are higher. Dave Westcom asked if he could speak to that. He said that the Village of Enosburgh Road crew makes a whole lot more and they have these little paved roads to take care of. Lance said that Bakersfield has a lot more road. Lance said that A Dewey Pile is advertising on FaceBook and has a starting pay of over 31.00/hour. Tami said that right now, Hannaford is hiring people to fill To Go orders, where they get a list and go up and down the aisles and put the items in a bag to be picked up by the customer and they are making \$20.00/hour to start with benefits. She said that Mack has been working here for 30 years, Mac said 42, and is making around \$24.00/hour is pathetic. Dave Westcom said that 10% may sound like a lot but they didn't get 3% or 2% each year. The town actually saved that money during those years by not giving them a raise. And the town did cut, and the guys started paying 20% of their insurance, so the town was saving that money too. So, this year we see 10% but we actually saved money to make that up. Lance said that up until last year, the town of Bakersfield paid 100% of the Employee Insurance and starting last year, the employees pay 20% of their insurance. And Mac said that is odd compared to a lot of towns who pay 100%. Tami said yes that she had done a survey of that, two years ago, and got information from neighboring towns and most paid full benefits for their Road Crews. Terri said that is not odd for most employees. Tami said it was very odd because out of 3 pages, only a couple didn't pay full benefits. Josh said that what Tami was saying is that it is uncommon among municipalities and Terri is saying that it is not uncommon among taxpayers.

John West said that when he heard what the town crew made, he was really surprised. He said you have a Road crew boss making almost exactly what the crew makes. Usually, the supervisor makes more money because he has more responsibility. He said that he was very shocked at that. He said not saying anything against the crew, but usually there is a difference. Josh said that happened before he was on the board. Tod said that new employees usually start higher so in the long term they catch up to those who have been there longer faster.

Josh said it would be good to get something set up and put our heads together of what's fair and bring it to the Select Board meeting. Mark said that sounds fine until it gets shot down.

Josh said that it was just discussed yesterday how much better the roads have been maintained the last 2 years. He said some may disagree and some of them live on Main St., but as somebody who regularly travel all the roads, they are much better. He said that the positive things are not often brought forward but just the negative, everybody is ready to s*** on people.

Mary Lumbra spoke and said that if a lot of people lived where she lived, they would really appreciate this road crew and they should be treated accordingly. Savannah Riddle said in the chat box that the road crew does a great job, and they deserve the raise. She said that we dropped the ball in previous years and it's just what needs to happen. She said that she agreed with a plan for future increases. Savannah also pointed out a mistake in the minutes for the meeting on the 19th...the NWSWD is requesting \$1,400.00, not \$14,000.00 as it is stated in the minutes. Yikes!!

Larry Westcom said in the chatbox that there are not too many people that don't have to pay anything for their benefits. Lance said that the Road crew pays 20% of their medical plan premiums. Mark said that the town of Bakersfield does not give family plans and that has not been opened up. The board said that if Mark wanted a family plan, he would need to negotiate that with the board. Dave Westcom said that even though many of us pay a portion of our insurance, many of the places that we worked had family plans and they were included.

Tod said as a caution people should just come to all meetings whether it's warned as Executive session or not. The board said that there will be no need to warn executive session since they can go into executive session if they need to anytime.

Josh asked Brenda to address Tod's question about the Open Meeting violation with her findings in consulting VLCT and the Secretary of State's office.

Brenda said that she took Tod's premise that we had not warned the meeting properly and excluded people that may have wanted to be included in a discussion. The VLCT attorney wrote back that the board was not in violation of Open Meeting Law, even if Executive Session was warned. Brenda read the email quote from the attorney as follows...

Hi Brenda, Based on what you told me, I don't think the board violation the open meeting law. Generally, executive session is something the board may, not must use. Even if executive session was an agenda item, that doesn't compel the selectboard to vote to enter executive session. The board has some discretion on how and when it takes up agenda items. I've also attached some documents that assist in dealing with open meeting law complaints. Please read the cover memo first. Cheers, Carl Andeer, Staff Attorney II, Vermont League of Cities & Towns

Brenda said that we could have worded the header for the meeting better, but we didn't need to go into executive session. She said that she was told that they don't usually handle complaints at the Secretary of State's office and that she was sent a 'Complaint Form' that can be filled out and a 'Response to the Complaint Form' to be handled locally.

Josh said that the \$23,048.00 includes the raise, the vision and dental insurance, and the estimated 401K contribution and, when calculating, he was using the amount of rise quoted on \$30,000.00, because the estimator doesn't go low enough for \$23,000.00, the rise in taxes would be 2.5 cents/100.00, so on a \$250,000.00 house, the increase would be \$63.50 increase for the taxpayer. And that's based on 30,000.00, so it would be less than that, since our number is \$23,048.00. And Josh said that's to keep a town crew. He said that there are town's that are having trouble and operating on skeleton crews. He said that right now, Sheldon is trying to hire for their crew.

Somebody asked the board if the Road Crew could watch the amount of Overtime they do. Josh explained that the overtime is 100% dependent on the weather. The crew hardly has any overtime in the summer except for storms. Mac said that Mark gets a couple of hours because he needs to start the Chloride early. Lance said that the FEMA disaster overtime was covered under FEMA. The person asked if they start early can they end early. Mac said they already stop after 8 hours if they can do so, but that depends on the snow and weather.

Josh spoke to the zoom attendees and said that the board would prefer that if you are on the zoom call that you use the zoom system. We understand that you are frustrated with the system but if you call up on a phone, you can't be heard by all and recorded. For this meeting the number is 646-558-8686 and the passcode is meeting ID# is 88439170923.

Tod thanked the board for allowing us to have an open discussion. Mac thanked Tod for his suggestion that we have a plan for gradual increases in wages.

Ambulance Service Agreement-

Lance made the motion that the board accept the 5-year Enosburg Ambulance contract as rewritten to include a renewal contract proposal, 6-months before expiration, for negotiation of contract renewal. Brenda seconded the motion and the motion carried with a vote of 4-0.

The board requested that anyone who is interested in being appointed Road Commissioner, to come to the first Select Board meeting after Town Meeting to be held on March 14, 2022.

Mark asked if we had a job description for Road Commissioner. Mac said that they didn't finish and adopt the Road Commissioner Job Description. Lance

said that they discussed it and according to Mac, we didn't sign it. Mark said that you can't really hire a Road Commissioner without telling him what he has to do.

The 2022 Expense for salaries was \$185,000.00, which does not include the 401K added expense so they added \$5,550.00, which assumes that all 3 employees will contribute at least 3% of their salary as a 401K contribution and that would then be the town's matching contribution amount. If the employees contribute less, then the town's matching contribution amount will be less. This would bring the total for salaries to \$190,550.00.

Brenda made the motion to adjourn, the motion was seconded by Lance, and the motion was passed with a vote of 4-0.
The meeting ended at 8:25pm.

Meeting minutes recorded by Tami Brennan.

