

BOARD OF SELECTMEN
Minutes of December 13, 2012

MEMBERS PRESENT: Chairman Bruce Breton called the meeting to order at 7:00 PM. Selectmen Ross McLeod, Kathleen DiFruscia and Roger Hohenberger were present, as was Assistant Town Administrator Dana Call. Selectman Phil LoChiatto and Town Administrator David Sullivan were excused. Mr. Breton opened with the Pledge of Allegiance.

POLICE UNION GRIEVANCE: Mrs. Call advised that the first grievance pertained to step increases for an officer hired one year ago who has moved from probationary to union status. She indicated that, due to the lack of a contract, the employee's step increase from probationary to union scale had been denied. Mrs. DiFruscia inquired when the contract had expired, and Mrs. Call clarified there had been no contract since 3/31/2011. Discussion then ensued as to which items continue and which do not without a contract, with Mr. McLeod expressing concern that items were selectively being denied. Mrs. Call clarified that other employees, already in the collective bargaining agreement, have also not received increases; and that Town Counsel has offered an opinion to the Board regarding same.

Chief Lewis noted that Officer Van Hirtum filed the grievance in question; referring to it as a breach of contract on the part of the Town Administrator relative to language included in Van Hirtum's offer of employment. Chief Lewis noted that Town Counsel has advised that, although the probationary period was completed and Van Hirtum entered the union, the increase does not apply as there is no contract; thus the Chief had denied the grievance.

Officer Shane Mirasola, Union representative, read from a prepared statement to the Board; outlining the Union's position relative to Officer Van Hirtum's grievance. Throughout, several items were discussed, including:

- What insurance premium Officer Van Hirtum was paying; and Mrs. Call clarified that he is paying the same as the other officers, which is the lapsed contract rate of 20%.
- The variation of contract references within the offer letter itself.
- Whether the increase as denied was in fact a "step" increase. Mrs. Call clarified that in the Town's view and Town Counsel's view, this move from step 1 of the non-union scale to step 1 of the union scale at the end of the probationary period constituted a step.
- That all items referenced in the offer letter, with the exception of item 4, have been implemented. Mrs. Call clarified that item 4 is a cost item, that was not properly warned to the voters, and a lengthy discussion ensued regarding same versus the financial impacts of earned time versus how the Town is required to "warn" the voters.
- The differences between Van Hirtum's offer letter and those presented to the two officers who were hired subsequently, specifically the lack of a dollar amount therein, which Mrs. Call indicated she could not clarify.

Mr. Breton sought clarification as to how long the Board had to make a determination in this matter, and Mrs. Call replied that within ten (10) days the Board must deliberate and respond with their decision, in writing, within twenty (20). Discussion ensued regarding the material needing review, and whether or not this matter can be completed in non-public as the grievant requested a public hearing. The Board requested that Mrs. Call provide them with examples of older offer letters, as well as the expired Police contract for their review. Further discussion ensued.

Chief Lewis then advised that a grievance had been filed by Officer Jason Dzierlatka on November 8, 2012; which was related to compensation for voluntary training which Officer Dzierlatka maintained he had been approved to attend by Captain Caron. Chief Lewis clarified that, due to ongoing budget concerns, the Department had eliminated voluntary training. Chief Lewis noted that, subsequent to Captain Caron's email, Sig-Sauer had advised the Town that free training was being offered to all

Departments, and two officers were assigned to go. As a result of that, Officer Dzierlatka believes that he should be compensated for that training which he attended; essentially costing him four (4) hours of overtime.

Officer Dzierlatka approached, advising that Captain Caron had initially approved his attendance at the training; which was scheduled for his day off, and that he had attended similar training in October for which he had been compensated. He noted that the officers who had attended the Sig-Sauer free training had been compensated by the Town for their time in the amount of twenty (20) hours.

Officer Mirasola clarified that the basis for Officer Dzierlatka's claim is the Chief's contention that the officers were sent to the Sig-Sauer training in anticipation of the loss of a particular staff member; which has never been done. Officer Dzierlatka cited other occasions that the Town has been without specifically trained officers in the past.

Discussion ensued, and Mr. Hohenberger sought clarification that Officer Dzierlatka was seeking four (4) hours of overtime to be whole. Officer Dzierlatka replied in the affirmative.

Chief Lewis reiterated that there is an impending retirement, and that the Sig-Sauer training represented \$3,000 in training at no cost. He then inquired of Officer Dzierlatka whether he had taken the training because he felt it was important to him or because he needed it to reach the 40 hour training requirement to obtain his incentive pay. Officer Dzierlatka did not deny that the incentive pay was a factor, however, he added that this particular Officer Safety Training was one that Captain Caron had advised him of as being a good opportunity. Discussion ensued as to the timing/nature of Captain Caron's approval for the training. Officer Dzierlatka indicated he was already signed up for the course prior to Captain Caron's email, and further discussion ensued.

Mr. McLeod sought clarification that the amount in question is less than \$200, and the Chief replied in the affirmative; adding, however, that there is a matter of principal. Discussion ensued as to the ability of the officers to attending any training they wish, on their own time, versus approved training compensated by the Town; and that either type can count toward officers' incentive pay provided it is job related and the proper paperwork is submitted to the Chief. Mrs. DiFruscia sought clarification as to what incentive pay is, and the Chief replied that it serves to encourage the officers to seek out training in excess of the 16 hours the Town is required to provide per their contract.

Further discussion ensued regarding whether or not Officer Dzierlatka had been approved to attend prior to Captain Caron's email, and common practice among the officers in seeking approval/overtime for attendance. Officer Dzierlatka indicated he would provide the Board members with the email correspondence between him and the training coordinator, as well as a copy of his grievance.

Further discussion ensued regarding Officer's Dzierlatka incentive pay and whether this particular training was related to his receipt of same, as well as subsequent mandatory training attended by all staff members.

Mr. Breton noted that the Board would follow the same procedure as far as response, and the members requested that the Chief provide them further documentation regarding training procedures/approvals.

The Chair called for a five minute recess.

BUDGET WORKSHOPS:

CART – Ms. Lee Maloney introduced Ms. Jaimee Bellissimo, the new Executive Director of CART, and noted that she would be staying on in a different role during a transition period. Noting the continued lack of ridership in Windham, Mr. Hohenberger asked if the CART Board of Directors could change the formula for determining the portion of the overall cost that each Town has to pay towards the service. He noted he would like for the Town to stay in the program if they could lower the annual cost. Ms.

Bellissimo noted that demand response is an expensive service, and perhaps the Town would be better served with a shuttle service. Discussion turned to the number of CART trips used by Windham residents, and the type of statistics available regarding those trips, noting most are medical related. Mr. Breton noted that the Town van service, which is available at no cost to the rider, is working well, and if the Town were to take some of the CART funding and refocus it towards funding paid van drivers, we could focus on servicing our residents, including non-seniors. Mrs. DiFruscia noted that the infrastructure in Windham is not conducive to a circular shuttle service as there are not a lot of pick-up points like a city would have, and the advantage of CART is the door to door service. However, with an aging population and lack of other public transportation, she felt that she would like to continue to have an alternative to the Town van. Discussion turned to the calculation of the Town's annual fee paid to CART and how it is derived, as the cost per trip is excessive based on the low ridership statistics.

Mrs. Barbara Coish noted that she was involved in the original grant funding from the Alexander Eastman Foundation when CART was initially developed. She expressed her thoughts regarding the members of the Senior Center and that CART gets limited use by them, unlike the Town van. She spoke on behalf of herself and Mr. Tom Case, a CART Board member, noting CART requires a lot of funding and she believes we could do more with the Town van, especially if we were able to pay someone to do more regular trips. She also reiterated that the Town van rides currently are not limited to seniors.

Discussion turned to the Town van being reliant on volunteer drivers and Peter Griffin asked what happens if volunteers are not available. He also indicated that it operates generally for the benefit of seniors and that it needs to be marketed to others that don't drive for various reasons.

Mr. Breton acknowledged that we won't solve the transportation issues in one night, but would rather there be a waiver provision for residents, as it is frustrating to residents that we pay \$12,900 as a Town and the riders are also required to pay \$4 to ride each way. It was also noted that the cost to provide the Town van (fuel, repairs, etc) is minimal. Ms. Bellissimo indicated that she would have to take the waiver request back to the CART Board for consideration. Mrs. DiFruscia reiterated that CART should better market the service as a lot of people are not aware it is available in Windham, and not just rely on the local cable access channel. Ms. Bellissimo indicated that she uses social media as an outlet to attract a different demographic of ridership, and would attempt to extend this to Windham residents. Ms. Maloney mentioned again that it is not a senior only service, and requested that the Board assist in seeking one or two more residents to represent Windham on the CART Board. No changes to the budget were made.

POLICE/DISPATCH – No changes to the Dispatch budget were made.

Regarding the Police budget, Chief Lewis noted that the overall budget is down 1.8%, and one of the most significant changes is in the Equipment line item for full replacement of the department Tasers. The Chief noted the warranty period lasts four years, but the current Tasers are approximately six years old. Mr. McLeod agreed that this is a safety item and needs to be dependable. It was mentioned that this could be one of the items we could purchase out of remaining 2012 funds, if available. Mr. Breton reiterated that this should be purchased as soon as the 2013 budget passes, if not sooner. Discussion turned to whether the public safety details fund could be used for a portion of the Taser purchase.

Mr. Hohenberger asked about the building camera purchase in Property Maintenance line, in addition to the Surveillance camera in the Investigations line. Chief Lewis noted the first camera is one of the cameras mounted to the building, and since one was recently defective and replaced, he is looking to replace these on a rotating basis. The Chief noted the second item is a covert camera that can be deployed from place to place, such as for surveillance for graffiti. No changes to the Police budget were made.

A brief discussion ensued regarding installing a safety call button at Griffin Park, and Board members inquired as to whether an emergency alert system (or "blue light") could be looked into. Chief Lewis noted that he had some price estimates and would bring to the Board for future consideration.

FIRE/EM – Discussion turned to individual line items within the Fire department budget and the Chief McPherson answered several questions from the Board, clarifying items within the budget. A lengthy discussion ensued regarding the department heat usage, how it has fluctuated from year to year, steps the department has taken to weatherize and improve the heating system including looking at the results of the recent energy audit. Mr. Breton requested the Board consider a reduction of \$3,520 from the heat line item to \$10,000 based on actual usage to date through 2012. Mrs. Call indicated that this line item had already been reduced \$3,000 from last year’s budget and suggested the Board review the usage data for the last 3-5 years to better analyze this line item before making further cuts. The Board then discussed radio/communication and the annual tower rental fees. Discussion turned to the ambulance equipment line item and the Chief deferred to Lt. Jay Moltenbrey to present the details of the Lifepak 12 that is proposed to be replaced. The current Lifepaks are 10-11 years old and are getting to a point that the units may not be supported by the vendor. The new Lifepaks are more technologically advanced; as an example, they will now be able to support carbon monoxide monitoring of patients directly, as opposed to the mobile detection devices used now. Discussion turned to the defibrillator device proposed to be purchased, and it was noted that it is a mechanical chest compression device which will assist the EMT’s in dealing with fatigue and inconsistency in delivering compressions, which is based on current recommendations. Lt. Moltenbrey stressed the importance of this equipment to pre-hospital care, noting that the Lifepaks are used on roughly 97% of the patients that are transported.

Discussion turned to the AED request and the placement of the units. Chief Martineau noted that an organization wished to donate a unit, specifically for Griffin Park, and discussion turned to public access and the type of environment that needs to be maintained. Chief McPherson noted that the case will be tied into the alarm system and would generate an EMS alarm if opened. Chief Martineau noted that the Town Beach is another recommended location, but it was noted that it could be a mobile unit that can be used elsewhere when the beach is not open.

Chief McPherson requested the Board consider the use of excess public safety detail account funds for the purchase of a utility truck used for various public safety related needs. It was noted that the funds could be taken from both the “Police” and “Fire” detail accounts, as the funds are accounted for as a public safety revolving fund for both police and fire purposes. Consensus of the Board was to pursue a cost estimate for this type of vehicle, as well as whether a trade-in would be feasible.

No changes to the fire department or emergency management budgets were made.

Mr. McLeod motioned and Mrs. DiFruscia seconded to adjourn. Passed unanimously. Meeting adjourned at approximately 10:20 pm.

Respectfully submitted,

Dana Call
Asst Town Administrator-Finance

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