

**Town of New Haven Special Selectboard Meeting**  
**7:00 pm**  
**Wednesday, July 27, 2016**  
**Town Offices**

Present: Chair, Kathy Barrett, Vice Chair, Steve Dupoise, John Roleau, Doug Tolles, Jim Walsh, Treasurer, Barb Torian and Clerk, Pam Kingman

Visitors: Dan Morse, Dean Gilmore and Mark Livingston

The Special meeting was called for the purpose of restructuring the Highway Department.

John Roleau made a motion to go into executive session at 7:00pm to discuss client / attorney privilege related documents. There was no second at this time.

Doug Tolles made a motion to discuss the content of in specific documents that Attorney Hill and the attorney Doug spoke to through VLCT and PACIF, said documents relating to restructuring the highway dept. should be kept confidential as they are protected by attorney-client privilege so should be in executive session. Jim Walsh seconded the motion to move into executive session.

Kathy Barrett said Doug was not authorized to contact another attorney, usually there is a point person appointed by the whole Board. At the July 5, 2016 Selectboard meeting, Doug volunteered to consult with Cindy Hill and John Roleau. Doug said because he speaks with attorney Hill daily, John had asked him to confer with Hill about the matter. No one objected.

Kathy Barrett said she didn't feel they could discuss restructuring the dept. in executive session, but personnel you can. Steve Dupoise agreed with Kathy.

Doug repeated that the motion to go into executive session was for the board to discuss attorney-client privileged documents that Doug had in his possession.

Barb Torian, as Treasurer and a member of the public, asked if they could talk a little about the restructuring.

Doug would like the whole Board to be able to view the legal documents in executive session.

Discuss what can and cannot be in executive session.

Vote on Doug Tolles motion 3 yes / 2 no (Barrett / Dupoise)

John Roleau made a motion to move into executive session at 7:06 pm to discuss the documents from the attorney and personnel. John would like the executive session to include Dan Morse. Motion seconded Doug Tolles. 5 yes / 0 no

Doug Tolles made a motion to come out of executive session at 8:13 pm, seconded by Jim Walsh. 5 yes / 0 no

Doug Tolles made a motion that the Selectboard of the Town of New Haven vote to restructure the Highway Dept. as detailed on the "New Haven Road Dept." sheet, which is attached as a part of these minutes. The page details the new highway department structure, which entails eliminating the Road Foreman's position and the Assistant Highway position, effective immediately. The Town of New Haven will make severance payments to Jeff Terry in a lump sum for four (4) weeks of pay, plus whatever other pay including sick time and vacation time he is entitled to. The Town Of New Haven will offer to fully pay for 3 months of all health insurance benefits. Katie Reilley will receive \$600 lump sum payment. This will all be part of this week's payroll, to be paid next week. Motion seconded by John Roleau.

Kathy Barrett made an amendment to the motion, to break them into two separate motions, one for restructure and the other for the severance for the positions being eliminated. Motion seconded by Steve Dupoise.

Kathy feels they are talking about two separate issues.

Doug does not see the benefit of breaking the motion into two.

Kathy said they are being overly generous with Jeff Terry and extremely stingy with Katie Reilley. Steve Dupoise agreed, it should be equal. John Roleau said to give Katie \$1,600.

Vote on Motion to separate the two issues 2 yes / 3 no (Roleau / Walsh / Tolles)

John Roleau made a motion to amend the original motion to pay Katie Reilley \$1,600, seconded by Doug Tolles. 5 yes / 0 no

Barb Torian asked if anybody had run the numbers of what this will cost, or what the cost of a working Road commissioner will be. She is concerned with the new Workers Comp rules in place, that sub-contractors are temporary positions, and you have to be

careful how this new person will be hired. She added the Selectboard does not have control over sub-contractors.

John Roleau said the idea was to not have a Road Foreman, Road Commissioner and an office assistant. They need to narrow three positions into one.

Barb Torian wants to make certain we legally move forward. She wants to be sure they are making the right decision.

Doug Tolles made a motion to amend the original motion to include dental insurance with the health insurance. Motion seconded by Jim Walsh. 4 yes / 1 no (Barrett)

Steve Dupoise said Barb Torian has some legitimate questions, and they should be answered by our town attorney. John Roleau for the time being will still act as the Road Commissioner. Kathy Barrett is concerned with subcontractors. Subcontractors are defined differently by the IRS, Workers Comp Insurance, and VT unemployment. We have to be very careful in writing the contract were there to be one.

Vote on the original motion to restructure the Highway Dept. 4 yes / 1 no (Barrett)

### **Next Steps:**

John Roleau will take Barb Torian's advice; he would like to form an informal ad-hoc subcommittee to find out what they can and cannot do to hire a consultant. He will continue as Road Commissioner, and Dan Morse will be his assistant. Doug Tolles thought the employment attorney he spoke with that works through VLCT could address Barb concerns. Steve Dupoise agreed, but would also like Town Attorney Cindy Hill to address the concerns.

Doug Tolles said the attorney VLCT recommended said he has ok'd the proposal, and if anything happens it would fall back onto that attorney. Barb Torian is concerned that because this attorney wasn't hired by the town, he has no allegiance to us. Doug insisted he is part of PACIF, so there is nothing to worry about.



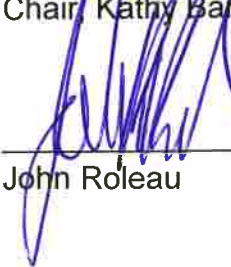


Subcommittee members will include: Dan Morse, John Roleau, Barb Torian and Steve Dupoise.

Barb Torian raised concerns about grants that Katie Reilley has been working on, who will take on that work? John is hoping the rest of the office staff will pitch in and help.

Doug Tolles said if John has a potential candidate for the position, he would like the Selectboard to talk to him. Steve Dupoise said we need to go through the process, getting advice on how to proceed. Discuss if the job needs to be advertised. Again, the subcommittee needs to talk to the town attorney.

The next scheduled meeting is on August 2, 2016.

Adjourn: 9:01pm  
Respectfully submitted:  
Pam Kingman  
Approved:

 Chair, Kathy Barrett	 Vice Chair, Steve Dupoise	
 John Roleau	 Jim Walsh	 Doug Tolles