

TOWN OF MIDDLEBURY
Policy Review Committee
Meeting Minutes – January 26, 2018

In attendance

Committee members: Donna Donahue, Gary Baker, Beth Dow and Chris English

Chris called the meeting to order at 8:00 a.m.

Approval of January 12, 2018 Meeting Minutes. Gary moved to approve the minutes of the Committee’s January 12th meeting, with a second from Donna. Unanimously approved.

Review Revision to Selectboard Recommendations Regarding Personnel Policy. The Committee reviewed and approved the following addition to the recommendation regarding phasing out the Sick Leave Buy-Back provision in Section 20:

In arriving at this decision, the Committee concluded that a clear distinction exists between the Sick Leave benefit, which is intended to be used for employee and/or family illness or injury and the Vacation Leave benefit, which enhances employee wellbeing and improves productivity. However, while it has been shown that Sick Leave ultimately reduces employee absenteeism, it is only effective if it is used. By its very nature, it can be argued that the buy-back provision disproportionately rewards employees who, by luck or natural disposition, don’t get sick during the year.

Chris noted that, now that the recommendation had been approved, he would begin working on a summary the proposed revisions to the Personnel Policy in preparation for the presentation to the Selectboard on February 13th. Donna asked whether the recommendations should be reviewed by Town counsel prior to the Board meeting. Following discussion, the Committee agreed that the recommendations are just that, and legal review isn’t really necessary at this point. Should the Selectboard agree to look into implementing the recommendations, there will be a point at which an attorney review would be appropriate to ensure that any subsequent proposal is in compliance with Federal and State employment law.

Discuss Draft Selectboard Policy Statement Regarding Support for Policies Established by Planning & Zoning Director. Planning & Zoning Director Jennifer Murray joined the meeting to review the following draft policy statement that she had prepared:

The Middlebury Selectboard grants authority to the Director of Planning and Zoning to create and maintain a Procedural Manual related to the administrative functions of the Department of Planning & Zoning. (This Procedural Manual is subject to periodic review and approval by the Policy Committee?) In no case shall the Procedural Manual duplicate or supersede the procedures outlined in the Zoning and Subdivision Bylaw or the discretionary powers provided to the Administrative Officer under V.S.A. Title 24, Chp. 117.

The Committee approved the policy statement, but decided to strike the sentence regarding periodic review, since all Selectboard policies and supporting procedures should be subject to a biennial review process. Revisiting a discussion from one of the Committee's early meetings in 2015, the Committee reaffirmed that each Town department should ultimately develop its own procedures manual the Town Manager should be the ultimate approver for all departmental procedures and that a formal schedule for reviewing procedures will need to be developed and managed (probably by the Town Manager's Office).

Discuss Beth's Findings Regarding Governing Authority for Setting Town Fees. Beth reviewed her research into various municipal fees and who has the authority to set them. She handed out a list of Town Clerk Fees set by the State, noting that the fees are considered "base fees," and that individual Clerks Offices are at liberty to increase them, if needed.

Beth also noted language in § 127-104 of the Town Charter that grants the Town authority to require "the apportionment of part or all the cost" associated with "the installation of new water lines, new sewer lines and the equipment necessary for their operation." Beyond this broad reference, she said, there was no specific language in the charter regarding setting fees.

Donna suggested that a blanket policy statement be drafted, stating that any municipal fees not specifically established under statute shall be set by the appropriate Department Head, with approval from the Selectboard. Chris will work on a draft statement for review at the Committee's next meeting.

Preview Public Safety Policies. While Public Safety is the next section in the Town's Policy Book, Beth suggested that it might be helpful to tackle Public Works policies next, since Dan Werner and Bill Kernan may not have much time to meet with the Committee come spring. The Committee agreed and will begin discussing the Public Works policies at the next meeting.

The Committee will meet next on Friday, February 16th @ 8:00 a.m.

The meeting adjourned at 8:50 a.m.

Submitted by:

Chris English
Assistant Town Manager