



**BOARD OF SELECTMEN**  
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**MINUTES OF THE BOARD OF SELECTMEN**

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Monday, November 06, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Randy Bunnell, Laura Malloy, Vaughan Morgan, Steve Smith, Paul Stanley

Staff Present: Paul Sanderson, Town Administrator

Also Present: Dennis Malloy, State Representative; Marge Morgan, Town Clerk/Tax Collector; Tara Tucker, Police Chief; Members of the Police Department; Ralph Cresta, Fire Chief; Members of the Fire Department

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Chair Smith opened the Board of Selectmen meeting at 6:30 p.m. A roll call was taken, and it was announced a quorum was present and the meeting was being live-streamed and recorded. S. Smith noted that the Town Offices will be closed on Friday, November 10, 2023, in observance of Veteran's Day.

I. APPROVAL OF MINUTES
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1. Monday, October 23, 2023

MOTION: V. Morgan moved to approve the minutes of Monday, October 23, 2023, as written. Second – R. Bunnell; all in favor. MOTION CARRIED

II. OLD BUSINESS
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1. Waste Management vs. ecoMaine: Recycling

TA Sanderson explained this item involved the contract for disposal of recycling materials at the Transfer Station. The Town has had a relationship with ecoMaine for the last six years. Recycling materials were disposed of with no tipping fee; there was a hauling fee of \$235 per load. The Town's contract with ecoMaine will be ending. A contract was received for \$110 per ton for recycling; the transportation would remain at \$235 per load. TA Sanderson also received pricing from Waste Management. Rather than \$110 per ton and possible revenue, Waste Management's price is \$161.28 per ton, which is more than municipal solid waste.

TA Sanderson recommended that the Board sign the agreement with ecoMaine. The Town has had a good relationship with ecoMaine. The Transfer Station employees understand the rules and regulations with ecoMaine for the quality of their materials. TA Sanderson stated that there is a problem with staffing at the Transfer Station. If there are not enough employees to work at the Transfer Station, the Town may have to consider curbside recycling as an alternative.

P. Stanley asked what the difference in cost would be between curbside and the Town paying to have it picked up at the Transfer Station. TA Sanderson responded he was unsure. Most of the competition would be between Casella or Waste Management. He thought Waste Management would charge a

## DRAFT: SUBJECT TO CHANGE

similar price to the \$161.28 per ton. It would be more labor to get materials to their facility. TA Sanderson felt the cost would be more than contracting with ecoMaine and if residents took their recyclables to the Transfer Station.

L. Malloy questioned if any equipment would need to be changed. TA Sanderson stated the Town has a current relationship with ecoMaine for recycling and a current relationship with Waste Management for disposal of municipal solid waste: all would stay the same.

MOTION: V. Morgan moved to approve the ecoMaine contract with a starting rate of \$110 per ton, adjusted annually based on the Consumer Price Index for Urban Consumers Northeast Region, Class B. Second – L. Malloy; all in favor. MOTION CARRIED

### III. NEW BUSINESS AND ADMINISTRATIVE

#### 1. Police Equipment Capital Reserve Fund Expenditure

Chief Tucker requested authorization to pay for new bullet proof vests from the Police Equipment Capital Reserve Fund for two new officers. Funds are available in the CRF; the Selectmen are agents to expend. Once approved by the Board of Selectmen, it will be submitted to the Trustees of the Trust Funds.

MOTION: V. Morgan moved to authorize the expenditure from the Police Equipment Capital Reserve Fund for the purchase of armor and equipment from Atlantic Tactical in the amount of \$3,975.51. Second – L. Malloy; all in favor. MOTION CARRIED

Responding to a question from R. Bunnell, TA Sanderson explained that the Trustees of Trust Funds invest funds at Charles Schwab. The Town's 'normal' accounts are at TD Bank; the longer-term funds held by the Trustees of Trust Funds are invested in accordance with their investment policy. Charles Schwab is certified by the State; the Attorney General's Office has reviewed the investments. The Trustees are in constant contact with the Attorney General's Office and there are no objections to the funds being there.

#### 2. Road Name Approval: Summerwind Place

Summerwind is the 40-unit age restricted housing development off Maple Drive and Magnolia Lane. The developer has requested the name of the private road to be Summerwind Place. Both 911 and Chief Tucker have reviewed and approved Summerwind Place and Clubhouse Drive. Street numbers will be assigned when homes exist.

MOTION: R. Bunnell moved to approve the names of the private roads within the age-restricted housing development as Summerwind Place and Clubhouse Drive. Second – V. Morgan; all in favor. MOTION CARRIED

#### 3. Transfer Station Help

TA Sanderson explained that one year ago, there were six employees at the Transfer Station. Due to circumstances beyond anyone's control, the Transfer Station is down three employees. One person has recently applied. The Transfer Station is very short-staffed coming into the winter months. Advertising has been done. TA Sanderson stated that during the winter months it becomes very difficult to perform

## DRAFT: SUBJECT TO CHANGE

services at the Transfer Station. One employee is in his mid-20's; the others are 70 or older. Starting pay is \$19.50; once certified as a Solid Waste Operator, wages will increase to \$21.07 per hour.

V. Morgan asked if someone could be hired to fill in on occasion. TA Sanderson stated that the Town has resisted that in the past; however, based on current circumstances, it would be considered. Responding to R. Bunnell, TA Sanderson stated that the Town pays for training. It is an online course through DES; the Town pays the \$50 fee.

MOTION: V. Morgan moved to approve hiring Robert Schindler at the Transfer Station. Starting pay will be \$19.50 per hour and increase to \$21.07 per hour upon certification. Second – R. Bunnell; all in favor. MOTION CARRIED

Advertising has been done on the Town's Facebook page, the Town website, word of mouth, and the sign in the front of the Town Hall. There has not been advertising in the newspaper.

### FIRE FIGHTER CEREMONY

Marge Morgan, Town Clerk, swore Matt Gobbi in as the newest full-time firefighter/AEMT in the Fire Department. Congratulations, Matt!

### OLD BUSINESS (continued)

#### 2. Employee Health Insurance

There have been many discussions with employees and Kevin Delaney, Town Treasurer, regarding health insurance and the proposal from ClaimLinx. The Board needed to decide whether to forward the proposal and begin the implementation process. HealthTrust must be notified that the Town will not be using their services in the upcoming year by November 17<sup>th</sup>.

It was noted by V. Morgan that after talking to K. Delaney, it sounded like a win-win situation for the Town. Benefits will not change for the employees and the Town will save money. He was personally in favor of the change. L. Malloy stated there was a meeting with the Police Department, Fire Department and Town Hall employees so they could voice their concerns and ask questions. She was also in favor of the change. P. Stanley has been in favor of the change from the beginning. R. Bunnell, referring to the email from Chief Tucker that the Police were 'on board', questioned if there was feedback from the Fire Department and Town Hall employees. TA Sanderson stated that he did not want to speak for the Fire Department, although he heard nothing but good. He has spoken to Town Hall employees; the general feeling is similar to the Police Department: as long as all representations continue forward, they are happy and pleased with the change. R. Bunnell clarified that the Town will not be in a long-term agreement. P. Stanley stated that it would be year-to-year. R. Bunnell stated that he cared about the employees being happy.

V. Morgan thanked K. Delaney for doing the presentations; he did a great job and V. Morgan appreciated what he did.

MOTION: V. Morgan moved to implement the change in insurance providers for Town employees from HealthTrust to ClaimLinx. Second – P. Stanley; all in favor. MOTION CARRIED

R. Bunnell gave 'kudos' to P. Stanley for his help.

3. Employee Sick Leave Buyback

The employee sick leave buyback discussion was a continuation from the October 23<sup>rd</sup> meeting. Chief Tucker requested the implementation of the program in accordance with Section 7 of the Personnel Policy. TA Sanderson strongly disagreed with Chief Tucker's proposal.

Chief Tucker noted that because the Town was changing insurance companies to ClaimLinx, there were more employees who met the requirements. The benefit was outlined in the Personnel Policy and has been in existence for many years. Many employees keep enough sick time in order to receive this benefit at the end of the year. Not every employee qualifies: 32 hours must remain on the books after. Chief Tucker felt it was important to follow through on policy benefits; at the 11<sup>th</sup> hour it sends the wrong message to employees to not honor what was done last year.

TA Sanderson respectfully disagreed with Chief Tucker. A legal opinion was received last year about this issue. If money is paid to an employee based upon the sale of a benefit, it becomes the employee's money and not the Board's decision how it is to be used. There is not an accounting vessel to put the funds in; it is not part of the 125 Cafeteria Plan. In addition, there are tax implications as well as administrative implications.

In 2020, the US Department of Labor took the position that a sick leave buyback program of this type would be a non-discretionary bonus. TA Sanderson explained that a bonus could be excluded from the base rate of employee pay when the bonus is discretionary. He provided materials and a fact sheet from the Department of Labor as well as the language from the federal regulations: if there is any type of agreement or documentation that sets the calculation, it is no longer discretionary. Once it is non-discretionary and paid to employees, it must be allocated to the employee's regular rate. TA Sanderson further explained that if the Town did this in November or December, every hourly payroll would have to be restated for every employee involved back to January 2023. Overtime and compensation for retirement would also have to be restated; it would be an administrative nightmare.

TA Sanderson suggested this not be implemented. He has spoken to staff, and it will not be implemented. Restating payroll for an entire year cannot be done. It would delay W-2's, complicate taxes, and complicate retirement.

Responding to P. Stanley's question, TA Sanderson explained that last year, W-2 income was given to employees. The requirements in the regulations were not understood at the time and were not done. At the end of the year, a discretionary bonus was given. In the spring when hourly rates were adjusted for employees, some of these issues were taken into consideration.

Chief Tucker questioned what benefit would offset employees based on the policy and expected all year. No one wants a benefit taken away. TA Sanderson noted that Town Hall employees did not expect it; they knew it was illegal. Chief Tucker stated that her employees did expect it because of the way it was done last year, and it was in the policy. She expects the policy to be redone, but until then her staff rely on what is in the policy. In addition to being fiscally responsible, her primary focus is on retention. It is difficult when the officers are getting job offers daily. Chief Tucker suggested implementing something else to offset.

V. Morgan noted that TA Sanderson just came on board. Many of the things he was going through had just been discovered; he is trying to correct a mess. It is not an easy job and there is a lot of pressure on him. V. Morgan was in favor of employee benefits: it must be legal, and the Town must be able to afford

## DRAFT: SUBJECT TO CHANGE

it. He could not move forward with this plan due to the legalities and that it would be a nightmare on the administrative side.

Chief Tucker noted that this takes effect on November 15<sup>th</sup>. There needed to be some type of benefit. They are just now getting up to full staff. Retainage is paramount.

R. Bunnell stated that he was disappointed in themselves; if the problem was known last year, why was the policy not fixed. The Board has been discussing policies for a while. He agreed with the Chief that everyone had expectations. It is the end of the year and there is a policy on the books. R. Bunnell was 'a little disheartened': it feels like the Board has had a lot of conversations with the Police this year over a number of different issues. He hoped it could be corrected because of the challenges with the police, the State and Town when it comes to the police. He appreciated them and wanted to keep them in Greenland. R. Bunnell noted that Police and Fire do not have a union; that should be taken into consideration with benefits. The State is allowed to buy back 50% of their sick time but no more than 60 days. It was clarified that the sick leave policy applied to all employees; it was originally connected to buy back health insurance. There is a limitation on sick leave accrual.

TA Sanderson stated that the trend in HR is not to have differences between the types of leave; leave would be combined into personal time off. Recreating the policy with personal time off allows employees to have other freedoms. A different set of benefits can be provided under a 125 Cafeteria Plan, which would be administered by ClaimLinx.

R. Bunnell was not trying to link this to insurance. He was thinking of buy back in general and suggested a lump sum based on accrued sick time. People were not calling in sick but going to work, especially with the situations over the last year and being short staffed.

P. Stanley asked if it would be an administrative nightmare if the buyback happened in January. TA Sanderson stated it could not be any form of a prior agreement; it had to be purely discretionary. The Board of Selectmen as the appointing authority has to control whether it is granted, the timing it is granted, and the amount granted. It cannot be based on any type of prior calculation. A prior calculation becomes non-discretionary, which would affect the regular rate as well as overtime, and creates other difficulties.

TA Sanderson noted the Library Trustees are considering combining leave time into a PTO; it removes the distinction between all types of leave. The Town has many types of leave; TA Sanderson recommended combining leave when the Personnel Policy is revised.

P. Stanley stated the policy will have to be changed for this year, but what could be done this year. TA Sanderson stated there are three manifests remaining. He will be updating the Board on how much is available in the appropriations at each meeting. There may be funding available that would lapse to the unreserved fund balance that could be used at the Board's discretion. If it is purely discretionary, the Board does not have to restate base rates or overtime; there may be retirement costs for withholding, depending if the employee is Group 1 or 2, Tier 1, 2, or 3.

R. Bunnell agreed it needed to be removed from the policy, but wanted to have a solution that was best for the employees. P. Stanley suggested postponing sick leave buyback because of the legalities, looking at a discretionary bonus at the end of the year. TA Sanderson stated that would make it discretionary. S. Smith commented that according to the documents from TA Sanderson, a bonus is paid to an employee

## DRAFT: SUBJECT TO CHANGE

in addition to regular earnings. TA Sanderson noted again that the appointing authority determines if it is done, when it is done and the amount.

R. Bunnell stated there needed to be a policy around sick time: it should be eliminated or reduced but there needed to be a better policy. S. Smith noted that would not happen before the end of the year. He would like to give employees their money before January 01<sup>st</sup>.

Referring to R. Bunnell's comment regarding tax implications and going into next year, TA Sanderson stated if it was early discretionary the income from the year would not have to be restated. It becomes compensation; federal taxes and retirement would have to be paid. It would be the net amount paid to the employee. P. Stanley questioned naming it discretionary; TA Sanderson responded that naming it discretionary was not enough, it needed to meet the regulations. P. Stanley requested amounts be available at the next meeting so the Board could decide on a discretionary bonus.

There was a discussion about keeping the existing types of leave in place or instituting a Personal Time Off combined leave. Chief Tucker, questioned by L. Malloy, stated that combined leave would make it very difficult for the Police Department: there are different rules depending on the type of leave. TA Sanderson noted it may be more difficult on the emergency services side because of scheduling.

MOTION: L. Malloy moved to not implement the sick leave buyback policy and permanently remove it from the Town's Personnel Police immediately. Second – V. Morgan; all in favor. MOTION CARRIED

MOTION: R. Bunnell moved to implement a substitute to the previous sick leave policy by January 01<sup>st</sup>. The Board of Selectmen reserves the right to consider a discretionary bonus for year end 2023. Second - L. Malloy; all in favor. MOTION CARRIED

It was noted by TA Sanderson that the Board of Selectmen would have to implement their decision by the meeting on Monday, December 18, 2023.

#### 4. Other Old Business

**Portsmouth Ice Rink Committee:** R. Bunnell stated that Sharon McLaughlin, Rec Committee Co-Chair, would like to participate in the Portsmouth ice rink meetings. R. Bunnell requested that communications be shared with S. McLaughlin and DJ Haskins. TA Sanderson noted there has been one meeting with the Portsmouth City Manager; possible locations within municipalities were discussed. They are not close to deciding what was possible. TA Sanderson suggested possible locations in Greenland, which were rejected; Pease locations were also rejected as were locations at the Newington Mall. Locations within Portsmouth are being considered.

**Mowing Rt. 33:** L. Malloy requested that the State be asked to mow Rt. 33 before it snows. S. Smith noted that several other roads in Town need to be mowed.

**Administrative Contracts:** Responding to L. Malloy's question, TA Sanderson stated that his contract has expired. L. Malloy requested that Chief Tucker send her a copy of her contract. L. Malloy would like a copy of the Fire Captain/Building Inspector's contract. L. Malloy has requested copies of all contracts so the Board can be up to date. R. Bunnell asked when the Board would be discussing contracts. There will be a non-public at the next meeting to discuss contracts.

## DRAFT: SUBJECT TO CHANGE

### NEW BUSINESS (continued)

#### 4. Other New Business

The Town Offices will be closed on Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup>, for the Thanksgiving holiday. Payroll will need to be submitted on Monday, November 20<sup>th</sup>.

MOTION: V. Morgan moved to submit payroll on Monday, November 20<sup>th</sup> and approved at the meeting on Monday night, November 20<sup>th</sup>. Second – L. Malloy; all in favor. MOTION CARRIED

### IV. CONSENT AGENDA

1. General Fund Manifest: \$1,000,000.38
  - Greenland School District: \$750,000
  - Recreation: \$1,243.16
  - NY Life: \$590.47
  - HealthTrust: \$50,113.85
  - Tara Tucker: \$180 (Health Insurance reimbursement for overpayment)
  - Town: \$197,872.90
2. Payroll Manifest: \$74,335.53
3. Intent to Cut: Charles Morengo – Summerwind Place (R7, Lots 3 & 57; R 8, Lots 16 & 17)
4. Abatement: Seacoast Family Practice - \$3,666 (Tax Exempt; Billed in Error)
5. Storage Trailer: 7 Hillside Drive (Store Tools)

MOTION: R. Bunnell moved to approve the Consent Agenda as presented. Second – V. Morgan; all in favor. MOTION CARRIED

### V. PUBLIC COMMENTS

Stephan Toth, Palm Drive: Questioned the State and roadside mowing. TA Sanderson responded he has not heard from the State.

Veterans Pancake Breakfast: S. Smith announced the Greenland Veterans will be having a pancake breakfast on Saturday, November 11<sup>th</sup>, from 7:00 am to 10:00 am. There will be a flag raising ceremony at 9:30 am.

### VI. ADJOURNMENT

MOTION: R. Bunnell moved to adjourn at 7:34 p.m. Second – V. Morgan; all in favor. MOTION CARRIED

### NEXT MEETING

Monday, November 13, 2023 – 6:00 p.m., Town Hall Conference Room, Budget Review

Submitted By – Charlotte Hussey, Administrative Assistant