

## Selectmen's Meeting Minutes

Tuesday, August 16, 2005

**Present: Selectman Kardaseski and Bowles. Selectman Maxfield is not present.**

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

- I. Selectman Bowles moved to approve the Selectmen's Meeting Minutes of Tuesday, August 9, 2005 as presented. Seconded by Chairman Kardaseski. All in favor. Motion carried.
- II. Chairman Kardaseski stated for the record three pistol permits were submitted for signature and approval.
- III. The Board met with Dan Aversa and Gary Vermette to discuss their road construction bond.
  - a. The Board reviewed information relative to the construction bond/letter of credit for Wellington Properties. Chairman Kardaseski stated she had spoken with Town Engineer Tony Puntin and, while Mr. Puntin is happy with the road construction to this point, he and Road Agent David Rice do not feel any money can be released until at least after the first coat of pavement has been applied and inspected. Mr. Aversa provided the Board with a letter from Simon Leming who had contacted Town Counsel regarding this issue. Chairman Kardaseski stated Tony Puntin and Dave Rice have expressed their concerns and until they agree that the road is to their satisfaction, there will be no release of funds. Selectman Bowles stated the Board respects the recommendations of the Town Engineer and Road Agent and feels that no money should be released until all their concerns are met. Discussion ensued regarding mats being put down on the slopes and unstable slopes. The Board advised Mr. Vermette and Mr. Aversa to discuss their issue with the Planning Board. Chairman Kardaseski stated they could try to arrange a meeting with Engineer Tony Puntin and Road Agent Dave Rice to discuss this issue.
- IV. Chairman Kardaseski stated the Selectmen were going to be meeting with the Loudon Center Freewill Baptist Church Trustees on Thursday, August 25, 2005 at 6:30 PM in the Library meeting room. Discussion ensued regarding the issue of a Town organization needing to use the meeting room at the Library and being denied. Chairman Kardaseski stated she has spoken with Susan Sprague of NHMA regarding the meeting. The Board will advise NHMA of the results of the meeting with the Church Trustees.
- V. The Board began their review of weekly correspondence.

- a. The Board was advised that the Fire Department is looking for volunteers to learn how to use the defibrillator (AED) located in the Community Building. Anyone interested can contact the Loudon Fire Department.
  - b. Chairman Kardaseski stated two proposals have been received for the installation of the foam insulation and coating the roof system at the Safety Building. Discussion ensued. The Board will review this information.
  - c. The Board reviewed a memo regarding health and dental insurance coverage for part time employees.
  - d. The Board received copies of water tests conducted at Clough Pond Beach.
- VI. The Board met with Zoning Board Chairman Roy Maxfield.
- a. Mr. Maxfield advised the Board Tammy Davis would be doing the majority of her duties at her home. He stated that there would be times when she would need to be in the office. Mr. Maxfield said he and Mr. Tasker were not in a position where they could do much else. He said this is pretty much what he had told the office manager three or four months ago: to expect the baby to be in the office and to expect Mrs. Davis to continue working. With everything that was going on, he said the functions that need to be maintained are the minutes, getting notices posted, and abutters notices out in a timely fashion. He said currently there are two issues facing possible litigation: Cross Brook Road and Currier Road. He said Mr. Tasker has had a conversation with Attorney Mayer and he does not have an issue with it. Selectman Bowles said he could not have talked with Attorney Mayer, unfortunately, as he is on sabbatical. Chairman Kardaseski stated Mr. Tasker had spoken with Attorney John Teague and did not provide Attorney Teague with the whole story. Chairman Kardaseski said Mrs. Davis has no legal right to bring the baby to work, and the Board will not under any circumstances allow her to bring the baby to work. She stated the decision was the Board of Selectmen's to make and Attorney Teague advised her it was up to the Board of Selectmen. Mr. Maxfield stated the Board of Selectmen can make their decision, but they (he and Mr. Tasker) will appeal it to the ZBA and see where it goes from there. Chairman Kardaseski stated this was not something that is appealed to the ZBA; this is an employee personnel issue. Mrs. Davis works for the Town of Loudon, the Selectmen sign her check, and the final liability falls on the Selectmen. Mr. Maxfield stated Mrs. Davis does not work for the Selectmen; she works for Planning and Zoning. Discussion ensued regarding signing payroll checks. Chairman Kardaseski said the personnel issues and personnel decisions rest with the Board of Selectmen. She stated the Board's decision is Mrs. Davis is not allowed to bring her baby to work and if she continues to bring the baby to work, she could be terminated. Mr.

Maxfield said the Board does not have the right to terminate her and he will cross that bridge when it gets here. Chairman Kardaseski said they (the Board) do have the right. Mr. Maxfield said he would like to know when the Board intends to do it so he can have Channel 9, *Concord Monitor*, and the town attorney present. Chairman Kardaseski stated she was not going to entertain threats from Mr. Maxfield. Mr. Maxfield said it was not a threat, it was simply a position that the Board has taken and he whole-heartedly does not agree, as does Mr. Tasker. Chairman Kardaseski said they had six months to arrange for this situation. Mr. Maxfield said no, only four months. He said the Board of Selectmen has known for three or four months and they could have told him and Mr. Tasker it was not an acceptable situation. Chairman Kardaseski said he was told the baby was not to be in the building and he was to discuss this with Mrs. Davis and get back to the Selectmen, and at no point did he do it. Mr. Maxfield said he was never told, maybe his board was told, but he was never told. Selectman Bowles stated he found out last week what the decision by Mr. Maxfield and Mr. Tasker was. He added that the Board asked both Mr. Maxfield and Mr. Tasker to meet with Mrs. Davis two or three months ago to discuss this situation and it is his understanding they had met with her. Selectman Bowles said Mr. Maxfield or Mr. Tasker had not contacted the Board with the results of the meeting as the Selectmen had requested. Selectman Bowles said as far as he is aware, there has not been any documentation stating any meeting with Mrs. Davis had taken place or with the terms of the discussion. Selectman Bowles went on to say last week they were accused of not being team players. He stated he feels every person in the office building has been a team player in assisting Mrs. Davis with carrying heavy objects, etc. He said he was appalled by the comment from Mr. Tasker that the office staff were not being team players. Selectman Bowles said the office staff is a good group and they are team players, including Mrs. Davis. Chairman Kardaseski said as soon as Mr. Tasker finished talking about not having team players in the office, he refused to come in and help in the office. Mr. Maxfield said he felt the liability issue to the town would be if Mrs. Davis were terminated. Chairman Kardaseski said she did not feel that was the issue. She said she felt it was not unreasonable for the Board to ask Mrs. Davis to have child-care available for the few hours she needs to be in the office building. Mr. Maxfield said she does not have to be in the building much, but if she does come in, she will be bringing the child with her. Chairman Kardaseski said there is no government or municipal office where this is allowed. She said, "Your tax money and my tax money pays her salary, and there is no way she can give full attention to her job with an infant in the office with her." Chairman Kardaseski stated she does not want to pay Mrs. Davis to baby-sit her child. Mr. Maxfield asked if he was understanding that

the baby was not to be in the office at all. Chairman Kardaseski said she does not want the baby to be in the office. Mr. Maxfield said then he is understanding that the Board does not want Mrs. Davis in the office at all. Both Chairman Kardaseski and Selectman Bowles said no, that is not what they are saying. Mr. Maxfield said the Board must honor the deal he and Mr. Tasker had made. Both Chairman Kardaseski and Selectman Bowles replied there is no deal. Mr. Maxfield said it was non-negotiable. Chairman Kardaseski said there is no deal and Mr. Maxfield is not in a position to be doing this. Mr. Maxfield went on to say if Mrs. Davis comes in, the baby comes with her. Chairman Kardaseski said no. Selectman Bowles said he did not understand why this was a conversation about “let’s make a deal.” Mr. Maxfield said Mrs. Davis has every legal right to maternity leave until her doctor says she can return to work. Chairman Kardaseski said yes, she is entitled to maternity leave but maternity leave does not involve bringing your child to work. Mr. Maxfield said Mrs. Davis was making a deal out of the goodness of trying to get the work done, and also going back to Mrs. Davis not being up front about the pregnancy when she was hired. Chairman Kardaseski said Mr. Maxfield and Mr. Tasker have known since January other arrangements needed to be made to cover the office when she had the baby, and at no point in time have the Selectmen been told that Mr. Maxfield and Mr. Tasker had made the decision to allow Mrs. Davis to bring her baby to work with her. Mr. Maxfield said he had no intention of sitting here and being ridiculed by the Selectmen. Chairman Kardaseski said the Board is not ridiculing Mr. Maxfield; however, we are telling you that the decision is not yours to make. Selectman Bowles said he thinks the Selectmen have a responsibility. He said if he were sitting on the other side of the table, he would have more compassion for the situation. Unfortunately, he was elected to sit on this side of the table. He added that, given the information the Board is receiving from attorneys and insurance companies, having a child in the building, which has environmental and structural issues, is just wrong. Having a child at work in a government position, which is what Mrs. Davis is in, is wrong. This is not Tasker Landscaping, Dustin Bowles Contracting or Debbie K Cartographics [sic]. This is the Town of Loudon — a government operation. Government offices do not have children in the workplace and this is where the Selectmen have to take the position that this is unacceptable. It cannot be done. If we allow this now, the town will have children riding around in the highway dump trucks. The Town does not need this kind of liability, and unfortunately, this is the line the Board must take. Mr. Maxfield said he is hearing “liability,” “loss of productivity,” but Mrs. Davis cannot function and do all the things she needs to do without coming into the office. Selectman Bowles and Chairman Kardaseski said they understand that, and Mrs. Davis needs to find a baby sitter for those hours that she

comes into the office. Chairman Kardaseski said she does not feel this is being unreasonable at all. Selectman Bowles added that Mr. Maxfield and Mr. Tasker have known for as long as anyone else has known that this situation was coming. Mr. Maxfield said he had discussed the baby issue with Jean Lee three or four months ago and that should have been the time for the Selectmen to make their position known. Mr. Maxfield said if the information was not given to the Board at that time, then Jean Lee was JEAN: I THINK THIS IS WHAT HE SAID. remiss in not providing this information to the Board. Chairman Kardaseski said she cannot believe Mr. Maxfield would even consider it appropriate for someone to bring an infant to work. She added it is not appropriate to have a baby in an office environment when you are working. Chairman Kardaseski said she cannot believe the amount of time and legal costs that have been wasted on this issue. Chairman Kardaseski said Mr. Tasker had been informed it was not necessary for him to contact Town Counsel, but he did anyway. Mr. Tasker was also told if he did not provide answers to the Board by Friday, August 12, the Selectmen would take care of the situation. The decision at that time was Mrs. Davis could move her computer to her house so that she could work at home. If she required items from the office, they could be delivered to her. Mr. Maxfield said it is not the Selectmen's decision. Chairman Kardaseski responded, "Yes, it is." Mrs. Davis works for the Town of Loudon, her payroll check says Town of Loudon, not Roy Maxfield or Gary Tasker. Mr. Maxfield said they do not say Debbie Kardaseski either. Chairman Kardaseski said she is a representative of the Town of Loudon. Mr. Maxfield said there would be no resolution to the issues as he and the Selectmen do not see eye to eye on the situation. Selectman Bowles asked how long the "program" that Mr. Maxfield and Mr. Tasker have entertained is supposed to last. Mr. Maxfield responded the thirty days stipulated by Mrs. Davis' doctor. The Selectmen asked for a date that Mrs. Davis would be returning to work, without the child. Mr. Maxfield said he did not know exactly. Selectman Bowles said this information should have been brought to the Selectmen so that the Board could have worked something out instead of waiting until the last minute. Mr. Maxfield said he will find out that information and will be happy to provide it to the Board. Chairman Kardaseski said they had asked for the same information last week and had been told September 1. Mr. Maxfield questioned whether Mrs. Davis had already provided this information. Chairman Kardaseski said the doctor's statement, provided by Mrs. Davis, states that Mrs. Davis can work 10 hours per week for five weeks, which would end on August 31. Chairman Kardaseski said therefore, as of September 1 her maternity leave is over and without a note from her doctor; she is expected to be back to work full time, no baby. Mr. Maxfield said we agree on that. JEAN: I BELIEVE THAT IS

CORRECT. He also said both he and Mr. Tasker feel Mrs. Davis' willingness to help out during her maternity leave has been a big plus to the Town. Chairman Kardaseski and Selectman Bowles expressed their concerns for the safety of the child and potential liability should an accident occur. Chairman Kardaseski asked if there was any reason that Mrs. Davis could not find childcare for the few hours that she needs to be in the office. She questioned whether Mr. Davis could assist his wife during that time. Mr. Maxfield said this was not the "deal" he had made with Mrs. Davis and he was not going to go against that because she could be staying home and doing nothing for the Planning and Zoning Boards. Selectman Bowles said maybe Mr. Maxfield and Mr. Tasker should have had plan B ready to implement should the situation arise, as it has now, that Mrs. Davis could not come back to work immediately and need the full six weeks maternity leave. Mr. Maxfield said given the fact that it is now  $\frac{3}{4}$  of the way down the road to full time employment and child care, and given that all she is in the office for is to pick up mail and check emails, an hour at the most, he is not willing to fight this issue. Chairman Kardaseski asked why Mrs. Davis could not find a baby sitter for one hour. Mr. Maxfield said she certainly could do that, but he will not order her to do that, as this is not the arrangement that had been agreed on. Chairman Kardaseski said she was stunned that Mr. Maxfield and Mr. Tasker would enter into an agreement like this without consulting the Selectmen. Mr. Maxfield said he would rather have some work accomplished rather than none. The Selectmen responded that they would not have absolutely nothing, had they made an alternative plan to hire someone to work part-time during Mrs. Davis' maternity leave. Mr. Maxfield said if they had done that, he and Mr. Tasker would have had to spend a great deal of time in the office and they were not ready to do that. Chairman Kardaseski said unfortunately, that comes with the territory when you take office. She also said Mr. Tasker had stated he felt the town office employees were not being team players in assisting Mrs. Davis during this time, but by Mr. Tasker refusing to spend any time in the office, he is also stating he is not a team player. Mr. Maxfield said the Chairman could include him in the same category then. Selectman Bowles said he could understand that, but there are always unforeseen circumstances. Mr. Maxfield said he would rather have an employee contributing something rather than nothing. He said he and Mr. Tasker agreed to Mrs. Davis' request due to the investment they already have in her time in the office. Chairman Kardaseski said then the Board needs to speak with Mrs. Davis, as Mrs. Davis needs to understand that she works for the Town of Loudon. Mr. Maxfield said Chairman Kardaseski does not need to speak with Mrs. Davis and he resents the fact that Chairman Kardaseski called Mrs. Davis at home. Mr. Maxfield said Mrs. Davis does not work for Chairman Kardaseski. Selectman Bowles said

Chairman Kardaseski is not saying Mrs. Davis works for her personally, Mrs. Davis works for the Town of Loudon and the Selectmen, who are responsible for the Town of Loudon. Chairman Kardaseski said the Board's decision, as Mrs. Davis' employer, is she does not bring the child to work, she can find childcare for an hour per week, or not come in. That is her option. Mr. Maxfield asked if the Selectmen then also accept the responsibility of the Planning and Zoning requirements. Chairman Kardaseski said the Chairmen of the Boards should be able to step in as team players and help. Chairman Kardaseski said she would pay for a babysitter for one hour per week if that is the problem. Mr. Maxfield said Chairman Kardaseski does not understand the deal. Chairman Kardaseski said there is no deal. She added Mrs. Davis has no legal right to bring the baby to work, the decision as to whether she does or does not is the Selectmen's, and that is directly from the Town's attorney. Mr. Maxfield said if Mrs. Davis is not allowed to bring the child in, there is no one else capable or suitable to do the work and provide the necessary support for the Planning Board meeting coming up. Chairman Kardaseski asked if Mrs. Davis was bringing the baby to the Planning Board meeting. Mr. Maxfield replied, "Of course not." Mr. Maxfield said an agreement had been accepted that would allow some material value to the town. Chairman Kardaseski stated she felt the discussion was over and the Board will continue with their weekly correspondence review. JEAN: SOMEWHERE IN HERE, HE SAID "YOU LISTEN TO ME YOUNG LADY..." CAN YOU GET THAT IN THERE?

- VII. a. Chairman Kardaseski discussed the correspondence sent to Claire Crowley regarding the maintenance bond on Greenview Drive. There has been no response from Mrs. Crowley so another letter will be generated.
- b. The Board discussed the issue of obtaining the 2005 tax maps and electronic format of the maps for Cartographic Associates as has been requested from Lee Eddins.

Selectman Bowles moved to adjourn at 8:06 P.M. Second by Chairman Kardaseski. All in favor. Motion carried.

#### LOUDON BOARD OF SELECTMEN

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Deborah A. Kardaseski, *Chairman*

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Dustin J. Bowles, *Selectman*

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Roger A. Maxfield, *Selectman*