

NP&EDC Executive Session #1
Minutes
Thursday, February 23, 2023 at 4:30pm

Convene in Open Session:

Chair Longacre called the meeting to order at 4:33pm

Establishment of a Quorum:

In Attendance:

Commission:

Mary Longacre
Seth Engelbourg
Dave Iverson (4:45pm)
Dawn Hill Holdgate
Wendy Hudson
Nat Lowell
Barry Rector
Joseph Topham (4:41pm)

Staff:

Andrew Vorce, Director of Planning
Leslie Snell, Deputy Director of Planning
Megan Trudel, Land Use Specialist

Approval of Agenda:

Barry Rector moved to approve the agenda and to enter Executive Session, not to return to Open Session under this posting, noting that a separate meeting has been posted for the 5:00pm Open Session. The motion was seconded by Seth Engelbourg and the motion carried UNANIMOUSLY.

Executive Session: Reason 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel:

Director Vorce informed the Commission that there was a single applicant for the Transportation Program Manager, T. Michael Burns, and that he has extended him an offer to begin on March 1st. Director Vorce went through the terms of the contract and explained to the Commission that this position was previously a Union position that was released after the hiring of former TPM Patrick Reed.

There were no questions regarding the terms of the contract, there was no opposition, and the Commission was supportive of Mr. Burns' return in this role.

Chair Longacre read the following to be considered for a motion:

1. Motion to acknowledge and respond as follows in regard to negotiations with nonunion personnel regarding the Transportation Program Manager:
 - a. Acknowledge the email from the Town Manager dated 02-21-23 related to nonunion personnel summarized as follows:
 - i. The Town Manager suggested that the NP&EDC does not have authority to approve a contract for the Transportation Program Manager position, she proposed

a number of contract changes, she expressed concerns about the proposed salary, she requested that the NP&EDC refrain from approving a contract and instead rely solely upon the offer letter as an employment agreement, and she requested a discussion with respect to salary and benefits with no specific timeframe.

- b. We find that it's critical to fill the position as soon as possible with the applicant. We make the following determinations regarding the Town Manager's suggestions, and we authorize the Chair to respond on our behalf, if necessary, as follows:
 - i. The NP&EDC asserts its right to retain experts funded through grant sources it receives in accordance with longstanding practices, including but not limited to the issuance of employment contracts with the Director and Deputy Director of Planning.
 - ii. The NP&EDC notes that the portion of a legal opinion from Town Counsel included within the email is irrelevant as it applies to municipal positions, not positions with Regional Planning Agencies.
 - iii. The NP&EDC made some of the requested contract changes, with the exception of vacation time (remains at 5 weeks to off-set the increase in hours from 35 to 40), commuting expenses (it is understood that this is a taxable benefit and although it is represented that it is not in other current contracts, we understand that a policy is being developed and this matter can be addressed in a future contract if necessary), and termination language (this language is consistent with the two existing employment agreements approved by the NP&EDC, and moreover, is a fair and reasonable practice).
 - iv. The NP&EDC determines that the proposed salary is fair and comparable to the hourly rate paid to Mr. Burns prior to his departure in 2020. When and if a compensation and classification study is completed and available for review, the NP&EDC will consider the information contained therein and work cooperatively at that time.
 - v. The NP&EDC asserts that time is of the essence and this important position needs to be filled now. For the reasons stated above, we do not accept the request for a discussion about salary and benefits or recommendation to rely solely on the offer letter as an employment agreement.
- c. Accept the employment agreement as presented and conclude negotiations regarding this position.

Barry Rector moved to accept all points as stated by Chair Longacre. The motion was duly seconded by Nat Lowell and the motion carried UNANIMOUSLY.

Adjournment

Barry Rector moved to adjourn the NP&EDC Executive Session. The motion was duly seconded by Seth Engelbourg and the motion carried UNANIMOUSLY.

Meeting adjourned at 4:55pm