

Ossipee Water and Sewer Commission

Minutes

May 4, 2015

1. The Meeting was opened at 5:30 PM by Commissioner Kwiatkowski. Present were Commissioner DeWitte and Commissioner Loud and Superintendent Sargent.
2. The minutes of April 6, 2015 were not approved and will be approved on the June 1, 2015 meeting with the minutes from the May 4, 2015 meeting.
3. Green Folder:
Commissioner Kwaitkowski asked Doug if he made up a list of repairs that the water and sewer department have done plus how much it cost them. Doug said that he made up a list of repairs that need to be done but he is still working on the list of repairs that the water and sewer department have done. Commissioner Kwaitkowski, Commissioner Loud and Commissioner DeWitte signed the Purchase Requisition for Lake Region to pump Beech River septic tanks.
4. Abatement:
Commissioner DeWitte motioned to approve the abatement for Howard and Clemmie Merrow for \$918.84. Commissioner Loud second the motion. An unanimous vote was taken.
Commissioner Kwaitkowski read the letter from the selectman stated that they have refused the denial of the abatement for \$7,523.68 of the 2014 water and sewer bill. Commissioner Kwaitkowski motion to have the selectman put the water and sewer commissioners on their agenda for the May 11, 2015 meeting at 4:15PM to discuss this abatement. Commissioner DeWitte seconded the motion and an unanimous vote was taken.
5. Old Business:
Commissioner DeWitte motioned to accept Gerard McAuliffe's contract. Commissioner Loud seconded the motion. An unanimous vote was taken. Doug stated that next week they have an appointment with McCormack Auto to switch the tires from the blue truck to the white truck. Doug asked Commissioner DeWitte if he found a new truck yet. Commissioner DeWitte stated that he was still working on it. Commissioner Kwaitkowski motioned to hire Jim Champagne as operator. Commissioner DeWitte seconded the motion. An unanimous vote was taken.
6. New Business:
Commissioner Kwaitkowski said that he was looking at our gas and diesel bill from the town and he found out that we are paying more for gas than if we went to a gas station. Commissioner DeWitte motioned to check into a gas credit card. Commissioner Loud seconded the motion. An unanimous vote was taken
7. Superintendents Report:
Sargent stated that the lagoons at Camp David were pumped down. The building at Camp David had wind damage to the roof, we repaired it but it still needs a new roof. Pine River was vandalized and new signs and post were put back up. Got a phone call that 11 Arrowhead Dr. had no water. When they went there the meter was broken and we had to replace the pressure valve. When we went to turn the water off at the touch pad it was also frozen. Front end alignment was done on the white truck. Fire department called to shut off the water off because they had a leak. Doug stated that he had a letter to the commissioners that he wanted to read.

May 4, 2015

Town of Ossipee Water and Sewer Commission
55 Main Street
P.O. Box 67
Ossipee, NH 03814

Dear Commissioners:

Please accept this letter as a formal notification that I am resigning from my position as Superintendent of the Town of Ossipee Water and Sewer Commission. My last day will be May 15, 2015. My decision to resign is the direct consequence of a long, ongoing series of calculated acts that have breached my Employment Contract and made it impossible for me to fulfill my duties properly and efficiently and have created an intolerable work environment, as further discussed below.

The Commission recently restricted my usage of the Commission-owned vehicle and has indicated that any personal miles that the vehicle has been used for in 2015 would be taxable. The Employment Contract authorizes me to use the vehicle for any travel related to my work and position, as well as for travel to and from my place of residence. I am required to be on call at all times, and the Commission-issued vehicle is fitted with the equipment necessary to respond to a work-related emergency. Since the beginning of my contractual relationship with the Commission, I have been permitted to drive the vehicle regularly while on call, and the Commission has always been aware and supportive of such practice. By now restricting my usage of the vehicle, the Commission has hindered my ability to quickly and efficiently respond to emergencies while I am on call.

Additionally, the Commission implemented a new Purchasing Policy, requiring me to obtain approval from a majority of the Department Commissioners prior to making any expenditure of \$100 or more. These limitations are not consistent with industry standards or the policies implemented by similar departments within the Town. Imposing such strict limitations has significantly hindered my ability to efficiently fulfill my responsibilities.

The Commission has refused on two separate occasions to pay for my dues for membership in the American Water Works Association in the amount of \$413. However, under the Employment Contract, the Commission is required to "cover the costs for licenses, training and membership in professional associations related to the Superintendent's duties." Such refusal constitutes a breach of the Employment Contract.

Moreover, in October 2014, the Commission unilaterally changed my classification from salary plus overtime to salary with no overtime and no standby pay, despite the fact that my responsibilities and duties remain substantially the same. This change in designation has eliminated any opportunities for me to receive overtime pay, yet I am still required to respond to system alarms on a 24/7 basis.

Similarly, the Commission unilaterally terminated my standby pay despite the fact that the Personnel Policy requires that employees who are assigned to standby duty be paid a special emergency rate of \$160 per week. Without overtime pay or standby pay, my net income was significantly decreased, yet my responsibilities and duties remain unchanged. These changes in my employment designation and payment structure constitute a breach of the Personnel Policy agreement.

Additionally, I was denied a raise this year, even though the Employment Contract states that there shall be an "annual review of salary for raises for cost of living and performance" and despite the fact that both of the Commission's other employees received a fifty-cent (\$.50) per hour raise.

By creating this ongoing, pervasive series of adverse conditions, the Commission has created an intolerable work environment. This adverse work environment has been experienced by other employees as well, as is evidenced by other resignations. As indicated in my October 20, 2014 letter, I have directly expressed my willingness to negotiate with the Commission; however, no good faith proposal from the Commission was ever forthcoming. Furthermore, upon information and belief, it is my understanding that the Commission has been conspiring to coerce me into leaving my position as Superintendent for nearly two years.

Over the past several months, I have made several attempts to address the various aforementioned issues and concerns with the Commission; however, I have not received a direct response. Rather than approach me directly to discuss the situation and the Commission's concerns in good faith, the Commission elected to conspire behind my back and, in essence, terminated the contract in bad faith, without cause. Accordingly, I have been left with no reasonable option other than to resign and demand payment in accord with the provisions of my contract pertaining to termination without cause.

Very Truly Yours,

Douglas Sargent

Commissioner Kwaitkowski motioned to accept this resignation. Commissioner DeWitte seconded the motion and an unanimous vote was taken. Commissioner DeWitte motioned to have Chairman Kwaitkowski sign off the time sheet. Commissioner Kwaitkowski seconded the motion and an unanimous vote was taken.

8. Public Input.

Bo Eldridge asked about Doug's job. Commissioner DeWitte stated that they will advertising it very soon and will be doing interviews. Jerry McAuliffe said that the painting that he did on all the buildings, both inside and outside, was paid by the water and sewer department and the selectman should delete it from the amount of the abatement

9. Next meeting will be Monday, June 1, 2015 at 5:30PM at the Freight House

10. Commissioner Kwaitkowski motioned to enter Non-Public meeting at 6:53 to discuss RSA 91-A:3, II (a), RSA 91-A:3, II (b) and RSA 91-A:3, II (c). Commissioner DeWitte seconded the motion. Present were Commissioner Kwaitkowski, Commissioner Loud and Commissioner DeWitte. Description of matters discussed was Superintendent resignation and how to proceed for a new hire,

11. Commissioner Kwaitkowski motioned to seal the minutes. Commissioner DeWitte seconded the motion. Commissioner DeWitte voted No, Commissioner Loud Voted No, and Commissioner Kwaitkowski voted No.

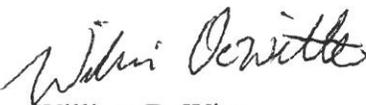
12. Commissioner Kwaitkowski motioned to leave non-public at 7:15. Commissioner DeWitte seconded the motion. Public session reconvened at 7:16. Meeting adjourn at 7:17

Respectfully submitted,

Doreen McAuliffe
Clerk

Approved

	
Chester Kwiatkowski Commissioner	June Loud Commissioner


William DeWitte Commissioner