

TOWN OF GREENVILLE, NH
SELECTMEN'S MEETING
June 22, 2010
Minutes

Selectperson O'Keefe opened the meeting at 6:04 p.m.

In attendance: Selectperson Kelle O'Keefe, Selectman Scott Blease, Town Administrator Kelley Collins, Attorney Biron Bedard from Ransmeier & Spellman and Road Agent, Dennis Heywood

Selectperson O'Keefe explained to Mr. Heywood that he could have a Non Public Session or an Open Session. Mr. Heywood requested an Open Meeting.

Attorney Bedard noted that he was asked to conduct this meeting for a couple of reasons, the first being that the Board wanted to make sure that they handle this correctly and the second being that since Chairperson Brenda Bergeron has recused herself from the meeting, Selectperson O'Keefe and Selectman Blease want to be able to listen to Mr. Heywood instead of worrying about conducting the meeting.

Attorney Bedard explained to Mr. Heywood that this is his Loudermill Hearing that by law he is entitled to know what the allegations against him are and he has an opportunity to be heard, to ask questions and present any evidence. If Mr. Heywood has anyone he would like to testify on his behalf he can let us know who they are and what they would testify to. After that the Board of Selectmen will have an opportunity to ask any questions and the they will close the public hearing. Once the hearing is closed the Board may either take this under advisement or they may take action which can be anything from exoneration to termination and anything in between.

Attorney Bedard asked Mr. Heywood if he had any questions about the procedures for tonight's meeting. Mr. Heywood did not have any questions.

Attorney Bedard read the list of allegations as laid out in the memo from the Board of Selectmen to the Road Agent, Dennis Heywood, dated June 9, 2010. (see below)

Town of Greenville

Memo

To: Dennis Heywood/Road Agent
From: Board of Selectmen
CC: Personnel File
Date: June 9, 2010
Re: Completion of assigned tasks

On or about December 29, 2009, you received a Performance Evaluation with respect to your position that required you to complete six specific tasks on or before March 5, 2010, to improve your performance as the Road Agent. In addition, you received a memo dated March 31, 2010 that outlined the deficiencies in completion of the six original items. These six items were as follows:

- (1) attend management skills for first time Supervisors course on January 15, 2010;
- (2) attend a seminar of your selection that is specific to the Department of Public Works by March 5, 2010;
- (3) complete a formal/detailed storm ice policy by March 5, 2010;
- (4) complete a formal/detailed vehicle maintenance policy by March 5, 2010;
- (5) complete a formal/detailed highway safety policy for staff by March 5, 2010; and
- (6) effective immediately, you are to attend one monthly Board of Selectmen's meeting to review progress and provide assistance in meeting these objectives. You will need to schedule at the Town Office to assure your place on the agenda for each month.

As of the date of this memo, only completion of a formal/detailed storm ice policy has occurred in a timely manner. Your conduct with respect to these other tasks is deficient for the following reasons:

- (1) The management skills for first time supervisors was not completed until April 15, 2010.
- (2) You have not taken another class or seminar of your choice with respect to Public Works, or requested an extension of the deadline for completion of March 5, 2010.
- (3) You did not submit a complete formal/detailed vehicle maintenance policy on or before March 5, 2010. The policy eventually submitted failed to address key items and was poorly written. The Board of Selectmen rejected this policy as unsatisfactory for these reasons. No revised policy has been submitted to date.
- (4) You did not submit a complete formal/detailed highway safety policy on or before March 5, 2010. The policy

eventually submitted failed to address key items and was poorly written. The Board of Selectmen rejected this policy as unsatisfactory for these reasons. No revised policy has been submitted to date.

- (5) You have not attended any Selectmen's meetings as required in your evaluation.

In addition, the Board of Selectmen adopted a policy on December 2, 2009, requiring you to notify them directly of your absence from work. It has come to their attention that you were absent from work on June 1, 2010, and did not notify them as required by the policy.

The Board of Selectmen has previously provided you with written warnings on June 30, 2009, and on May 5, 2009, regarding your failure to complete tasks or file things in a timely manner. In addition, you received a further written warning on or about March 31, 2010, which resulted in a suspension without pay for three days during the week of April 19, 2010 for the failure to complete tasks and file things in a timely manner. In light of your continued failure to substantially comply with the corrective action specified in your performance evaluation, and the prior written warnings within the last year regarding timely completion of matters, and the failure to complete matters demonstrates a repeated failure to carry out lawful instructions of the Board of Selectmen, the Board of Selectmen is considering taking additional disciplinary action against you based upon the above-stated charges, including the possibility of termination. On Tuesday, June 22, 2010, the Board of Selectmen will meet at Town Hall at 6:00 PM to hear any information or evidence which you wish to present in response to these allegations. This meeting will be held in non-public session, unless you request that it be held in public. If you wish to have this meeting held in public, please notify the Town Administrator no later than Friday, June 18, 2010. Should you fail to appear at this meeting, or not present any evidence or information to refute these allegations, the Board of Selectmen shall take such action as they deem appropriate, based upon the information in their possession.

If you have any questions concerning this meeting, please contact the Town Administrator Kelley Collins.

Attorney Bedard asked Mr. Heywood if he had any information to present.

Mr. Heywood noted that the Management Class was postponed from January to April 2010 and he showed the Board a copy of the certificate he received for attendance.

Mr. Heywood said he also attended a Winter Road Maintenance class in Milford with Mike Bergeron about two months ago. He did not receive a certificate.

Mr. Heywood noted that he had submitted a Vehicle Maintenance Policy and a Highway Safety Policy. They were written to the best of his ability. He did not know until he received the memo of June 9, 2010 that the Board rejected them.

Mr. Heywood noted that with regard to the day off on June 1 he had called Town Hall and left a message on the answering machine.

Mr. Heywood stated that he overlooked making an appointment with the Board in April and May as he was tied up remodeling his kitchen.

He believes this covers all the items in the memo.

Selectperson O'Keefe asked the Town Administrator if Mr. Heywood was notified of the inadequacy of the (2) policies and she noted that there was a sentence referring to that in the memo he was sent on March 31, 2010 and she read the applicable portion: "...However you failed to submit a timely formal/detailed vehicle maintenance policy, and/or a formal detailed highway safety policy by the deadline of March 5, 2010. Of greater concern is that neither the highway safety policy nor the vehicle maintenance policy was satisfactory or adequate." The Town Administrator also noted that she received the policies in town hall on March 8, 2010.

Selectperson O'Keefe also asked the Town Administrator if there was documentation of a Call Out policy for the Road Agent. The Town Administrator noted that the Road Agent signed for a memo outlining this policy on December 2, 2009 (see attached memo) that calls for the Road Agent to call the Board and provides their personal numbers.

Attorney Bedard asked the Board if they had any more questions for Mr. Heywood and they did not. He also asked Dennis if he had any other information he wished to present.

Selectperson O'Keefe made a motion to close this portion of the hearing at 6:25 p.m. Selectman Blease seconded. Vote: 2-0.

Attorney Bedard explained to the Board that they can close this portion of the meeting and they can take all this information under advisement or they can move to take action from exoneration of Mr. Heywood through termination. Attorney Bedard stated that if the Board were to terminate Mr. Heywood he is not like other municipal employees as he is protected by RSA 231:65 which says that the Selectmen may only terminate a Road Agent for "intentionally or deliberately refusing or neglecting to comply with lawful instructions of the selectmen or intentionally or deliberately refusing or neglecting to carry out the duties prescribed in law for highway agents. He also stated that any such order of removal must be filed with the Town Clerk.

Selectperson O'Keefe asked Selectman Blease if there was anything new presented tonight that they were unaware of. Selectmen Blease noted that he was all set. Selectperson O'Keefe did not see anything that she hadn't been aware of.

Attorney Bedard recapped that the Management Course had been postponed, the Road Agent did attend an additional class but could have attended the additional class in a timelier manner, he did not revise his policies despite a written warning, he did not attend a Board meeting in April or May, and he did not adhere to the call in policy. In light of these items he asked the Board what they want to do in regard to Mr. Heywood's employment.

Selectperson O'Keefe discussed that there attempts at progressive discipline to improve Dennis' performance did not seem effective. Selectman Blease commented that the Board has always tried to work with Dennis and they were always available to him but it did not seem like he wanted any help. He was not sure that they Board could do anything more to improve things or help him.

After consideration of tonight's meeting items, Selectperson O'Keefe made a motion to terminate Dennis Heywood from the position of Road Agent, effective immediately. Selectman Blease seconded. Vote: 2-0.

The Board went into an Attorney Client privileged meeting from 6:35 to 6:40 p.m.

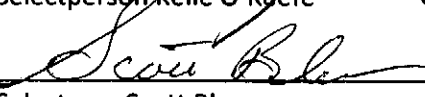
This meeting was adjourned at 6:40 p.m.

Submitted by: Kelley Collins/Town Administrator

Approved by:



Selectperson Kelle O'Keefe



Selectman Scott Blease