

**BOARD OF SELECTMEN**  
**Minutes of June 18, 2012**

**CALL TO ORDER:** Mr. Breton called the meeting to order at 6:30 PM. Selectmen Phil LoChiatto, Kathleen DiFruscia, and Roger Hohenberger were present; as was Town Administrator David Sullivan. Selectman Ross McLeod was delayed and arrived at 6:35 PM.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all “yes”. The subject was personnel and the Board, Mr. Sullivan, Transfer Station Manager Dave Poulson, and Ms. Devlin were in attendance.

The Board discussed a personnel matter related to possible disciplinary action. It was the consensus of the Board to proceed as discussed. No other decision were made.

*Mr. Breton* called the public session back to order at 7:25 PM, and opened with the Pledge of Allegiance. He then advised that the Board had made no decision in the non-public session.

**ANNOUNCEMENTS:** Mr. McLeod announced that the School Board was currently conducting a survey for use as a planning tool; and asked that all residents take a few moments visit the District web page and participate.

*Mr. McLeod* then advised that the Girls Lacrosse team had won the State Championships; extending congratulations to Coach Paul Cino and several of the players.

*Mrs. DiFruscia* advised that the Town Beach is now officially open.

**MINUTES:** Mrs. DiFruscia moved and Mr. LoChiatto seconded to approve the minutes of May 7<sup>th</sup> as written. Passed unanimously.

*Chief Tom McPherson* approached to introduce the two new firefighters; Jason Sliver and Dan Doherty, giving a brief background on each and noting that both were paramedics.

**DONATION:** Chief McPherson advised that Mr. Nick LaRochelle, Manager of the Rockingham Love Sac store, had contacted the department relative to donating an oversized chair for use by the staff. After a brief discussion, Mr. LoChiatto moved and Mrs. DiFruscia seconded to accept this item with gratitude. Passed unanimously.

**WORKSHOP – IT:** Mr. DeLong presented the attached to the Board, then fielded several questions from the members. Highlights of the discussion included:

- Continuing updates to Windows XP, rather than phasing out and upgrading, which Mr. DeLong indicated could continue, however, that particular software was nearing its end of life and updates will not be available in the future.
- Use of a ticketing system as a means to monitor equipment.
- The IT Assessment recently completed. Mr. DeLong indicated that, ideally, all critical issues would addressed this year; adding that a budget discussion should be had regarding replacement of all operating systems at once which could afford the Town bulk savings. He also noted that virtualization needed to be discussed.

- The need to develop a plan of action over the next few months, both short and long term, for discussion at budget time; with input from the TAC Committee.
- The need to better clarify what needs repair/replacement and the overall cost to do so; and possible inclusion of these items in the CIP if that threshold is met.
- The extensive amount of time the IT Director spends on equipment repairs vs. the use of a ticketing system, smart switches, and a monitoring system; the latter of which would all increase efficiency.

Mr. Sullivan indicated he would like to see Mr. DeLong return to the Board in August with an in depth analysis of costs relative to the Assessment recommendations, and Mr. DeLong concurred. Lengthy discussion ensued regarding the options available and the current, critical issues.

**TAX ASSESSOR:** Mr. Norman reviewed briefly with the Board the attached memo relative to pending abatement requests. After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to approve the following as recommended: Windham Meadows II, \$1846.40; 25 Indian Rock Road, \$27,490.59; 24 Rock Pond Road, \$1,022.44; 26 Rock Pond Road, \$1,098.61; 30 Rock Pond Road, \$1,105.53; 1 Jordan Road, \$1,451.73; 3 Lake Shore Road, \$567.77; 90 Haverhill Road, \$913.97; 115 Haverhill Road, \$1,200.16; 129 Range Road, \$129.25; 1 Brown Road, \$2,656.51; 6 Floral Street, \$673.94; 19 Sheffield Street, \$853.96; 10/12 Locust Road, \$542.38; 45 Heritage Hill Road, \$2,037.96; 19 Timberlane Road, \$4,129.01; and 3 Grove Street, \$1,742.54. Motion passed unanimously.

The Board then moved to those items recommended for denial, and Mr. Norman requested that the Board defer decision on items 2, 4, and 5. After a brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to support the Assessor's recommendation and deny the following requests: 7 Farmer Road, owner Randall; and 25 Cobbetts Pond Road plus 2 other lots, owner Roberts. Passed unanimously.

**HIGHWAY TRUCK PURCHASE:** Mrs. Call explained that this was the Round 2 truck purchase, and that the State and Federal governments are allowing the Town to piggyback off the previous purchase from Liberty for the cab and chassis. She noted that the purchase price would be the same at \$87,296, and that the ancillary items would be placed out to bid; and requested that the Board authorize the issuance of a purchase order for the cab/chassis.

After a brief discussion, Mr. LoChiatto moved and Mr. Hohenberger seconded to move forward with the issuance of a purchase order for the cab/chassis as requested. After a brief discussion regarding the grant funding, motion passed unanimously.

*The Chair* called for a five minute recess.

**WORKSHOP – SALE OF TOWN PROPERTY:** Mr. Sullivan opened the discussion by clarifying that none of the properties in question were currently being actively marketed; rather the Board was going through this process to establish which, if any, would be sold. He noted he had provided the Board with two items: a map detailing the properties, and; proposed revisions to the current Disposition policy.

Discussion ensued regarding the proposed amendments, which included removal of redundancy within the policy and amended timing of auctions. Mr. Breton then suggested that a Committee be formed comprised of a member of each land use Board plus three citizen members to review the parcels for recommendation to the Board. Discussion ensued, and it was the consensus that the information compiled by Mr. Sullivan be send to the EDC, Planning Board, and Conservation for review and input.

Mr. Sullivan then reviewed the maps in detail with the Board, noting that all handouts/maps are available at the Administrative Office for review. Discussion ensued regarding the timing of response from the reviewers, and that the parcel to be acquired from the School District was not shown on the map. Mr. Sullivan clarified that this was because the transfer had not been completed, as yet, and that staff continues to work with the District.

Community Development Director Laura Scott approached clarifying that the EDC and Planning Board only have one meeting scheduled in July, and comments on the policy changes would not be available by the Selectmen's 7/11 meeting. Discussion ensued in that the hearing would not be scheduled until mid-August.

Mr. McLeod moved and Mr. Hohenberger seconded to post the Disposition of Real Estate policy for hearing as amended. Passed unanimously.

**COMMUNITY DEVELOPMENT DEPARTMENT FEES:** Ms. Scott advised that she was proposing implementation of three new fees as follows: \$300 escrow fee relative to financial eligibility for Workforce Housing; \$25 Board of Health notice; and \$5 for copies of the Design Review regulations. Mrs. DiFruscia sought clarification as to whether the \$300 is a standard fee for a third party review and Ms. Scott replied in the affirmative.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to move the proposed fees to a public hearing on July 9<sup>th</sup>. Passed unanimously.

**PERSONNEL POLICY:** Mr. Sullivan advised that proposed changes amending the health stipend for a family plan from \$5,000 to \$7,500 had been posted in-house for the required for fourteen day period, with no negative input received. He advised that this change would afford the Town approximately \$15,000 in savings for each employee who takes the stipend, at that this amendment applies to non-union employees only.

Mr. Hohenberger moved and Mr. McLeod seconded to approve this amendment to the Personnel Policy, effective immediately. Passed unanimously.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c. Roll call vote all "yes". The topic of the discussion was reputations and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

The Board discussed several vacant committee positions. Mr. McLeod moved and Mr. Hohenberger seconded to appoint the following: Margaret Case, Alan Shoemaker, and Barbara Coish as regular members and Donna Mauro as an Alternate to the WCAB; all terms to expire in 2015; Carolyn Webber as an Alternate and Peter Griffin as a regular member of the HDC, 2015; Leo Hart as a regular member of the Housing Authority, 2017; Kim Monterio, Museum Trustee, 2015; and Sally D'Angelo, regular member of the EDC, 2015. Passed unanimously.

*Mr. Sullivan* then advised the Board of a potential reputations matter. No decisions were made.

*The public* session resumed at 9:10 PM, and Mr. Breton advised several appointments had been made. Mr. Sullivan noted that several vacancies are still available, pending the outcome of the decision on the Conflict of Interest ordinances; and that staff will re-advertise these vacancies.

**EMPLOYEE APPEAL HEARING:** Mr. Sullivan explained that Elizabeth Wood was appealing a two day suspension and, per her rights under the Personnel Policy, had chosen to do so in public. He explained that Ms. Wood and Ms. Scott will each present their case, inclusive of witnesses which Ms. Wood has, and the Board will then deliberate/ask questions to determine whether to uphold, rescind, or modify the disciplinary action. Mr. Breton sought clarification that all related documents are now public, and Mr. Sullivan replied in the affirmative.

Ms. Wood began by reading a prepared statement, and then addressing each point in the attached suspension letter dated May 14, 2012.

*Junkyard:* Ms. Wood denied that she was unable to locate or remember this application, and stated she was misquoted relative to her to-do list. She then queried Mr. Dennis Root relative to her actions/quality of service throughout the application process, who responded affirmatively in support of her position.

Ms. Scott then approached, reiterating her position as stated in the 5/14 letter. She then asked Mr. Root whether the costs and extent of information that would be required were explained to him. Mr. Root replied some costs were mentioned and that he did not recall as to the latter.

Discussion then ensued, and the Board posed several questions of Mr. Root and Ms. Wood relative to both Ms. Wood's level of service/knowledge and why the applicant was not provided with a full packet of information; as well as correspondence between Ms. Wood and Ms. Scott of 5/16 (ex. 3).

*Cricket Ridge:* Ms. Wood posed several questions of Planning Board Chairman Margaret Crisler relative to the accuracy of Ms. Scott's claims, and Ms. Crisler responses indicated they were not accurate. Ms. Scott countered by noting, among other things, several specific dates where in waivers had been noticed. Discussion ensued regarding customary use vs. waiver, and the turning over of this case to Ms. Wood where it had originally been Ms. Scott's case.

Ms. Wood then posed similar questions regarding the accuracy of Ms. Scott's claims to Mr. Karl Dubay, Engineer for the applicant, and he also indicated they were inaccurate. Several questions were then asked of Mr. Dubay by the Board members, relative to the his experience and Ms. Wood's understanding of the policies/procedures in his experience. Mr. Dubay indicated that he had not had the opportunity to work with Ms. Wood on a lot of projects, and then went on to express his displeasure with this hearing.

Mr. Sullivan interjected with concerns regarding the process for this appeal hearing, as it pertained to simple testimony rather than pontificating, and a discussion ensued. Mr. Dubay indicated that he believed both Ms. Wood and Ms. Scott were competent employees, and further discussion ensued.

Ms. Wood queried the applicant, Bob Pliskin, as to the quality of service received throughout the project, and he replied that he'd received very good service from her. He added that the first year of the project, under Ms. Scott's oversight, entailed conflict and confusion. Discussion ensued.

*Winn Email Request:* Ms. Wood explained that the email in question had been received late in the day and that she intended to answer it later; adding her inquiring of Ms. Scott did not mean she couldn't provide the information to Ms. Winn. Ms. Scott countered that Ms. Winn had sent multiple inquiries and that Ms. Wood had, on 5/9 provided her the incorrect information.

Lengthy discussion ensued regarding Ms. Wood's failure to respond to the first inquiry, why Ms. Scott had been unwilling to provide Ms. Wood the answer, the lack of a land use book specifically for Ms. Wood's use, the basic knowledge that Ms. Wood should possess, the need to address client needs as a department, the staff assuming personal responsibility.

Ms. Wood queried Mrs. Crisler regarding the former's frustration at the lack of having a land use statute book available for her use. Mrs. Crisler acknowledged that Ms. Wood had expressed such concern and noted that she had given hers to Ms. Wood. Discussion ensued regarding the availability of three such books in the office and whether Ms. Wood had been denied a copy of her own.

*Workload:* Ms. Wood countered Ms. Scott's claims by noting that her to do/completed list exhibits what is completed each week. Discussion ensued as to Ms. Wood's employee evaluations. Ms. Scott reiterated concerns related to Ms. Wood's prioritization of items and time management skills, in that she leaves herself rushed. Discussion ensued.

*Small Wind Energy:* Ms. Wood countered Ms. Scott's claims by noting that she understood the process and had not approached Ms. Scott with any questions; rather she had interjected herself into the process. Ms. Wood added that the only question she had posed of Ms. Scott was relative to abutter fees, adding that she should be able to ask her supervisor questions.

Ms. Wood then queried Mr. Alan Carpenter regarding her quality of service, and he indicated he had received nothing but positive comments from the contractor regarding Ms. Wood. Discussion ensued regarding the abutter fees, and confusion at the outset of the project.

*Canobie Lake/Cobbetts Pond:* Ms. Wood noted that, in total, five different staff members have been involved in reviewing these types of applications, which she believed was the cause of the issues. She noted that the applicant in question wanted to come to the Planning Board meeting, and was warned he would have to wait and would be allowed only to address the process. She then queried Mrs. Crisler about why Mr. Cluff was in attendance at the meeting in question. Mrs. Crisler replied that he had asked to attend to discuss his project and was asked by the Chair, not Ms. Wood, to return to a future meeting. Discussion ensued as to whether this matter pertained to the petitioned or Planning Board proposed ordinance, and statements made at the Planning Board meeting.

Ms. Scott noted she had watched the meetings in question rather than referring to the minutes. She also noted that Ms. Wood has the most experience of the staff in dealing with these types of applications and had improperly advised the client in this case. Discussion ensued as to why Mr. Cluff had been in attendance and the timing of this application.

Ms. Wood queried Planning Board member Vanessa Nysten regarding the meeting in question, and Ms. Nysten noted that the meeting minutes are incorrect; citing several examples. Lengthy discussion ensued regarding Ms. Wood's efforts to contact Ms. Scott, the transition between Ms. Wood and Ms. Pendergast, and staff training.

Ms. Wood and Ms. Scott then each made a closing statement, and Mr. Sullivan advised that the Board could now deliberate the appeal or take it under advisement for deliberation another night. He reiterated that the Board can either uphold, rescind, or reduce the disciplinary action. It was the consensus of the Board to move to deliberation.

Mr. McLeod opened the discussion, by citing several items of concern regarding Ms. Scott's action, including lack of customer complaints, differences in work styles and testimony that Ms. Scott's claims were inaccurate. He indicated he believed it was a credibility issue at this point, noting that all of the witnesses had spoken on behalf of Ms. Wood. Mr. McLeod indicated he believed that Ms. Scott was setting Ms. Wood up for failure, and stated he would like the Town Administrator to investigate Ms. Scott's actions. He then indicated that he wholly supports Ms. Wood's appeal.

Mrs. DiFruscia concurred, indicating that she believed Ms. Scott's claims had not been borne out by the testimony and she therefore could not support the disciplinary action taken against Ms. Wood.

Mr. Hohenberger noted that the testimony indicated the Town has a good employee in Ms. Wood, however, he did see an issue with Ms. Winn having to wait for a response. He noted he also had concerns regarding Mr. Cluff, however he did not believe a two-day suspension was warranted; rather he believed a written reprimand would suffice for those two incidents.

Mr. LoChiatto opined that it may have been a mistake for Ms. Scott not to call witnesses; noting how dramatically opposed the positions were. He concurred with Mr. Hohenberger that there are a couple item which warrant some action; adding he could support the suggestion of a written reprimand. Mr. Breton concurred with both Mr. LoChiatto and Mr. Hohenberger, and a brief discussion ensued.

Mr. LoChiatto then moved and Mr. Hohenberger seconded to reduce the two-day suspension to a written reprimand. Passed 3-2, with Mr. McLeod and Mrs. DiFruscia opposed.

**OLD/NEW BUSINESS:** Chief McPherson advised that he would be attended the upcoming HazMat District meeting, and requested the Board authorize his proxy vote on the District budget. Mr. LoChiatto moved and Mr. Hohenberger seconded to designate Chief McPherson to attend and represent the Board. Passed unanimously.

Mr. LoChiatto moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

Meeting was adjourned at 1:00 AM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.*



**IT / GIS**

**Presented by**

**Eric DeLong**

# IT/GIS

We have 57% left in the  
Maintenance Line

New Equipment Line has  
90% Remaining

Overall  
60% of the Budget  
Remains Unspent

Organization ★  
Budget ★  
Committees ★  
Strategic Plan ★



# Information Technology

**PEOPLE**

**EQUIPMENT**

**SOFTWARE**

**SECURITY**

# 2012 IT Assessment



Reveals...

- *adequate* infrastructure
  - *subpar* equipment
  - *adequate* software
- good people + lack of training

...plan, strategy, tactics, actions.....

# INFRASTRUCTURE



Fiber Optic Backbone  
Servers 3-5 years old  
Cat5 Network throughout  
Workstations 3-8 years old  
generating P0 of Applications

80%+ of workstations operating with software that  
is no longer receiving security updates....

Merely Adequate.....

Efficiency, Security, Usage...  
all compromised

# Action Plan...



Much needs to be done, but not all at once...

While the content of this presentation indicates there are problems....It is not an **EMERGENCY**

A thoughtful, methodical plan is in place...

# Address Critical Points



- Replace Consumer with Enterprise Products
- Remove underperforming equipment
- Install Demand Performance Email Archive
- Replace Voice Mail Server
- Replace the Proxy Server with a Up-to-Date, Enterprise professional software / hardware solution
- Begin using the Trouble Ticket System in Earnest

This lays the ground work for better than adequate...*these are critical steps...*

All within the confines of this years budget

# To promote this plan....



- I will re-constitute the Technical Advisory Committee
- Scheduling regular meetings, and taking advantage of the vast wealth of *knowledge* and *experience* the group will bring to the table.
- The focus and attention of this group will be....to help direct this board to take the best possible choices, by insuring comprehensive reviews of all proposals...
- Together, moving toward something less than perfect...

...but more than just adequate

# Looking forward....



- **Addressing the age of our servers and workstations**
- **Support professional training opportunities for systems managers and key users**
- **In future budget discussions the ideas presented in the Assessment will be discussed, and proposals will be brought forward.**

# Looking forward....



- **Preparing departmentalized knowledge assessments, in order that I can clearly identify where training can enhance and benefit all of our customers.**
- **Repeating this assessment as needed, adjusting and modeling to best address change.**
- **Reviewing Policies and Procedures insuring they are up-to-date, enforceable, and supportive of Efficiency, Security and Use.**





## **Other Department Functions**

### **GIS**

Phone System

Day to Day Operations

- **Graphic Information System**
  - Maintain Central Database of Town Layers
  - Produce Zoning, and Tax Maps to Spec
  - Produce Street Map for Public and Town Use
  - Work on internal requests for Custom Output



## **Other Department Functions**

**Day to Day Operations**

**Phone System**

**GIS**

- **Provide training in all aspects of the use of Microsoft Office Products**
- **Support access to vendors**
- **Address use and function of printers, copiers, scanners**
- **Repair Equipment**
- **Answer questions about technology as it applies to every day use here and at home**



## **Other Department Functions**

### **Phone System**

GIS

Day to Day Operations

- **Phone System**
  - ComDial FX PBX
  - 100+ Lines and Voice Mail Accounts
  - Internal Wiring
  - Menu Programming

## In Conclusion....

Work toward helping everyone understand and recognize that adequate is *no* longer good enough, that **security & efficiency** are key factors driving this effort.

Maintaining a strategic outlook, insuring that the demands of our technology in terms of performance, security, and legal requirements are met..

Thank - You



In Recognition of their contributions of time, knowledge and helpful suggestions, I would also like to thank the following...

Jacques Borcoche      Greg Capiello

Scott Baetz

Wendi Devlin      Carl Heidenblad

All of the Department Heads





# Memo

To: Dave Sullivan, Town Administrator  
From: Rex A. Norman, Assessor  
CC: Board of Selectmen  
Date: June 5, 2012  
Re: Abatement Presentation Summary – For Approval - June 18, 2012

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I have provided Abatement memoranda for each of the following abatements. Please note - each gives a summary of the property, abatement request, description of error or reason for change, and the amount of value and related tax to be abated.

**Please feel free to call with any questions or email prior to the Board meeting.**

1. Eighty Mammoth Road (8 Un-built condo units) Windham Meadows II - \$1,846.40
2. Commons at Windham (25 Indian Rock Rd – Retail/Office) - \$27,490.59
3. Crowley (24 Rock Pond Rd.) Moeckel Pond coding issue - \$1,022.44
4. Fallon (26 Rock Pond Rd.) Moeckel Pond coding issue - \$1,098.61
5. Obrien (30 Rock Pond Rd.) Moeckel Pond coding issue - \$1,105.53
6. Young (1 Jordan Rd.) Moeckel Pond coding issue & listing errors - \$1,451.73
7. Day (3 Lake Shore Rd.) Land value/drainage issue - \$567.77
8. Bartel (90 Haverhill Rd.) Land value/WWPD utility issues - \$913.97
9. Young (115 Haverhill Rd.) Listing errors - \$1,200.16

**Abatement Presentation – For Approval – June 18, 2012 (cont.)**

10. Green (129 Range Rd.) Listing errors (sold property) - \$129.25
11. Taylor (1 Brown Rd.) Listing errors (property 4-sale) - \$2,656.51
12. Soroka (6 Floral Street) Listing errors (new owner) - \$673.94
13. Levesque (19 Sheffield St.) Listing errors - \$853.96
14. McNeil (10&12 Locust Rd.) Listing errors - \$542.38
15. Levesque (45 Heritage Hill Rd.) Listing errors (property 4-sale) - \$2,037.96
16. Hensley (19 Timberlane Rd.) Listing errors (new owner) - \$4,129.01
17. Serian (3 Grove St.) Listing errors (new owner) - \$1,742.54

**The following Abatements are pending denial:**

- ① Randall (7 Farmer Rd.) Disputing methodology of land valuation – no factual information provided. Requested additional information or it will be denied.
2. Doherty (8 Granite Hill Rd.) Disputing value – no appraisal support provided. Requested additional information or it will be denied.
- ③ Roberts (25 Cobbetts Pond Rd. & 2 newly acknowledged waterfront lots). Disputing value of improved site with no appraisal support provided. Disputing assessment of “newly accepted lots” as the BOS approval date is subsequent to April 1, 2011. Town position - if lots legally existed prior to “BOS approval”, they escaped taxation for many years and would be taxable when “discovered”.
4. Klemm (50 Turtle Rock Rd.) Listing errors identified, offer not accepted to date.
5. Greco (18 Park Street) Listing errors identified, offer not accepted to date.
6. Mueller (11 Farmer Rd.) Abatement application withdrawn, no info provided.



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

PO Box 120, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

To: Elizabeth Wood, Community Planner  
From: Laura Scott, Community Development Director  
Date: May 14, 2012  
Re: Two-Day Suspension

This memo serves as written notification that you will be put on a two-day unpaid suspension due to your unsatisfactory job performance. This two-day unpaid suspension follows a pattern of recent disciplinary actions, including

1. One-day suspension on December 12, 2011, which was upheld by the Board of Selectmen on January 30, 2012;
2. Formal written reprimands on July 25, 2011, October 18, 2011 and January 11, 2012;
3. Verbal and written feedback on your job performance from your annual review on November 2, 2011; and
4. Verbal warning on November 29, 2011

Unfortunately, your job performance has not improved over time and there have been repeated mistakes in your work. I believe this is due to your lack of focus and clarity, forgetfulness in your tasks, confusion about the most basic local land use planning processes and procedures, failure to be able to clearly and concisely communicate with applicants and other interested parties, and the inability to think through an assignment without explicit instruction and constant oversight. Recent examples of these concerns are listed below.

**ZBA Junkyard Certificate of Approval Application**

In your staff memo outlining upcoming work items, you stated that you needed to "locate this application to speak with Laura about creating one". This caught me by surprise for two reasons.

The first reason was that you met with a potential applicant the week prior about going through the process to establish a junkyard and this would have been an important piece of information to provide to that person so they would be prepared to apply to the ZBA. The fact that you did not have it for them at the meeting meant that they do not have all the necessary information to move forward.

The second reason that I was surprised that you could not find this document and thought it could be created is that you created this document after the 2011 Town Meeting vote. Not only did you create it, you provided it to Wendi for posting on the web site, posted in the Department for the public to access, made sure that it was in the Department Secretaries binder of all forms and applications, and provided it to the ZBA/Code Enforcement Administrator for distribution to the ZBA.

The fact that you were unable to (1) locate a document that you created and is available in multiple locations, (2) had no memory of developing this document and distributing it, and (3)



met with an applicant to advise them on a Board approval process without the application conveys to me that you are not paying attention to the work that you are doing and understanding the consequences that it may have on an applicant.

### **Cricket Ridge Planning Board Application**

At the 5/9/12 Planning Board meeting, the Board Chair asked you if you had any new information to report to the Board or updates, which you responded "no". However, this was not accurate. You had received information from KNA that you failed to mention to the Board or provide them with the material at the meeting. However, you did provide it to the applicant and he proceeded to address that document at the meeting, which put the Board at a disadvantage as they did not have this material.

The follow-up memo from the 5/9/12 meeting to the applicant did not list any of the items that were to be included in the amended plan submission. This is a common practice of staff so that there is no confusion among the application, staff, Board, and public what is expected. There were numerous items mentioned and no one was listed.

In your memos, you stated that the applicant may be seeking waivers from the Subdivision Regulations and/or Conditional Use Permits from the WFH Ordinance. Since this application is being held to the WFH Ordinance, I have two concerns with how you have advised, or not, the applicant and Board. The first is that under the WFH Ordinance it is a Conditional Use Permit, not waivers, which the applicant would be asking for from the Subdivision Regulations. Second, you should have advised both the applicant and the Board that if this is the case, then the application would need to be re-noticed because that was not part of the original notice that you drafted and the public would not be provided adequate notice of such a request.

In addition to the issues listed above, I am very concerned with your inability to provide the correct information to an abutter (Ms. Winn) to this project without my constant corrections and information. You told her that the process for appeals is outlined in Section 906 of the Zoning Ordinance, which is Duration of Approvals for Variances. You told her that this application is for "Preliminary Approval" and then it would go to "Final Approval", when in fact this is the Final Application.

When I saw your incorrect information provided to Ms. Winn via email I requested that you correct it immediately with the proper information since the hearing was that night. You stated that you did not know how a Planning Board application gets appealed and needed me to tell you. I stated that I was not going to do your job for you, that this was your application and you abutter, and questioned how you could not know how to appeal a Planning Board decision. You stated that "you were tired and could no longer think". It 4pm in the afternoon and this was not information that should have required much thought. I did finally give you a hint on where to find this information, although you still did not give her all the information necessary on appealing.

Again, your lack of understanding of the policies and procedures, as well as basic land use regulations and Ordinance has the ability jeopardize this application, the due process of the abutters, and cause concerns for the Planning Board as they take action on this application based on your guidance.

Despite this, you recently advised an applicant (Mr. Cluff) to attend a meeting of the Planning Board, which he did and sat through a 2 hour public hearing prior to being heard, for the to interpret the Zoning Ordinance for him and provide guidance. This is not the role of the Planning Board and was totally inappropriate for you to put him and the Board in this situation.

The ZBA/Code Enforcement Administrator had already made a determination as to the applicability of the Ordinance and her interpretation of "impervious". The appropriate process would have been to advise him do an administrative appeal to the ZBA for them to make the decision if he disagreed with her decision, not attend the Planning Board meeting.

You stated that the Planning Board can waive sections of the Ordinance and sited the waiver process in the Site Plan Regulations. Only the ZBA can grant Variances from provisions of the Zoning Ordinance unless this right is specifically granted to the Planning Board in the Ordinance, which it is not. Why you were referencing the Site Plan waiver process shows that you were unable to clearly provide assistance to the Board and the applicant.

You also made numerous statements at the Planning Board meeting that the Board interprets and enforces the Ordinance, which is inaccurate. Nor can they overturn a decision that is made by the ZBA/Code Enforcement Administrator, which is what you were advising them to do by inviting Mr. Cluff there.

Advising the Board that this applicant should return at the May 16<sup>th</sup> meeting in order for the Board to make the determination as to what "impervious" is and if this is a Major or Minor application was inappropriate. Regardless, the Board asked you get information from Nancy about this application so they would not be making "ad hoc" decisions without proper material, which is what you were asking them to do. You never send this request to Nancy after the Board meeting as you should have and said you would do.

At the meeting, you repeatedly stated that the Board was proposing to change the process for this applicant then they would have to do it for all of them. None of the Board members said they were changing the process; you were the only one suggesting that.

When the Planning Board questioned if minor repairs need to apply for a Watershed application, you state that "slight repairs" were ok and they did not need a permit, which had been discussed by the Board. This is in conflict with the Ordinance and not a policy of this Department. If the proposed work meets the definition of development in the Ordinance, these rules apply. Again, you lack of understanding of the Ordinance and ability to clearly explain it to the Board has now created confusion for this applicant, future applicants, and the Board.

None of this discussion at the Board meeting, which took close to 40 minutes, should have happened. The applicant and the Board members are now more confused than ever over the process and next steps. You improperly advised both of them as to the established application process and procedure, as well as the actual language of the Ordinance, and made you co-worker look as if she is not capable of doing her job, which now requires me to correct with all the above mentioned parties.