

Town of Sandisfield

Select Board

Minutes for Select Board Executive Session held on Friday, September 16, 2022 at 10:15pm at the Town Hall, 66 Sandisfield Road, Sandisfield, MA

Members present: Steve Seddon, Alex Bowman, John Field, Jonathan Sylbert, Brian Maser

1. Motion to open session

2. Motion to open Executive Session under MGL c. 30A Section 21 #2 to conduct contract negotiations with nonunion personnel

Steve motions to open Executive Session under MGL c. 30A Section 21 #2 to conduct contract negotiations with nonunion personnel. Alex seconds. Motion passes unanimously.

Steve expects that the current Interim Town Manager contract that had already been negotiated would mostly remain the same, with exception to the term.

Jonathan would like to have a three-year contract subject to an annual renewal, rather than just a three-year contract. The contract would be up for re-negotiation every year. Jonathan would also like the date of the contract to conclude after the Annual Town Election in May.

Jonathan proposes that rather than base his annual salary increase on the COLA, it should be raised to \$85,000 next fiscal year, and \$90,000 the following. This salary increase is based on the value of work and the demand for qualified municipal employees. Steve states he does not see an issue with this amount.

The words “age or” is removed from the following sentence, “...provide a just means for terminating Mr. Sylbert’s services at such time as he may be unable fully to discharge his duties due to age or disability or when the Town may otherwise desire to terminate his employ...”

It’s noted in the original contract that the Town Manager should “perform the functions and duties specified in the Town Bylaws.” Sandisfield does not currently have a Town Manager bylaw. However, it is anticipated to be included on the upcoming Special Town Meeting warrant, and therefore should be kept in the contract.

Under Section A of Duties, "Attachment A" is changed to "job description" as they are virtually identical.

The language in the contract identifying that the Town Manager is solely in charge of day-to-day operations is vague. Jonathan notes there is good language in the Town Manager bylaw examples he's been reviewing, and suggests adjusting this language at their next contract negotiation meeting, for Sandisfield's Town Manager bylaw and the contract should match anyways.

In Section 2, Paragraph B, Jonathan requests any mention of the COLA be removed, for they are setting the salary for the position. He also requests that the term "just cause" be used moving forward instead of "cause."

The deadline for the Select Board's annual evaluations of the Town Manager shall be conducted at least 60 days prior to the annual renewal date of the Agreement, instead of 120 days.

Remote hours should be included in Section 7, the sentence should read "Mr. Sylbert has some discretion as to his work schedule, hours worked and remote work, ..."

The mileage rate must be updated to the current rate.

Jonathan requests the highest number of vacation days that is typically awarded to employees after five years of employment, which is believed to be five weeks. This must be confirmed in the Personnel Policy.

Jonathan recommends removing "with the exception of unavoidable budgetary reasons," from the sentence "The Town shall not at any time during the term of this Agreement reduce the salary, compensation or other financial benefits of Mr. Sylbert, with the exception of unavoidable budgetary reasons," for he does not see a situation where this would arise.

Section 20, Paragraph C states "All provisions of this Agreement are subject to annual appropriation by Town Meeting." However, the town would still be required to pay our severance or settlements regardless of the Town Meeting.

Jonathan will present one Select Board member his updated contract. The contract will then go to KP Law for revisions. Once the edits are completed, the Select Board can meet privately in Executive session to strategize or sign the contract in open session.

Alex motions to exit Executive Session. Steve seconds. Motion passes unanimously.

Meeting adjourned at 11:28am

Steve Seddon

Alex Bowman

John Field