

## Selectmen's Meeting Minutes

Tuesday, January 17, 2006

**Present: Selectman Maxfield, Bowles, and Little.**

**Also present: Road Agent David Rice and Fire Chief Jeff Burr.**

Chairman Maxfield called the meeting to order at 6:30 PM.

- I. Selectman Little moved to accept the Selectmen's Meeting Minutes of Tuesday, January 10, 2006 with the correction on page 4 to say "steep slopes from 25% to 15%", and to add on page 8, after "Selectman Little stated he feels that from all of the discussion they are all in agreement that the current location is not the best site for the new Town Office Building to be built." Mr. Cummings agreed. Seconded by Selectman Bowles. All in favor. Motion carried.
- II. The Board met with Road Agent David Rice.
  - a. Mr. Rice advised the Board he had received applications to fill the vacancy in the Highway Department and he felt out of all of the applications he would like to hire Fred Partridge. The Board met with Mr. Partridge. Chairman Maxfield asked Mr. Partridge to share his background with the Board. Mr. Partridge stated he has operated graders, excavators, dozers, loaders, etc. He advised the Board he grew up around heavy equipment, as his family has been in this business his whole life. Mr. Partridge stated he has worked on sewer drainage, water, utility, built roads, done bridge and basements, slopes, swales and utility work. Mr. Partridge stated he has his CDL-A license and is certified in trench digging. Chairman Maxfield asked if Mr. Partridge has worked for any other Municipality. Mr. Partridge stated he had not. Mr. Partridge went on to say that, he has a 10-month old child and he wants to secure his future. Selectman Little moved to approve the appointment of Fred Partridge to the open position in the Highway Department. Seconded for discussion by Selectman Bowles. Selectman Bowles asked if references have been checked. He stated he did not know that there were nine other applicants until this evening and he would have liked to review their applications. Selectman Little asked if Mr. Rice met with each applicant one-on-one. Mr. Rice stated he did not meet with every one as not all of the applicants met the requirements and two applicants did not have their CDL's. Chairman Maxfield stated he felt if a department head feels comfortable with his selection, the Board should take his recommendation. Mr. Rice stated he had met with five of the applicants and Mr. Partridge had the most qualifications and experience. Selectman Little asked if Mr. Partridge would have any conflicts with the family business. Mr. Partridge stated he would not. Chairman Maxfield called for the vote. By

majority vote in favor, motion passed. Mr. Rice discussed the start date for Mr. Partridge. Mr. Partridge will start on Wednesday, January 18, 2006.

- III. The Board met with Fire Chief Jeff Burr.
  - a. Chairman Maxfield asked if Chief Burr had reviewed tonight's agenda. Chief Burr stated he had not.
- IV. The Board began their review of weekly correspondence.
  - a. The Board received the 2006 Budget Revision #5 as well as the revised proposed Warrant Articles. Selectman Little discussed the proposed Warrant Article relative to EEE and West Nile Virus spraying. He discussed the two proposals obtained and stated he felt the proposal from Municipal Pest Management had more detail included which is why he utilized their information when drafting the Warrant Article. Selectman Little went on to say that, the Town would still go out to bid if the Warrant Article passes at Town Meeting. Discussion ensued regarding spraying at the two NASCAR events at NHIS, marsh areas, the general plan to not do aerial spraying through out the State, as well as the differences between the two proposals that have been received. Chairman Maxfield stated the Board would be getting together to discuss the finalized list of proposed Warrant Articles. Discussion regarding the storage for the Cate Van began.
  - b. The Board received a memo from Office Manager Jean Lee regarding the Personnel Policy.
  - c. The Board received invoices from Foley, Buhl & Roberts as well as Fifield Building and Restoration, LLC.
  - d. The Board received a letter from Superintendent of MVSD, Michael Martin.
  - e. The Board received plans, a copy of the dry hydrant easement, and the memo from Fire Chief Jeff Burr for review for Joe Bohi.
  - f. The Board received a request from Elmer and Marilyn Green regarding a replacement-building permit. The Board will meet with Mr. and Mrs. Green regarding the replacement-building permit on January 31, 2006.
  - g. The Board received a reimbursement check from Primex for unemployment premiums.
  - h. Selectman Bowles asked Fire Chief Jeff Burr about the dry hydrant project for Joe Bohi. Chief Burr discussed the location of the dry hydrant as well as stated that RC & D has been working with him regarding fire ponds. Discussion ensued regarding having the Town Engineer review the dry hydrant plan as well as monitor the work as it is being done.
  - i. The Board received the NHMA Legislative Bulletin #4.
  - j. Selectman Little stated he has been placing phone calls to Comcast regarding the broadband computer connection. He stated he has not received any return phone calls from them. Chief Burr stated he had a difficult time getting the connection for Station #2.

- V. Chairman Maxfield stated the Selectmen had a public meeting with Bob Phillips regarding Fire Department pay. Bob Wilcox was recognized from the audience. Mr. Wilcox stated he had an appointment with the Selectmen at 7:00 PM and as it was 7:00 PM, he wanted to know why the Board was going to meet with Mr. Phillips. Chairman Maxfield stated the agenda as posted states all times are approximate and the agenda items are subject to change as determined by the Chairman. Chairman Maxfield asked if Mr. Phillips had a problem with the Board meeting with Mr. Wilcox first. Mr. Phillips stated he did not have a problem with it.
- VI. The Board met with Bob Wilcox to discuss a personnel issue in executive session. Chairman Maxfield stated the agenda has been posted in five places all week stating that this would be an executive session and he feels that it should remain in an executive session as posted. Chairman Maxfield stated if the person who the discussion is about relative to a personnel issue wants the meeting to not be in an executive session, they could overrule the Selectmen. He went to read information relative to executive sessions. Selectman Little moved to enter into executive session at 7:17 PM to discuss a personnel matter. Seconded by Selectman Bowles. Roll call vote: Little yes, Bowles yes, Maxfield yes. Motion carried. Selectman Bowles moved to come out of executive session at 7:44 PM. Seconded by Selectman Little. Selectman Bowles moved to seal the minutes of the executive session until January 17, 2011. Seconded by Selectman Little. All in favor. Motion carried. Chairman Maxfield stated the result of the executive session was discussion relative to a payroll issue regarding the Fire Department. Chairman Maxfield opened the meeting back up to the public.
- VII. The Board met with Bob Phillips regarding Fire Department pay.
- a. Mr. Phillips asked if anyone wanted to have this as an executive session. The Board asked if Chief Burr wanted to have this discussion in an executive session. Chief Burr stated no.
  - b. Mr. Phillips read a two-page letter for those present. "The reason I am before you tonight is to bring to your attention a problem within the Loudon Fire Dept. More specifically, the department members are not being paid in a timely manner. Our last 2-week ambulance stand-by was from Monday, December 19<sup>th</sup> to January 1<sup>st</sup>. At the end of the two weeks, the crew members were responsible to turn in their time sheets by the morning of the 2<sup>nd</sup>. Normally, the crew would expect to have their checks available to them on Thursday of that week. The process is for the chief to take the time cards and, from them, to send a summary sheet to the town office indicating what each member should be paid. It is my understanding that the chief turns the summary sheet in to the office sometime before lunch on Monday. During this particular 2-week period there were eleven members that worked. I don't know the specific numbers, but one or more of the members filled out their time cards incorrectly. For whatever reason, the chief decided that the time sheets

were too much of a mess and that he was not going to turn any of them in to the town office. The result of this decision was that those of us who completed our time sheets correctly did not get paid and would need to wait an additional week. For a number of us, this decision created additional problems. There was one member who was leaving on a week's vacation and was counting on a take home check of approximately \$300. For myself, this time of year is particularly slow in my business. I have bills hanging on board at home and was expecting to receive a check for over \$300 that could be applied to these bills. It is not a good feeling to go into the fire department office expecting a check to be on the table and find nothing. Back a number of months ago, when this particular time card system was first introduced, it was not uncommon to have time cards filled out incorrectly and this still happens from time to time. I have also filled out the time card wrong in the past and on one such occasion I told the chief to hold my time card until the next week. I did not and do not feel that it is appropriate to delay anyone's check just because another member fills out a time card incorrectly. This topic has come up more than once in conversation with the chief. One particular date was September 12<sup>th</sup>. Following the monthly association meeting a group of approximately 12 members invited the chief to meet with them. The goal of the meeting was to talk to the chief about a number of concerns we were having. This particular topic came up and I mentioned to him at that time that to withhold pay from members because another member filled out a time card incorrectly was wrong; and in fact illegal. It seems to many of us that the chief does not regard state and federal laws as being important. I take the chief's actions quite seriously. As you probably know, I own a small company and I have anywhere from 2 to 5 employees to pay on any given week. I asked one of them what he thought about me not paying him because another employee filled out his time card incorrectly. Basically, he couldn't stop laughing. When I explained to him what had happened here he just shook his head in disbelief. When I first found out that we would not be getting paid on time my first thought was to contact the NH Dept. of Labor. It was not until talking with another Dept. member on Sunday the 8<sup>th</sup> that I decided to go to you, the Selectmen of Loudon. People take being paid on time very seriously, but unfortunately I don't believe the chief takes this as seriously as he should. I am sure that if Chief Burr was not paid this week because another town employee filled out their time card incorrectly that he would be very upset. Probably upset enough to call the town office and express his displeasure. I would also ask that you look into the timely manner in which the members of the department were paid their year end compensation. It is set up so that our compensation year ends October 31<sup>st</sup>. Around the 21<sup>st</sup> of October Deputy Chief Wright reminded the chief that the compensation year was coming to an end and that the compensation request would need to be submitted to the town. On the first day of November Firefighter Bill Lake gave the chief a print out of the members statistics which would be

translated into the pay each member would receive; a fairly straight forward process. It was not until Thanksgiving that our checks were available to us. A process that should have taken only a week took an additional two weeks. At one point there was a committee that handled the compensation but since we now have a full-time chief he has taken over the process. It seems that the chief does not see the urgency of paying his employees in a timely manner. I am bringing these specific concerns to you and ask that you look into them. As for now I will hold off going to the Dept of Labor and hope that this can be resolved in house. Unfortunately these are only a few of the many concerns that members of the Fire Department have and I will address other concerns in an additional letter. A major concern that I have in bringing this matter before you, and that is retribution by Chief Burr. I know for a fact that the main reason no member has come to you with their concerns before now is that they are afraid of his temper and possible retribution. I trust that this will not be a problem, but am making you aware of my concern. If this is addressed in an open meeting I would ask that this letter be read in its entirety into the minutes. Thank you for your time and if you have any questions I would be more than happy to answer them.”

- c. Chairman Maxfield stated the Board has discussed some of the pay issues and problems and have indicated strongly that issues pertaining to pay need to be dealt with immediately. He stated the Board has directed Chief Burr to establish a procedure for accurate and timely pay. Chairman Maxfield stated the Board would remain confident that Chief Burr would get this taken care of and correct the matter. Chief Burr stated regarding the last pay period, out of thirteen members submitting timecards, seven of them had to come back and fix their incorrect timesheets. He stated that of those thirteen timesheets there were two incidences where four members claimed to have worked on a three-member shift. Chief Burr stated it was difficult to find out who worked where and to get it corrected. He said the procedures that are in place if a member swaps a shift were not followed and some of the members that swapped shifts still put it on their timesheets that they worked those hours. Chief Burr stated when he contacted the Town Office regarding his payroll not being ready he was advised that it needed to be in by noon. He went on to say that, he was not able to have three of the members even come in to fix their timesheet until that evening so he did not submit the standby payroll that week. Chief Burr said there was a situation where a timesheet was submitted incorrectly and the person was paid for hours that they did not work. He stated in an effort to correct the issue the person was going to work the additional hours on the next standby payroll and deduct the hours from what would be paid in that payroll. Chief Burr went on to say that when the standby hours were to be submitted, the person did not work enough hours to correct the problem and now it is going into another month trying to fix this problem. He stated the reason the payroll was not submitted for the week that Mr. Phillips is questioning was due to the numerous

incorrect timesheets. Chairman Maxfield asked why the timecards are being filled out incorrectly. Mr. Phillips explained that when a member works a standby shift they have some hours on one date and some hours on the following date due to the shift they are covering. The current timesheet makes listing the hours a bit confusing. Chief Burr stated as far as the Fire Department Compensation goes, it was originally agreed to have it ready just before Christmas. He stated due to the issues with the School District payment being due at that time the date for the Compensation payment was changed to an earlier date some time in November. Selectman Bowles stated he felt Chief Burr needed to work with his employees to get this situation fixed and if the timesheets need to be adjusted, and then he should come up with a new format that works for the Fire Department. Selectman Little asked if the people who filled out the timesheets correctly were paid on time. Chief Burr stated he held the payroll due to the inaccuracies he was trying to straighten out and time constraints. Selectman Bowles stated he understood that people were upset they were not paid on time due to other's mistakes and he felt Chief Burr needed to work through this. Selectman Little stated a key issue that could play out is if people who are volunteers on the department throwing their hands up in disgust or dismay and walking away then the Town is not going to be able to provide a service that is currently provided to the Community. Mr. Phillips stated he has a letter relative to performance issues that he would send to the Selectmen's Office. Steve Ives stated that currently the last shift for the standby payroll ends at 6:00 AM on a Monday morning; Chief Burr has to submit the entire payroll to the Town Office on Monday morning, which does not give him much time to deal with the standby payroll. He asked if it were legal to set a policy that he would not process the standby payroll until the following week. Discussion ensued regarding if payroll checks are held back a week or not. The Selectmen advised Chief Burr to work with the members of the Fire Department and get the timecard issue worked out. Mr. Phillips stated there have been times that Chief Burr has advised the Fire Department members they needed to get their timesheets filled out correctly or they would not be able to be paid.

- d. Bob Wilcox asked if the sealed minutes pertain to his discussion and letter he presented the Selectmen. They stated it yes, it was. Mr. Wilcox asked how the Board could seal the letter if they did not know if it had been forwarded to the press prior to tonight's meeting or not. The Selectmen stated they did not seal the letter, they sealed the minutes of the meeting.
- e. The Board discussed pay periods and that the Town does not hold back a check for new hires.

- VIII. The Board met with Paul Johnson regarding septic proposal solutions.
  - a. Mr. Johnson provided a rough sketch of a plan for septic disposal in Loudon. Discussion ensued with Bill Goss of Septic Disposal Solutions regarding the nitrate issue as well as the process to clean out the lagoons.

Selectman Little stated he understood the Town would have to get power to the site of the lagoons in order for the equipment to work. Discussion ensued regarding the area where composting is done as well as the possible need to build a structure to keep the equipment temperature at or above 32°. Selectman Bowles asked what was being proposed. Mr. Rice stated it was a pilot program. Mr. Goss stated if the Town was willing to move forward they could work up some figures. He stated the budget figures are usually based on per gallon figures. Mr. Goss stated the Town could start this pilot program and then later on decide they wanted to do something further, or they may decide they want to keep things the way they are if it works for the Town. He also stated DES would see that the Town is working on the nitrate issue. Mr. Goss stated that while the equipment is the same every site reacts differently and it would be a learning process. Discussion ensued regarding if the Town Engineer was part of the lagoon relocation. Mr. Goss asked if the Board would allow his firm to contact DES regarding the Town's permitting. The Board agreed Mr. Goss could discuss this issue with DES. Mr. Goss explained how the process would work and he stated he felt this would be a good site to work with. Selectman Maxfield explained that the Board had viewed the process in Pittsfield. Mr. Goss stated there is 30% grant funds available for Loudon to begin this pilot program. He stated this program uses material that can be purchased locally. Mr. Goss stated that the Town should end up with a product that can be utilized in vegetable and flower gardens. Mr. Goss stated by allowing his company to contact DES they are not committing the Town to anything other than his company will be working on a proposal. He advised the Board that the company name is Septic Disposal Solutions and is owned by Paul and Darlene Johnson of Best Septic Service and Bill Goss of Goss Septic Service. Selectman Little moved to allow Septic Disposal Solutions to create a pilot program at the Loudon Transfer Station and to allow them to work directly with DES, Road Agent David Rice, and the Louis Berger Group. Seconded by Selectman Bowles. All in favor. Motion carried.

- IX. The Board continued their review of weekly correspondence.
- a. Chairman Maxfield stated the Board is in receipt of a proposal from the Louis Berger Group for the continuation of the Sanitary Landfill and Septage Lagoons. The proposal covers monitoring of the wells and renews the septage facility permit. He stated the cost for the proposal is \$15,000.00.
  - b. The Board discussed the Merrimack Valley School District budget hearing scheduled for Tuesday, January 31, 2006. The Board agreed to cancel the Selectmen's Meeting on Tuesday, January 31, 2006 so they can attend the MVSD budget hearing.
  - c. Selectman Little moved to authorize the Chairman to sign the 2006 Post Closure Monitoring proposal from the Louis Berger Group in the amount

of \$15,000.00. Seconded by Selectman Bowles. All in favor. Motion carried.

- d. The Board discussed the storage for the Cate Van.
- e. The Board discussed an issue relative to the bridge abutment/wing wall.
- f. Chairman Maxfield stated he had gotten a call from someone on School Street asking why there was so much sand being used on the tar roads. Selectman Bowles stated we have received a lot of ice and cold weather following the ice. He stated straight salt would not have done any good with out the sand.

Selectman Bowles moved to adjourn the meeting at 8:52 PM. Seconded by Selectman Little. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

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Roger A. Maxfield, Chairman

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Dustin J. Bowles, Selectman

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David M. Little, Selectman