**Selectmen’s Public Meeting Minutes**

**October 5, 2022**

**7:14 PM Quinlan** called the meeting to order and recited the Pledge of Allegiance. **Quinlan** stated that the reason the Library Trustees were called in tonight was because a decision that the Selectboard made back at the end of August was made incorrectly. After consultation with Town Counsel, both in a written letter and in conversations had, it’s come to light that the relationship we’ve thought we had with the library isn’t quite what it actually is by law. Traditionally, we’ve been treating the Library Trustees and the Library as something akin to another department of the Town. The relationship is different as outlined by our town lawyers. The Trustees came to us to suggest making a change to the salary and/or hours of some of the library employees. This is not within the purview of the Selectmen. The Library Trustees have sole authority and responsibility for changing the compensation that they give their employees. The Town has fiscal oversight, but not operational oversight over the library. At Town Meeting the Trustees should be coming to the Town asking for a lump sum to run the library and the details of how the library is run is up to the Trustees. The decision we made at the end of August when asked to change the hours and salary of the employees was wrong. The Trustees have sole authority to change the compensation and/or employment status of their employees, but they have to provide for that from their own portion of the budget. If they feel they need means above and beyond what they have in the budget, they have the right to come to the Selectboard and ask for supplemental funds. As of right now, in order to be procedurally correct, we do not have the authority to do what we did. We have no choice but to rescind that decision and we leave it to the Trustees to make what adjustments they feel correct. **Esposito** motioned to rescind the decision of the increased hours for the two employees of the Library retroactive back to August 26, 2022 and rescind the medical insurance for one employee. Amy White asked for clarification; is the Selectboard planning on deducting pay from these employees? **Esposito** said the money would have to be rescinded to the Town. White asked if the Trustees decide to reinstate the increased hours and/or increased pay, do we bring that to Joan? **Quinlan** said they can make that decision if they can cover it in their own budget; if they can’t cover it, they would have to come back to the BOS to ask for supplemental funds. **Esposito** disagreed. They control their payroll and what they pay their librarians, assistants, etc. It has to stay within their total budget. Next year, at Town Meeting, they can put in for vote whatever increases they feel they need. White said it’s a bottom-line budget; next year, they will have a bottom-line budget with no detail. **Quinlan** stated that yes, by law, it does not have to have the detail. White asked if they elect to reinstate the hours and/or pay increase covering it with their own budget, do they come to Joan with those numbers to work that out? Joan answered yes; the other issue at hand is that one employee is now insured through the town effective October 1, 2022. She needs to work 30 hours a week in order to be eligible for insurance benefits. The Board just put her back to 25 hours so she no longer qualifies for medical insurance. **Esposito** said they cannot go over their bottom-line number of $146,670. Bonnie said the balance left in their budget would not cover that employee’s medical insurance. Cindy Raspiller asked is the Board suggesting that the employees not be paid for the hours that they worked since Aug 26th that were in excess of the hours that were actually budgeted? They have two employees now who were told that the change was effective August 26th. We are halfway through October; presumably they actually worked the hours they were told they should work. Is the Board suggesting that they not be paid for those hours? White said the extra hours that these employees worked, 5 for one and 10 for the other, for five weeks straight – they are not supposed to be giving those funds back to the Town. Because clearly, the Board would never ask for an employee to work, be told they could work to be paid and then say that they have to give it back because the Board made a mistake. **Brown** said that would be illegal. **Esposito** said they aren’t asking for the employees to give it back; the library needs to give it back. White said you’re asking the library to give it back when the Board made the mistake? Bonnie said they very tightly budget. They don’t have an overtime line; overtime isn’t approved. All these hours that were worked and paid for are well above what was budgeted for the year. Bonnie’s biggest concern is the insurance for JoAnn; she went off her family insurance to take the town’s insurance. **Esposito** said that she is covered through the month of October. It wasn’t in the budget; you cannot exceed budget numbers except for emergencies. White stated that the Board in good faith made a decision. The Trustees acted upon it and gave information to their employees who then made decisions for their family based on insurance/health care for their family. They have been compensated. The Board has now learned that they made a mistake. That does not mean that their family should now be in peril without healthcare nor should their budget be in peril because the Board made a mistake. **Esposito** made clear that it was not a unanimous decision. It was done wrong; he had said it was done wrong from the start yet it was still done. White said this is a democracy; a 2-1 vote is a decision made. **Quinlan** said they should not have anything taken away because it was authorized. Raspiller stated that when they came to the Board in August, Raspiller feels in her opinion, what they were doing in effect was asking for permission to go over their budget and have it absorbed in the overall town budget because they understood that they could not make these changes within the bottom-line library budget. The way that they have budgeted is not exactly the way it is envisioned under state law. They did so at the request of the Selectmen and the office that manages the payroll. They have always treated it as if payroll was really under the purview of the Selectmen, even understanding that that is not how it works under state law, at the request of the Selectmen. They have attempted to work within the system as it was explained to them and she would hate to see their employees penalized for that. **Quinlan** said he understands that and that is not what we are trying to do. The Board made a mistake and by the law it was a very clear mistake. The Board didn’t have the authority to take that vote in the first place so we don’t have any choice but to rescind the vote. The money that those people were compensated for because they were working the hours that they were authorized to work is only fair. What they’ve earned they’re going to keep. Going forward from here, the Board cannot make the decision on how to compensate their employees. Raspiller asked for further clarification – if they come back to the Board and said we can absorb this amount in the library budget, we are asking for support to overrun the budget by whatever that delta turns out to be; can the town support that. Jack is saying no; Quinlan is saying yes you can. She wants clarification on which is true. **Quinlan** said he had extensive conversation with the attorney. If that’s a situation the Trustees feel they are in, they can come back to the BOS and request additional funding. As with any other dept that might run over, we find it someplace else; we have the authority to move money from one account to another. **Esposito** stated that is only for an emergency or unanticipated situation. This is not one; this is a mid-term pay increase. It is not an emergency. **Quinlan** said the reason they were here in the first place was because those people were working a lot more hours than they were being compensated for. **Esposito** asked what the Library Appropriation line of 26K was used for. Raspiller said it is used for the hoopla streaming account, new books, mileage and training fees, paper and toner for the copier, etc. The vast majority of the routine maintenance of the library is paid for by the Daland Trust. **Esposito** asked if there is any money left in that line. Raspiller said there is very little; they budget the library very tightly. Angulas said the majority of those funds have been spent on books and materials and programs; it covers everything that the library does. White stated that while the BOS is making their decision tonight, the Library Trustees will not be making a decision tonight. They need to go back and discuss this matter. Raspiller thinks they may have to consult with their own attorney to make sure that they agree with the details; it would be helpful if the BOS would share the written opinion given by Town Counsel. **Quinlan** stated that all our legal information is confidential and we don’t want to break confidentiality. Our lawyer suggested that we do not at this time.

**8:00 PM** As there was no further business before the Board **Esposito** motioned to adjourn seconded by **Brown.** All in favor.

Respectfully submitted,

Joan Cleary