

BOARD OF SELECTMEN
Minutes of January 30, 2012

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Phil LoChiatto was delayed and arrived at 7:05 PM. Mr. McLeod opened with the Pledge of Allegiance.

FIRE DEPARTMENT: Chief McPherson approached to recognize several members of the Department who had participated in the ice rescue on January 20 at Canobie Lake, involving Mr. Michael Cifuni and his dog, Rusty. Present were members of the Fire and Police department, as well as the Cifuni family with Rusty. Chief McPherson outlined the activities leading up to, during, and after the event, and then presented certificates of recognition to the following: Lt. Tim Dunn, Firefighters Bill Merrill, Gary Kurgan, Diana Nault, CJ Lundergan, Gordon Campbell, Mike Specian, Pat Robertson and Dave Norton, Assistant Fire Chief Ed Morgan, Police Chief Lewis, Captain Mike Caron, Officer Brian Landry, and the Town of Salem for providing mutual aide. Deputy Chief Paul Leischner of the Salem Fire Department was present on behalf of Salem.

Assistant Chief Morgan then noted that Chief McPherson should also be recognized, as well, as he had been first on the scene and remained on site throughout the event. Mr. Cifuni then extended thanks to all for their assistance and quick response; noting that the Windham and Salem police and fire departments had gone above and beyond. Brief discussion ensued.

PERSONNEL HEARING/ELIZABETH WOOD: (*note: all documents referenced herein as part of this hearing are attached to these minutes*) Mr. McLeod explained that this hearing represented an appeal of a one day suspension by Town Planner Elizabeth Wood, imposed by Community Development Director Laura Scott on December 12 due to unsatisfactory performance. Mr. McLeod then read Ms. Scott's memo, and noted that on 12/16 she had withdrawn that portion of her claims relating to multiple posting errors regarding fences/kennels. Ms. Wood was now appealing Ms. Scott's decision.

Ms. Wood approached and extended thanks to the Board for hearing this issue. She noted that there were six primary concerns in Ms. Scott's suspension memo, which she addressed as follows:

- *Posting errors:* Ms. Wood noted that the posting regarding the kennel and fence ordinances were the responsibility of the ZBA/CEO, Tim Corwin, and acknowledged that she should have double checked his work before forwarding said notices to the newspaper. She noted the error would not have held up these matters as it pertained to Town Meeting, and that Mr. Corwin had apologized for his error on 12/12 via email.

Ms. Wood further noted that, as to the kennel ordinance, Ms. Scott claimed that Ms. Wood had misinterpreted the Planning Board's intent, despite the former not being in attendance at or watching the meeting in question. She noted there had been much email correspondence regarding this issue, as well as correspondence from the Planning Board Chair clarifying that Ms. Wood had been correct.

- *Multi-zoned Parcels:* Ms. Wood noted that a binder is kept at the office counter incorporating the most recent draft of Town Meeting items for the public. She noted that Ms. Scott is correct that the spreadsheet of 90 +/- parcels in question was not immediately available in the binder, but added it was available in the binder by that Friday. Ms. Wood then clarified that related maps were not available at the same time, as they had to be coordinated with the IT Director. She did not agree with Ms. Scott that this represented a violation of the right-to-know law.
- *Misfiling:* Ms. Wood acknowledged that organizational skills may not be her strong suit, however, she did not believe it was fair to measure her skills against Ms. Scott's. She noted she has improved, but that she does occasionally misfile items or not file them as Ms. Scott would.

- *Weekly tasks:* Ms. Wood explained that each week tasks/to-do lists are laid out to work on in addition to long-term projects. She acknowledged that, frequently, weekly tasks are not completed; noting that it is the nature of the business that often other things interfere (ie: assisting the public/other departments). Ms. Wood added that she did not believe in the two years she had been employed, that the office had been fully staffed for more than six months due to turn-over.
- *Email response:* Ms. Wood advised that she receives a lot of emails; most seeking immediate answers. She noted that some answers she can provide, however, sometimes she needs to garner information from others or from meetings, etc. in order to reply. She noted that the week she received her suspension, she had also received a written warning regarding an email from Town Counsel requesting information regarding the Covino subdivision, which it had taken 24 hours to respond to because she had needed to clarify a filing with Ms. Scott who was not in the office.
- *Backlog:* Ms. Wood acknowledged there are items that need to be filed, but clarified that they are not time-sensitive in nature, and while her in-box on her desk is cluttered items can generally be found within it when needed.

Ms. Wood then noted that, prior to her notice of suspension on 12/12, she had received seven written reprimands, most inclusive of 5+/- bullet points of errors. She then added that, since 12/12 she has received an additional reprimand, and noted that most threaten additional discipline up to and including termination. Ms. Wood then noted she had received several letters of support, and read each into the record from the following: Mr. Howard Chapman, Conservation Chair Jim Finn, Mr. Joe Maynard, Assistant Fire Chief Ed Morgan, Police Chief Gerry Lewis, Ms. Eileen Maloney, and Planning Board Chair Ruth-Ellen Post.

Ms. Wood indicated there seemed to be a gap in the perception of her performance between Ms. Scott and the customers. She noted that she is proud of her performance and happy to work for Windham; adding that if she were ashamed she would not have requested an open meeting. Ms. Wood indicated she would like to start closing that gap, and that Ms. Scott has indicated she wants to work with her as such. She further noted that Ms. Scott has put forth a tremendous effort, and feels she has as well.

Ms. Wood noted that the Personnel Policy says employees should work with their supervisor to resolve issues, then with the Town Administrator if that does not work followed by the Board of Selectmen if still unable to resolve. She noted that is why she is here and that, while she is unhappy with the suspension, she is more concerned with the threats of termination moving forward.

Brief discussion ensued regarding input from the public, and Mr. Sullivan clarified that he did not believe that public input to this hearing was appropriate; noting however that Ms. Wood and Ms. Scott can call witnesses. He added that as Ms. Wood has now spoken, Ms. Scott may now offer rebuttal. Discussion ensued regarding acceptance of public input, and the Chair determined that such input would be accepted provided it was kept short and was germane to the letters of 12/16 (amended suspension notice) and 12/20 (appeal thereof).

Ms. Scott approached and began her rebuttal by citing her 1/6/2012 memo to the Board regarding Ms. Wood's appeal. Mr. Breton interjected to suggest that the full packet of information Ms. Scott provided with said memo be read into the record back to the first reprimand in order to provide the full picture. Discussion ensued, and it was the general consensus of the Board that said letters would serve as background context only and need not be read into the record. Ms. Scott resumed her rebuttal by reading her 1/6 memo into the record. She went on to note that this is a pattern of behavior with Ms. Wood, that she had made numerous attempts to work with her, and did not enjoy having to be here at this hearing.

Ms. Scott then clarified that the termination language as contained within Ms. Wood's reprimands is standard language that is included in all such notices. She then pointed out all of the letters of support read by Ms. Wood save for two had been solicited in October, prior to her suspension, as part of Ms. Wood's AICP application and annual review; and that these letters have been in Ms. Wood's personnel file.

Ms. Scott then confirmed that she has tried to assist Ms. Wood with her job performance issues, and added that these are not isolated incidents; but rather things are progressively worsening. Ms. Scott indicated that, prior to her issuance of the suspension on 12/12, she had been out of the office for three days, and returned to a flurry of issues. She went on to rebut the specific points of her suspension memo as follows:

- Mr. Corwin did acknowledge that the posting error was his, however Ms. Wood was aware of it and did not advise Ms. Scott of it; nor did she have an answer as to how to resolve the matter. She noted she had to advise Ms. Wood to repost the hearing and that she had done so only in the office and nowhere else; thus Ms. Scott had needed to ask her to do it again. Ms. Scott then noted that Ms. Wood had indicated to her that she thought the posting was wrong, but that she had sent it anyway.

As to the kennel issue, Ms. Scott confirmed she had rescinded that as part of her amended memo, as she was not at the meeting and had referenced it in response to a series of emails she had returned to from Planning Board members about the kennel notice. She noted that Ms. Wood should have seen all the emails in question, as she was tasked with maintaining items for Town meeting.

- Ms. Scott maintained that the multi-zone information was not available for the 12/21 Planning Board hearing, despite her having sent a reminder to Ms. Wood on 12/4 to ensure that she worked with the IT Director and to have that information available. She noted that Ms. Wood had, in her statement, indicated the information had been in the binder with the exception of the maps on Friday, 12/9, however Ms. Scott did not believe that was correct as she had forwarded a memo to Ms. Wood on Monday 12/12 regarding it not being available on the web or in the binder.
- Ms. Scott indicated she was not comparing Ms. Wood's organizational skills to her own, but her concern was that Town Meeting items were not together even as late as a week ago. She noted that the public, staff, and the Boards rely on the Department's files being accurate, and items sitting in Ms. Wood's in-box for months is an issue. Ms. Scott reiterated this is an item that she and Ms. Wood have worked on together several times.
- Ms. Scott confirmed that staff does meet weekly, and Ms. Wood does have a to-do list; noting that it is rare that staff's to-do lists are 100% complete. She added, however, that when tasks never get done or are less completed than should be, one starts to wonder. Ms. Scott felt that it was not about crossing items off a to-do list, but was about time management and prioritization.
- Ms. Scott indicated that the Covino email was a big issue in that Counsel was seeking information regarding a donation and that Ms. Wood had never responded; rather she had. She added that Ms. Wood should have at least acknowledged the email, even if she did not have the answer, and that she needs to go through her email/inbox regularly to ensure responses are timely.
- Ms. Scott noted that filing issues do not pertain just to newspaper articles and the like, but rather legal memos, restrictive covenants, and similar items are not being filed. She noted that this is also a pattern of behavior and pointed out this pertains to an in-box on Ms. Wood's door for department documents, rather than the one on her desk which is for her own items.

Ms. Scott went on to note that her suspension also referenced Ms. Wood's annual review and a verbal warning, which were not included in the Board's packet that she then presented to them. She indicated that both exhibit her efforts to work with Ms. Wood, and added that levying a suspension had not been enjoyable for her but she felt it was warranted given the ongoing pattern of behavior.

Ms. Scott summed up by noting she had not arranged to call any witnesses in this matter, as she did not feel it was appropriate for her to do so.

Mr. McLeod sought clarification regarding the 12/21 meeting and when the information was due. Ms. Scott replied that the notice for the 12/21 meeting was posted on 12/9, and it should have been available then.

Mr. McLeod then sought clarification regarding the timeliness of to-do items. Ms. Scott replied that if the same items remain on the to-do list over and over, then there is an issue. She indicated that Ms. Wood always feels it is crisis/crunch time, which represents a time management issue. Ms. Scott clarified that this did not mean Ms. Wood does not accomplish anything, but that she is often doing so at the last minute and inaccurately. She noted that Ms. Wood herself has said things to the effect of she was rushed and it was not her best work.

Mr. Hohenberger sought clarification as to whether Ms. Wood's annual review had met required scoring levels, and Ms. Scott replied in the affirmative; noting that Ms. Wood had improved in some areas while not in others. She noted that the longer Ms. Wood is here, the more she should be improving rather than relying on Ms. Scott to correct mistakes.

Mr. Hohenberger inquired whether, if Ms. Wood had passed her performance review, these were examples of isolated flaws or a pattern throughout her work ethic. Ms. Scott noted that Ms. Wood has a high work ethic and that she values her within the office. She added that Ms. Wood's poor performance comes in 2-3 week phases. Discussion ensued regarding the helpfulness of weekly meetings, the inconsistency of Ms. Wood's work, and whether Ms. Scott's expectations were too high. Ms. Scott indicated she had actually lowered her expectations, citing for example that she would not expect to have to review every memo written by the Town Planner.

Mrs. DiFruscia then inquired whether Ms. Scott had given any consideration as to whether staffing was an issue; whether there are not enough hours in the week to complete tasks and if that is why Ms. Wood is not performing to the level expected. Ms. Scott replied in the negative, noting that, as Ms. Wood had said there will never be enough available hours in the overall department. Discussion ensued regarding the reorganization. Ms. Scott clarified that, as it pertains to the filing issues, these are items specifically related to projects Ms. Wood is working on directly.

Mrs. DiFruscia inquired whether, after seven reprimands over two years, Ms. Scott was considering termination at some point. Ms. Scott replied in the negative, noting that was not her intent, and reiterated that the language within the memos regarding same is merely standard, Personnel Policy language.

Mr. LoChiato inquired whether Ms. Scott had consulted with Mr. Sullivan throughout the process of issuing the written reprimands, and Ms. Scott replied in the affirmative; adding she had also spoken to Mr. Sullivan in advance of the last written reprimand and before imposing the suspension.

Discussion then ensued regarding the availability of the multi-zone parcel information, which Mr. LoChiato indicated he was surprised was unavailable given the amount of time that he knew had been spent on it by the Planning Board, and consultation with Mr. Sullivan. Mr. Sullivan confirmed that he had been consulted, but added he did not know if it was appropriate for him to comment any further as he had not been called as a witness and it was the purview of the Board to arbitrate this matter based on information provided to them.

Mr. McLeod inquired whether Planning Board Chairman Ruth-Ellen Post, who was in attendance, cared to comment regarding the first issue of the posting notice. Ms. Post declined.

Mr. Hohenberger inquired of Ms. Wood whether she found her weekly tasks to be unreasonable or unachievable. Ms. Wood replied not any longer; noting in the last two months they had become more manageable. Mr. Hohenberger then sought clarification that Ms. Wood only works 40 hours per week; and she replied in the affirmative adding that there was no overtime unless authorized by the Department Head. Ms. Scott approached clarifying that Ms. Wood works 40 hours plus meetings, but is allowed to come in late or leave early to cover excess time as needed.

Mr. LoChiato requested a copy of Ms. Wood's job description, and the Chair called for a five minute recess to allow Ms. Scott to obtain same for the Board.

After receipt, Mr. McLeod inquired whether the Board members had any questions regarding the job description, and none were offered at that time.

Mr. Hohenberger extended credit to Ms. Wood for airing this matter in public. He added that, if he were an employee and had seven written warnings that would be a red flag for him. He then inquired whether Ms. Wood had utilized her performance review as an opportunity to have a discussion with Ms. Scott; noting the additional reprimands immediately preceding and after same.

Ms. Wood replied that she had responded to each reprimand in writing at the time of her evaluation, but that Ms. Scott had not considered her response as it had not been submitted within five days of each, respectively, as per policy. She noted she had reached out to the Town Administrator and the Human Resource Coordinator, who had been unable to provide her with the policy. Mr. Sullivan interjected in dispute of Ms. Wood's claim, noting that he had advised her of the requirements. Ms. Wood then noted she had spoken to Kathy Davis, HRC, and not Mr. Sullivan. Discussion ensued as to why Ms. Wood had not countered the reprimands immediately, the Personnel Policy requirements, and that each employee is provided a copy of same.

Mr. Hohenberger noted that he did see a pattern of issues by way of the seven reprimands. He went on to note that, although it sounds as if Ms. Wood wishes to improve, Ms. Scott has had to lower her expectations and he was able to see her frustration as a department head. He queried what the next step would be if not a one day suspension. Discussion ensued.

Mr. Breton noted that based upon the three written reprimands before the Board, each referenced the same issues. He added that Ms. Wood does do a good a job working with the public, but the public does not work in the office. Discussion ensued.

Mrs. DiFruscia noted that it was clear Ms. Wood recognized that she had deficiencies. She indicated she is aware staff puts in a lot of hours, and cannot do more than 40 hours per week; adding that she imagined that created some pressure for staff. She then expressed concerns, however, with the number of reprimands. Mrs. DiFruscia noted she was aware that Ms. Wood did not feel all were warranted, and there seems to be a difficult working relationship between Ms. Wood and Ms. Scott. She then inquired, as Ms. Wood had admitted to some mistakes, if she had requested this hearing because she believed the suspension was not warranted. Ms. Wood replied that she was appealing because each of the memos in question included items which were untrue, nit-picking, or what she termed as Ms. Scott making a mountain out of a molehill. Discussion ensued.

Mr. LoChiatto echoed Mrs. DiFruscia's and Mr. Hohenberger's concerns regarding the number of reprimands, and added that it was admirable that Ms. Wood was taking responsibility for some deficiencies. He went on to disagree, however, that Ms. Scott was making a mountain out of a mole hill if it were a recurring pattern of issues.

Mr. McLeod pointed out that, as it pertained to Ms. Scott's claim of needing to check Ms. Wood's work and her concerns regarding the quality thereof, he had found eight grammatical errors in Ms. Scott's own memo. He went on to note that it was unfair to make a comparison between Ms. Wood and Ms. Scott, as Ms. Wood cannot work over 40 hours. He noted there is no evidence that the untimeliness of Ms. Wood's work, or items remaining on her to-do list, had caused any harm, and expressed concerns that this was a case of micro-management and nitpicking. Mr. McLeod noted there are many different work styles, and there is a clearly a clashing of same in this case. He added that there is training available for such things as time management, and part of the problem is the workload and Ms. Wood's hands being tied as far as hours available. Mr. McLeod then also commended Ms. Wood for choosing to appeal in public.

Ms. Scott approached and clarified that Ms. Wood's hands are not tied as it pertained to working more than 40 hours a week; adding she had always advised Ms. Wood she was able to if needed, however, she had to request it from Ms. Scott per policy. She also noted that Ms. Wood compiles her own to-do list, and brings it to her for review; adding she did not feel it was nitpicking to remind Ms. Wood if she fails to follow-up on a code enforcement issue or public hearing notice. Ms. Scott indicated that each time she reprimanded Ms. Wood she gave her the opportunity to ask any questions, and she never had. She also noted she had provided Ms. Wood a flyer regarding time management training, which Ms. Wood had thrown away; adding that she believed Ms. Wood could do her job, but that she had to want to.

Mrs. DiFruscia inquired whether Ms. Scott would have suspended Ms. Wood were it not for the kennel notice. Ms. Scott replied in the affirmative, noting the kennel posting was only one issue. Discussion ensued.

Mr. Hohenberger inquired what purpose Ms. Scott felt the suspension would serve. Ms. Scott noted that with the number of previous counseling sessions, verbal warnings, and written reprimands having already occurred, suspension was the next step.

Ms. Wood approached noting she believed her and Ms. Scott disagreed on several points, citing the following:

- It was not true that she had not known how to fix the posting error.
- She had replied to Town Counsel's email 24 hours later, not days later.
- The hearing notice for the multi-zoned parcels was published on Friday the 9th, and the material was in the binder that same day with the exception of the maps.
- She does not work 40 hours per week plus meetings, as Ms. Scott requires that she take time off to compensate for the meetings as she will not allow overtime.

Ms. Wood then encouraged the Board to read her letter in response to Ms. Scott (ex. 18), and copies were provided to the Board members. Brief discussion ensued regarding the Personnel Policy and that employees are unable to take work home without prior permission from their Department Head.

The Board reviewed all exhibits submitted.

Mr. McLeod noted that the Board must now decide whether to grant or deny Ms. Wood's appeal. Mrs. DiFruscia indicated it was a difficult decision after listening to both sides; adding while she did not want to micro-manage any department, suspension is a very serious step which needs to be warranted by serious behavior. She noted that, after review, she did not feel such serious conduct issues exist.

Mr. Hohenberger agreed, however, he expressed concerns that there were seven reprimands on file and inquired how else perceived performance issues were to be rectified by management. Mr. Hohenberger noted another reprimand had been issued in January, and felt something else needed to be done beyond another letter. He agreed that, not one of the issues cited on its face deserved suspension, however, seven over two years did.

Mr. LoChiatto expressed his agreement with Mr. Hohenberger; noting that individually the issues are not egregious, however, Ms. Wood admits that she is not working up to level and has expressed a willingness to work on that. He added that, if Ms. Scott is time after time addressing issues, then it is impacting efficiency.

Mr. Breton concurred with Mr. LoChiatto and Mr. Hohenberger; noting that the suspension represented progressive discipline.

Mr. McLeod indicated he believed this exhibited a clash of management styles, and noted he was amazed at Ms. Wood's perseverance in maintaining employment with the Town. He felt it was clear that, on its face, a suspension was not warranted. He noted that the posting issue was Mr. Corwin's responsibility, and felt that the remaining items were time management issues. Mr. McLeod indicated he would like to see Ms. Wood receive training before being suspended; adding that she needs to know what is expected of her.

After brief discussion, Mrs. DiFruscia moved and Mr. Breton seconded to deny Ms. Wood's appeal. Passed 4-1, with Mr. McLeod opposed. Further discussion ensued.

Mr. Hohenberger moved and Mr. McLeod seconded to reconsider. Passed unanimously.

After further discussion, Mr. Breton moved and Mr. Hohenberger seconded to deny the appeal and uphold the one day suspension. Passed 3-2, with Mr. McLeod and Mrs. DiFruscia opposed.

REX NORMAN: Mr. Norman advised that the Department of Revenue Administration has partnered with UNH's Technology Transfer Center to create the first statewide parcel map. He indicated the goal is build and annually maintain a statewide GIS layer containing each participating municipality's assessment date for disaster relief, planning, and equalization purposes. Mr. Norman noted that Windham is one of 20 communities who have been invited to participate in the Share Pool Pilot Program to test a web based platform for municipalities to view eachother's data. He indicated that, should the Board concur with participating, a memorandum of understanding will need to be executed which states that the data provided by the Town is for municipal use only and is not subject to the Right-to-Know law.

Mrs. DiFruscia inquired who would represent the Town at any necessary meetings for the program, and Mr. Norman replied it would be he. Mr. LoChiatto inquired whether the Town will need to change any of its technology in order to synchronize with the State, and Mr. Norman replied in the negative; adding that UNH has developed software that can read the data regardless. Discussion ensued regarding regional benefits of the program and zoning data.

Mr. LoChiatto then moved and Mrs. DiFruscia seconded to enter into the MOU as requested. Passed unanimously.

OLD/NEW BUSINESS: None.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, b and e. Roll call vote all "yes". The topics of discussion were personnel and legal.

The Board, Mr. Norman and Mr. Sullivan were in attendance in the first session.

Mr. Norman updated the Board on a legal matter regarding a current use assessment. No decisions were made.

Mr. Norman updated the Board on a legal matter relative to a current use abatement. No decisions were made.

The Board and Mr. Sullivan were in attendance in the remaining session.

The Board discussed the vacant Administrative Assistant position in the Community Development Department. Mr. Breton moved and Mr. LoChiatto seconded to fill the position as recommended. Passed unanimously.

Mr. Sullivan updated the Board on a personnel matter. No decisions were made.

Mrs. DiFruscia moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

Meeting was adjourned at 11:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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

PERSONNEL APPEAL HEARING

ELIZABETH WOODS

BEFORE BOARD OF SELECTMEN ON JANUARY 30, 2012

ALL DOCUMENTS ATTACHED WERE SUBMITTED AT THE HEARING AND ARE PART OF THE PUBLIC
RECORDS



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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EX21.
1.30.12

To: Elizabeth Wood, Community Planner
From: Laura Scott, Community Development Director
Date: June 6, 2011
Re: Performance Reprimand

Laura

This memo serves a formal written reprimand of your job performance as Community Planner. There are two items of concern to be addressed within this reprimand.

The first item to be addressed was brought to my attention by a local business owner/resident, which I discussed with you on June 2nd. The local business owner/resident complained to me that you entered their business and asked to see a copy of their lease, bad-mouthed the property manager, and told them you were there in your official capacity to help make sure that a new businesses moving into the plaza was not treated badly. During our discussion you admitted that you did ask for the lease, were trying to help the new business, but that you did not say anything that you felt to be negative to about the property manager.

Although I understand your desire to help the new business, nothing that you did was part of your job description nor did it help the new businesses. In fact, what it did was upset an existing business. This was a case of very poor judgment on your part to try to get involved in a landlord-tenant issue that you had no role in as the Community Planner and a lack of forethought of how the business would react to such an inappropriate request.

The second issue to be addressed is the lack of consistent, quality work from you over the last two month. There have been repeated mistakes in your work, lack of focus and clarity in your memos, forgetfulness in your tasks, and the inability to think through an assignment without explicit instruction and oversight. This is causing you and I to spend an overwhelming amount of time redoing items that you have already done once, thus reducing our efficiency and effectiveness.

You and I have had many conversations about this and I have asked if there were any accommodations that I could make that would assist you in performing your job functions better. You have not provided me with any and therefore, assume that none are needed.

I hope that the first situation never happens again and that the second situation will not continue due to a more conscious effort on your part to meet your job performance standards and duties.

Your signature does not constitute agreement with these findings only acknowledgement that you were presented with the written document.

[Signature]
Name

6/7/11
Date



EX 20
1.30.12

OLD VALUES - NEW HORIZONS
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PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

To: Elizabeth Wood, Community Planner
From: Laura Scott, Community Development Director
Date: January 11, 2012
Re: Written Reprimand – 3rd Notice

This memo serves as your third formal written reprimand of your job performance as Community Planner due to poor quality and accuracy of the work you accomplish. The first formal written reprimand was in July 2011 and the second in October 2011, in addition to a one day suspension issued in December 2011, which is in the appeal process currently.

Since your December 12, 2011 one-day suspension, there have been repeated mistakes in your work, lack of focus and clarity in your memos, forgetfulness in your tasks, and the inability to think through an assignment without explicit instruction and oversight. Recent examples of this include:

- Failing to send the January 18th hearing notice to the newspaper, which resulted in a delay for applicants;
- Outdated information provided to IT Director for Town Meeting Maps, which you reviewed and did not notice was incorrect and resulted in additional work for him to correct. This happened after I had specifically reminded you to check the data for accuracy.
- Sending information to the Planning Board via email, relative to an item that needed to be discussed in an open forum, which put the Board in jeopardy with NH RSA 91-A compliance;
- Spending time researching a code enforcement case and preparing a enforcement letter to a property owner, which luckily I reviewed and stopped you from sending out, that is a case that I was working on from Tim and had already spoken to the property owner earlier in the week about compliance;
- Lack of understanding of your assignments and duties during the transition without a ZBA/Code Enforcement Administrator. This is in spite of your repeated assurances that you read and understood the BOS approved 11/27/11 memo, that the meetings you, Tim and I had were understood by you, and that you had no issues with the emails and memos that were provided to you by Tim;
- Continued lack of organization and misfiling of items, as well as not having all documents in the files that you are responsible for, most noticeable the Town Meeting files;



EX 19
1.30.12

OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
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www.WindhamNewHampshire.com

May 18, 2010

This memo is to document that a verbal warning (XXVII(3)) was given to Elizabeth that two (2) complaints were made the week of May 10th by applicants/residents that she was not helpful and that she was unable or unwilling to assist them.

Laura Scott
Community Development Director

Exhibit 18

1.30.12

Response to Disciplinary Memos

October 28, 2011

Laura A. Scott
Community Development Director
Town of Windham
P.O. Box 120
Windham, NH 03087

Re: Disciplinary Reprimand Memos

Dear Laura:

As part of my two-year review I would like to respond to the four (4) Disciplinary Reprimands that I have received since assuming my position in October 2009 as Community Planner with the Town of Windham. Each time that I was issued a verbal or written warning, I signed a form stating that I had received the warning but that my signature did not constitute agreement. Since I do not fully agree with and deny many of the accusations that are being made against me, I am requesting that the warning and reprimands be reexamined.

May 18, 2010 Verbal Warning

On May 18, 2010, I was issued a memo confirming a verbal warning given to me by you in which you state: "Two (2) complaints were made the week of May 10th by applicants/residents that she was not helpful and that she was unable or unwilling to assist them."

I believe you are referring here to my interaction in dealing with citizens who had been required to submit applications for Temporary Sign Permits. As part of my job description at the time, I was required to review and issue Temporary Sign permits. This was not something that had been enforced heavily prior to my hiring due to staffing shortages in the department. Additionally, it is my understanding that non-profit groups had rarely, if ever, been required to submit Temporary Sign Permit applications.

Often, as with any new initiative that requires more effort or paper work, there can be some backlash; and as I started enforcing the Temporary Sign permit ordinance, there were numerous complaints by individuals about the "new" policy. Since I was the messenger, it may have been perceived by some as: "We never had to do this before, but Elizabeth Wood is making us do this. Therefore, she is the problem."

You told me that one of the complaints to which this reprimand refers has to do with a volunteer for the Strawberry Festival who came to our office because she heard it was necessary to obtain a Temporary Sign Permit for an event. She was upset that she had to get a permit in the first place; however, after speaking with me, she learned that it was indeed a requirement and quickly filled out a form, on the spot, and attempted to submit it to me. I told her that in order for the

application to be considered complete, I would need a photograph or drawing of her proposed temporary sign. I offered her a piece of paper and told her that she could sketch her proposal so long as it provided all of the required information. She did this and was thus able to submit her application. However, my view is that this additional requirement evidently annoyed her which in turn led her to complain about the situation.

While I do my best to make every customer of the Community Development Department a "Happy Customer", it is not always possible given the nature of my position. However, I am certainly willing and able to help with customer requests, as illustrated above.

Before continuing, I would like to point out that in your May 18, 2010 memo to me, you did not name the sources of the accusations you cite. You did tell me verbally who one of the complainants was. You did not however, identify the second source. I believe it is inappropriate to accuse me of something without giving to me the information necessary to defend myself.

June 6, 2011 Performance Reprimand

Although you first discussed this incident, mentioned in the memo, with me on June 2, 2011, the incident actually occurred in February 2011 while I was on disability leave. I was not on official work duty when I visited the business in question to buy lunch and did not claim to be.

As part of my position as Community Planner, I feel very dedicated to my applicants and felt that there was a development project that might not be passed if my assistance were unavailable. While I did inquire about the business owner's lease, I did not "bad-mouth" the property owner, as stated in the reprimand memo. I simply inquired as to the property owner's policies with tenants. I agree it was inappropriate to ask to see a business owner's lease and assure you that I will not repeat that error.

The second issue in your June 6, 2011 memo states: "There have been repeated mistakes in your work, lack of focus and clarity in your memos, forgetfulness in your tasks, and the inability to think through an assignment without explicit instruction and oversight."

I believe I can safely assure you that those issues were related to medication I had been prescribed, and that those issues have now been resolved. While I agree that there were a few incidents of mistakes in my work, they were all minor in nature.

I appreciate your suggestions in my organization of the Weekly Staff Report and with the Yahoo calendar. Despite the occasional oversight or small error to which we are all subject, I believe I have made remarkable progress in this area and will only continue to improve.

July 25, 2011 Written Reprimand

The written memo that I received on July 25, 2011 states that I failed to verbally report to the Planning Board, at the July 20, 2011 meeting, a rundown of the Planning Board cases that had been submitted since the last meeting. This was after the Planning Board had made a request

that staff do this at each meeting. I had agreed to mention to the Board that we had received a Workforce Housing Application on Range Road; however, I did not mention it at the meeting.

As the July 20, 2011 Planning Board meeting was drawing to a close, and the Board opened the forum to discuss "Old business/New Business", I should have mentioned the newly submitted application. That evening the Board was in a particular rush to end the meeting and quickly closed the discussion before I had the opportunity to mention the newly submitted application. This, however, is not an excuse for failing to do so. Should the "Old business/New Business" discussion forum close quickly at another meeting, I assure you that I will interject and deliver a report on newly received applications.

This memo also states that I failed to report to the Board, at the July 20, 2011 Planning Board Meeting, that a Site Plan Application had been submitted for Roulston Road. This statement is accurate. However, I wish to point out that the application was submitted on the afternoon of July 20, 2011, which was the day of the meeting. In order for me to determine whether or not an application is complete, I need to go over the materials that are submitted. This review can take up to a half-hour. Due to other deadlines of a higher priority that day, it was not possible for me to confirm whether or not the application was complete. I did not want to give the Planning Board inaccurate information; therefore, I did not report the application to the Planning Board at the July 20th meeting.

Next, I would next like to address the following paragraph from your memo:

"The reason that some of the Planning Board members repeatedly requested this information is because that they do not feel that the Staff can properly manage the applications and that they need to be involved more in the day to day operations to ensure that things are done correctly. You proved them that they are correct."

I find it hard to believe the above statement to be an accurate depiction of any Planning Board member's feelings toward me. There was one application for which there was a missed deadline, and that triggered the Board's request for staff to report all new applications. However, I wish to stress that this was not my application. I have never mismanaged any of my applications, as the wording suggests. I always meet deadlines for my applications throughout the entire development review process.

Quality of Work

The final piece of the July 25, 2011 written reprimand addresses the quality of my work. You include in the memo a bullet point list of examples to this effect. I would like to address these bullet points individually.

Your Claim:

- Inability to realize that Department staff should not be talking with Ms. Passler after her property was sold but that her calls should have been immediately referred to Bernie: you

Response to Disciplinary Memos

should not have agreed to research her file to see if her claims against the Town and Bernie were accurate nor should you have suggested to her that she could write a letter to the Selectmen to have the judgment against her reduced.

My Response:

According to my training and professional background, all files in our department, except for legal files, are available to all members of the public. This includes members of the public against whom the Town may have filed legal claims. Ms. Passler telephoned me and requested that I research the items in her building file. If I denied her this right, I would be violating *NH RSA 91-A* "Right to Know Law."

I was wrong to speak with Mrs. Passler in that it was a direct violation of an order given to me by you, my superior. My mistake derived from letting my heart get the better of me. Ms. Passler was sobbing on the phone. Her story over the potential loss of her home was so moving that through compassion I offered to help her locate records in the public domain that might help her. I realize this was a mistake.

Your Claim:

- Continued misfiling of items in your office that you have spent time organizing

My Response:

I deny this claim. I was not provided with specific examples of this at my weekly reviews or otherwise.

Your Claim:

- Unable to figure out who the current CIP members are

My Response:

I deny this claim. I did once verbally ask you for clarification as to who was the Alternate Member representing the School Board. However, this does not mean that I was unable to figure out who the Capital Improvements Plan (CIP) Committee members were.

Your Claim:

- Required numerous drafts of the code enforcement memo to Windham Junction/Kitchen to clearly and completely outline steps they needed to take to resolve your concerns

My Response:

I feel that my first draft of my code enforcement letter was adequate. You reviewed my code letter several times, making edits each time. However, I do not believe this is a reflection of my failure to enforce the zoning code sufficiently. Although you and I don't always share the same writing style and approach, this does not mean that one of us is "right" and the other is "wrong."

October 18, 2011 Written Reprimand-2nd Notice

The October 18, 2011 written reprimand addresses my job performance. As you did in the July 25, 2011 memo, you include a bullet point list of examples to this effect. I would like to address these bullet points individually.

Your Claim:

- Continued misfiling items in your office that you have spent time organizing

My Response:

I deny this claim. The memo does not specifically mention items that I have misfiled. I am guessing that you might be referring to a file that you found in the file cabinets that I inherited with my office labeled "1994 Zoning". You put that file in my in-box and told me it had been misfiled. I am not sure where you found it, but I was not employed with the town in 1994 and therefore did not file that file at that time. Although I had been responsible for reorganizing the files in my office, the zoning section was not one I had as yet finished organizing; and I do not believe I am responsible for this misfiling.

Your Claim:

- Unable to interpret and explain the Planning Board fees (Searles Castle)

My Response:

While I was speaking with an applicant on the telephone, he asked me a question about fees for his application. Since I had never had such an **application**, I did not know the fee by memory but told him that I would look up the appropriate amount and call him back.

Since you overheard my phone conversation and since you and I were already talking about the application, I asked you what the appropriate **fee** would be, repeating what the applicant thought it to be. My not having the fee memorized does not mean that I would be unable to interpret the fee amount. Additionally, I had no problem explaining the correct fee amount once it was clarified.

Your Claim:

- Losing files that are only used by yourself (2011 TRC File)

My Response:

I deny this claim. The 2011 TRC File is missing from my office, but I did not lose it. This file had been in the same set location for the entire year, and I never removed it for any reason. I personally have no reason to move the file from its set location because I have all of the items that are in the file stored electronically on my computer. The paper copy of the file can be easily reproduced should the original file not be found.

Your claim states that I have been losing "files". The plural use of the word indicates that I have lost more than one file. I am not aware of any other files that are missing nor have you told me about other missing files.

Your Claim:

- Inability to accomplish weekly tasks in a timely and accurate manner

My Response:

I meet all deadlines for my applications, Technical Review Committee Meeting work, hearing notices, and other time sensitive items. It is true that I do not always complete all of the tasks on my weekly to-do list. The reason for this is that often new and higher priorities emerge during the work week and lesser priority items, such as proactive work, must be delayed.

Additionally, as you know, we have had severe staffing shortages in our department with several employees out on a long-term basis and also employees out taking earned time.

Your Claim:

- Confusion when explaining ZBA and PB process, waivers, and timelines to applicants (McCourt Subdivision/Auto Village)

My Response:

- I deny that I am confused when explaining ZBA and PB process, waivers, and timelines to applicants. I fully understand the ZBA and Planning Board process, waivers, and timelines and have no problem explaining these to applicants. I have received many compliments from my applicants thanking me for taking the time to explain to them the above items. Additionally, I frequently send out written memos to my applicants explaining the process for their applications and there is rarely, if ever, any confusion on their part.

Your Claim:

- Doing 50% of a project (Roberts Lot project) and then moving on/filing it away as if it had been completed.

My Response:

I deny this claim. Due to the nature of my position, I am often interrupted partway through a task, as was the case in completing the Roberts Lot project. The project required me to create building files for two lots and then to outline in marker, on the Town 2011 Tax Map, the change that had occurred. This was not a time-sensitive project compared to other deadlines I had for the week.

I created the building files for the two lots the day following your request for me to do so. When you approached me that day and asked whether I had taken care of the project, I told you I had created the files but that I had not yet outlined the change on the map. Your memo says that I did not complete the task 100 percent. I simply had not gotten an opportunity to complete it. Your assumption was that since I did not include the task on my weekly staff report that was going to forget to do it. That is not the case.

Your Claim:

- Lack of follow-through on 4 Ledge Road with Bernie and Mike on next steps after the Planning Board Meeting

My Response:

The application for 4 Ledge Road was for a Minor Site Plan. It was required that the property owner obtain Site Plan approval to remedy a site plan violation; therefore, the services of Bernie had been requested. Since the Site Plan Application was approved, I assumed that no further legal action from Bernie was required. However, Bernie sent an email asking for follow-up for the 4 Ledge Road case and also for follow-up regarding some of your cases and Tim's cases. I responded to his email the morning that I received it. In the future, I will promptly send Bernie a memo after Planning Board meetings so that he is up to date with the status of my cases whether or not further legal action is required.

I did not follow-up with Mike McGuire because he works in the Community Development Department and has access to all of the Building files and Planning Board files. When I write a Notice of Decision, I place a copy in the Planning Board files. Mike is aware of the filing system in the office and has no problem researching the file to determine whether or not an application was approved. However, since you desire Mike to be informed of the results of Planning Board applications that involve commercial structures, I will in the future give him the Notices of Decision for these cases.

Your Claim:

- Incorrect deposit and cash drawer balance and then the inability to understand the mistake and make the correction when it was pointed out to you.

My Response:

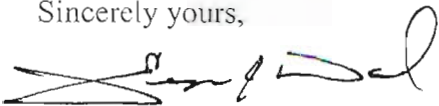
Response to Disciplinary Memos

Let me first clarify this statement so that anyone else reading this letter better understands the incident. There was no money missing. An error occurred because of my difficulty in reading a carbon copy of a handwritten receipt. I therefore prepared an incorrect cash deposit for the bank. Simply, there was a dollar extra in the bank deposit envelope and a dollar less in the drawer.

The system of managing the cash drawer is a challenge in our department because all seven (7) employees manage it on any given day. With this many people using the drawer on one day, there can be confusion. Additionally, staff members are often interrupted when taking money because of phone calls or there is a line of people waiting to be served at the counter. This leads to mistakes because staff members sometimes forget to write receipts and log the monies taken on the log sheet.

Laura, I would like to conclude by saying that I regret deeply that we are disagreeing on my work performance, and I hope that we can communicate and come to a better understanding as to how we can both operate in a manner that is the most productive, efficient, accurate, and on-target with the Department's needs.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elizabeth J. Wood". The signature is fluid and cursive, with a large loop at the end.

Elizabeth J. Wood
Community Planner, Town of Windham

Attachments: Verbal Warning, dated 5/10/11
Performance Reprimand, dated 6/6/11
Written Reprimand, dated 7/25/11
Written Reprimand 2nd Notice, dated 10/18/11

Exhibit
17

1-30-12

Elizabeth Wood

From: Bernard Campbell [bcampbell@beaumontandcampbell.com]
Sent: Wednesday, December 07, 2011 9:41 AM
To: 'Elizabeth Wood'
Subject: RE: Covino Subdivision

Thanks- I will make sure I pass along the message to the Attorney.

Bernie

Bernard H. Campbell, Esq.
Beaumont and Campbell Prof Ass'n.
1 Stiles Road - Suite 107
Salem, New Hampshire 03079
Tel 603-898-2635 Fax 603-894-6678
E-mail: bcampbell@Beaumontandcampbell.com

From: Elizabeth Wood [<mailto:EWood@windhamnewhampshire.com>]
Sent: Tuesday, December 06, 2011 10:42 AM
To: 'Bernard Campbell'
Cc: 'Laura Scott'; 'Dave Sullivan'
Subject: RE: Covino Subdivision

Bernie,

There was a conditional approval on this subdivision and I need some materials from the applicant before the Covino Subdivision can be filed at the Registry of Deeds.

D

See attached Notice of Decision.

Let me know if you have further questions.

Sincerely,

Elizabeth Wood
Community Planner
Town of Windham
P.O. Box 120
Windham, NH 03087
Ph (603) 432-3806

From: Bernard Campbell [<mailto:bcampbell@beaumontandcampbell.com>]
Sent: Monday, December 05, 2011 10:08 AM
To: 'Elizabeth Wood'
Cc: 'Laura Scott'; 'Dave Sullivan'
Subject: Covino Subdivision

Elizabeth:

Late last week I took a call from an Attorney representing the Covinos. They own land off Mammoth Road, a part of which they wanted to donate to the Town. They apparently completed a subdivision process to retain part of the land, and create a lot for conveyance to the Town.

I did not see the subdivision plan on record at the Registry. Can you let me know what the status of this is? The attorney indicated the Covinos would like to complete this by year-end.

Bernie Campbell

Bernard H. Campbell, Esq.
Beaumont and Campbell Prof Ass'n.
1 Stiles Road - Suite 107
Salem, New Hampshire 03079
Tel 603-898-2635 Fax 603-894-6678
E-mail: Bcampbell@Beaumontandcampbell.com

JOB TITLE: COMMUNITY PLANNER

Exhibit 16
1-30-12

Job Description: Reviews special permits, subdivisions, and site plans. Performs site inspections for approved plan compliance prior to Certificates of Occupancy being issued for non-residential developments and prior to financial releases. Assists in preparation of submitted plans and applications for Planning Board review. Participates in Technical Review sessions with developers. Responsible for generation and presentation of staff reports to the Planning Board. Assists the Community Development Director with the duties performed daily and seasonally.. Serves as acting Department Head when the Director is unavailable.

Accountability: Reports to Community Development Director. Performs duties semi-independently, making decisions based on technical judgment of Federal, state and local laws and regulations. The individual exercises a considerable degree of independence and is evaluated through conferences, reports, and program results. Consults with supervisor regarding new or unusual problems.

Supervision Exercised: In the absence of the Director, supervises all employees of the Community Development Department. Assist the Director in the selection, separation, and discipline of the department staff, subject to the approval of the Town Administrator and the Board of Selectmen.

Equipment Used: Computer, calculator, office machinery, engineering copier, telephone, automobile, shovel, tape measure, level, hand held GPS receiver, and GIS software applications

Environment: Inside 80% Outside 20%

Duties and Responsibilities: *Except as specifically noted, the following functions are considered essential to this position.*

- Reviews Planning Board applications for conformance with regulations and ordinances, prepares staff reports on plan reviews, works with other Departments for compliance with their regulations and ordinances. Coordinates in Technical Review Committee meetings. Makes recommendations to the Planning Board on the acceptability of proposed plans. Works closely with outside engineering firms to ensure technical accuracy.
- Talks with abutters and the general public in the office to explain plan and applications before the Planning Board.
- Assists the Community Development Director in the review of new and submitted plans and applications in conformance with existing regulations and laws.
- Assists the Code Enforcement Officer with on-site inspections of properties sites for potential zoning, regulations, and approval violations.
- Assists the Community Development Director in providing liaison and coordination between various boards, commissions and governmental agencies.
- May assist in researching alternative sources of potential funding and in the preparation of grant proposals for the Town.
- Coordinates planning efforts with the regional Planning Commission, Office of Energy and Planning and other state and federal agencies.
- Assists in the coordination of the periodic updates of the Master Plan, Zoning Ordinances, Subdivision and Site Plan Regulations, and other Department administrated rules and regulations.

- Organizes, consolidates, and updates local demographics in order to project future trends in land use and the need for capital improvements.
- Provides information to the IT Director in order to help maintain the GIS mapping and information system.
- Maintains current knowledge of Town Ordinances, including subdivision, and site regulations, as well as State and Federal regulations.
- May be assigned the responsibility of handling Code Enforcement matters for the Town at the direction of the Community Development Director on a case by case basis.
- Attends trainings on relevant topics as required
- Participates as a members of the Highway Safety Committee
- Periodically reviews and makes recommendations for Planning Board application and fee updates
- Provides staff support to the CIP Committee and acts as a liaison to other Departments and Committees/Commissions in collecting CIP information.
- Provides assistance to the general public, abutters, and applicants about Department regulations, ordinances, and procedures, as well as the Planning Board process.
- Provides staff support to the Planning Board in drafting public hearing notices, meeting agendas, notices of decision, Board memos, and organizing workshops.
- In conjunction with the Community Development Director, coordinates the daily operations of the Planning Department.
- Assists the Director in the preparation and implementation of the departmental budget.
- Assists the Director in the supervision of the office staff. Manages work schedules and develops work plans to accomplish departmental goals and objectives. Provides input into the annual evaluations of staff.
- Performs other related duties as required.

PHYSICAL ACTIVITY REQUIREMENTS

Primary Physical Requirements

LIFT up to 10 lbs: Frequently required.

LIFT 11 to 25 lbs: Occasionally required.

LIFT 26 to 50 lbs: Rarely required.

LIFT over 50 lbs: Rarely required.
Assistance may be available.

CARRY up to 10 lbs: Frequently required.

CARRY 11 to 25 lbs: Occasionally required.

CARRY 26 to 50 lbs: Rarely required.

CARRY over 50 lbs: Rarely required.
Assistance may be available.

REACH above shoulder height: Occasionally required.

REACH at shoulder height: Frequently required.

REACH below shoulder height: Frequently required.

PUSH/PULL: Frequently required.

Other Physical Considerations

TWISTING: Frequently required.

BENDING: Frequently required.

CRAWLING: Occasionally required.

SQUATTING: Occasionally required.

KNEELING: Occasionally required.

CROUCHING: Occasionally required.

CLIMBING: Frequently required.

BALANCING: Occasionally required.

Work Surface(s):

Standard office desk/chair. Computer table. Concrete/asphalt; wet/dry/icy; hilly/rough terrain in performance of outside duties.

HAND MANIPULATION

GRASPING: Constantly required.

HANDLING: Constantly required.

TORQUING: Occasionally required.

FINGERING: Frequently required.

DURING AN EIGHT HOUR DAY EMPLOYEE IS REQUIRED TO:

	<u>Consecutive Hrs</u>	<u>Total Hrs</u>
Sit	2	4
Stand	1	2
Walk	1	2

CONTROLS AND EQUIPMENT: Motor vehicles, computer, calculator, telephone, copy and fax machines, blueprint equipment, and other office machines.

Cognitive and Sensory Requirements:

TALKING: Necessary for communicating with others.

HEARING: Necessary for receiving information, instructions, etc.

SIGHT: Necessary for doing job correctly and effectively.

WRITING: Necessary for preparing reports for Town, State, and Federal governments.

TASTING & SMELLING: No special requirements.

Specific Vocational

Preparation Requirements:

- | | |
|---|---|
| <input type="checkbox"/> Short demonstration only | <input type="checkbox"/> 1 to 2 years |
| <input type="checkbox"/> Any beyond short demonstration up to and including 30 days | <input type="checkbox"/> 2 to 4 years |
| <input type="checkbox"/> 30 to 90 days | <input checked="" type="checkbox"/> 4 to 10 years |
| <input type="checkbox"/> 91 to 180 days | <input type="checkbox"/> Over 10 years |
| <input type="checkbox"/> 181 days to 1 year | |

License/Certification Requirements: Valid Driver's license.

Knowledge, Skills, and Abilities Required: Knowledge of principals and practices of land use planning and civil engineering, including septic, stormwater, water, and roadway construction practices and materials used.

Knowledge of State and local laws and regulations pertinent to planning, design, and construction.

Knowledge of principals and methods of surveying and design.

Ability to plan, organize, direct, and effectively supervise the work of others.

Ability to keep accurate records and to effectively communicate verbally and in written form.

Ability to establish and maintain effective working relationships with other Town officials, State and Federal authorities, contractors, and the general public.

Ability to multi-task and prioritize work with multiple deadlines.

Minimum Qualifications Required: Bachelors Degree in City, Town or Regional Planning, with at least two (2) years or a Masters Degree in City, Town, or Regional Planning with at least one (1) years of progressively responsible experience with work experience emphasizing planning and land use law. Strong background in Planning, preferably in municipal government; Experience in enforcement of municipal land use codes, OR any equivalent combination of experience and education which demonstrates possess of the required knowledge, skills, and abilities.

Summary of Occupational Exposures:

Work is performed under varied conditions involving some disagreeable factors such as climatic conditions, dirt and dust, vermin, and possible exposure to falling objects while reviewing projects under construction or investigating complaints.

Exposure to high noise level from heavy compacting and road maintenance equipment.

Other Considerations and Requirements:

Candidates will be subjected to criminal and financial background checks. Psychological testing and polygraph may be administered prior to employment. Required to take and pass a physical exam after a conditional offer of employment.

Candidate should possess initiative, resourcefulness, strong interpersonal skills and sound judgment.

Position requires attendance at evening meetings.

Physical Exertion/Environmental Conditions:

Considerable physical effort required in walking, standing, and climbing while performing inspection and investigations.

Exhibit 7 IS
1.30.12

Laura Scott

From: Laura Scott [LScott@WindhamNewHampshire.com]
Sent: Tuesday, November 29, 2011 1:08 PM
To: 'Elizabeth Wood'
Subject: Mtg Follow-up

I hope that you took what I said seriously this morning during our meeting. Your work is not to the standard that is should be, as evidenced by the Open Space and Kennel Ordinance, the confusion over the multi-zone parcel items, and the incorrect scheduling/dates of items in your to do list.

Your explanation of the multizone process, reasoning behind how the zones were created and why they are being recommended for changes is inaccurate and confusing. Giving people examples of possible uses on abutting properties that are usually perceived negatively (multifamily) makes the case against your proposal. Telling people that abutting property is unlikely to be developed because of X, Y, or Z is misleading. Asking people how they want their land or their neighbors land zoned leads people to believe that they have the ultimate decision on the zoning, which you know is not the case. If you are taking calls from people or they come in at the counter, you need to keep track of this for the record since you state that you will be passing their concerns onto the PB. You can't do that if you don't know who they are or what their concerns are. Because of the confusion about putting all the remaining parcels on the 12/7 workshop and now having another set for the 12/14 workshop, you will need to be at the 12/28 PB public hearing. This is a major project of your that you need to continue to work on, not have me take care of it for you. I changed the calendar to have you coming in at noon on the 28th, which will give you time to prepare for the meeting and do any catch-up work.

Open Space Ordinance was your project to work on and you did not make a case for why you were making the proposed changes, you were ill prepared for the opposition from the PB, developers, and landowners, and you did not even try to modify the proposal to get something to public hearing, which is why it failed. Although it was your project I did offer my input, which you could take or leave. The reasons that the Board opposed the draft are what I had warned you about but you did not do anything to explain why you made such a proposal. A Board member asked for your opinion and you said you could not answer since you were not from here and had only been here for 2 years. This is an unacceptable answer to a question that you should have been able to answer. You also were so busy complaining to Mimi during the meeting that it was my fault that you worked on this and that it was my fault that it failed that you missed an entire conversation the PB member had about putting this aside until after Town Meeting and still though this was an item that they wanted you to continue to work on.

Kennels is 50/50 whether the PB will move forward with this because of the lack of clarity on what is being proposed and the continued opposition by Woof Woof. It is ok to have opposition but you seem to not think you need to know about it, be prepared for it, or try to resolve it in advance. You need to talk to Belinda and her husband (Ralph) in person prior to the meeting to find out what their concerns are. Again, you may not be able to alleviate them but at least you made the effort to reach out to them and listen to what they have to say. You still have the opportunity to save this project and I hope that you take the initiative and time to do so.

Lastly, I am glad that you agree that saying negative things about people, regardless of whether you joking or not, is not good for the moral of the office. We all need to be more aware of what we say and how things can be interpreted. I know that people and situations can be frustrating and we all say things that we do not mean. However, you need to be more aware of how you say things to your coworkers. You may think that what you are saying it in a joking manner but that is not how it has been coming across to anyone. Since this has been an issue more than once it might be best to not say those type of things so that there are no misunderstandings going forward.

Please read through the memo on the division of Tim's duties and let me know if you have any questions. This will go into place on December 29th until the position has been filled. Until that time you can concentrate your time and energy on your duties.

Let me know if you have any questions or concerns moving forward.

~~~~~

Laura Scott  
Community Development Director  
Town of Windham  
3 North Lowell Road  
PO Box 120  
Windham, NH 03087  
(603) 432-3806 ph  
(603) 432-7362 fax  
[www.windham-nh.com](http://www.windham-nh.com)  
[www.windhamnewhampshire.com](http://www.windhamnewhampshire.com)



Exhibit 14  
1.30.12

**From:** Laura Scott [mailto:LScott@WindhamNewHampshire.com]  
**Sent:** Tuesday, November 08, 2011 8:35 AM  
**To:** 'Elizabeth Wood'  
**Subject:** Annual Review Follow-up

Hopefully you have had time to review the "official" evaluation. If you have any questions, please ask.

I hope you have also taken the time to read the Personnel Policy since you seemed to have had some misunderstandings of the annual review process and reprimand/grievance process.

I had the letters of recommendation put in your personnel file.

There was a lot we talked about last week, which hopefully you found helpful. I said I would comment on some of it in writing but I do not intend to capture all we talked about. If there is something that we discussed that you want more information on or need clarification just let me know.

Your biggest challenges are organizational and understanding and paying attention to what is happening around you. This is not taught in school and based on what you have said, was not taught to you growing up. If you do not learn how to manage them, you will continue to have performance problems and will have issues advancing. If you do figure out coping skills, you will become a better in your professional and personal life.

Because you have a lack of organizational skills, everything is a crisis and an unexpected burden on what you perceive is an already too full plate. You leave no margin for these unexpected items and have difficulty rearranging the work priorities.

Having the weekly work schedule and the "on the docket" list seems to help you. However, this tool is something that needs to be used on a daily basis. At the end of every day you should review what you have accomplished that day and what is still left to do. This "to do" list needs to be rolled over on the next day's list, plus any other unexpected items that have come up throughout the day. Then you should prioritize what has to be done. Doing this before you leave for the day allows you to come in the next morning and not spend time (and feel overwhelmed) figuring out what it is you need to work on.

Figuring out how to arrange your day that works the best for you will also be something to focus on. Not loading up on computer intensive work all in one day or having one day where it is all little items is not good for you. You do your best work in the am and need to break the tasks up. You need to schedule these breaks into your day – getting mail, organizing your email in box, returning a phone call - in between larger work items.

You need to stop relying on me to catch items you have missed. I do not have the time to do this and by you relying on me, it makes you look as if you are not competent to do this on your own. You say you want to eventually have more of a management role but to be able to manage an office or other people; you have to also be able to manage yourself.

Taking ownership of mistakes that you have made is important. A mistake because of a lack of information or it is something new is one thing. You can learn from that and the mistake doesn't happen again. Mistakes because you are rushing, not paying attention, or didn't ask questions for clarification that you later admit you through about doing are not mistakes that should be an everyday occurrence. Unfortunately, these have been happening too frequently and all stem from the lack of organization that we talked about.

Understanding the bigger picture of how staff, departments, boards, and the Town interact is important and we have talked about this before. You need to pay attention to these things to be effective in your job. Reading the papers is

huge. Knowing that some of the PB and BOS members ran on a "smart development" platform helps you understand their positions. Knowing what else is happening in Town will help people if they are looking for information. You need to pay attention to your surroundings and how all the pieces fit together. Along with that, understanding ripple effects of your actions is also important. How you talk to an abutter, how the proposal you make for an ordinance change can be enforced, or if you instill confidence in an applicant all has impacts beyond that moment in time.

I know that you are capable of being a great planner, if I didn't think so I would not have hired you. To be great you need to focus on the areas of your job performance that could be better and work on them. It will be hard and take time but once you do, your job will be easier and you will be more successful.

I am always happy to work with you to try to figure out an organizational system that works for you.



Hope this helps. If there is something that I forgot to cover or that you have questions on, let me know.

~~~~~  
Laura Scott
Community Development Director
Town of Windham
3 North Lowell Road
PO Box **120**
Windham, NH 03087
(603) 432-3806 ph
(603) 432-7362 fax
www.windham-nh.com
www.windhamnewhampshire.com



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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

Exhibit 7 13

1.30.12

To: Board of Selectmen
From: Laura Scott, Community Development Director
Date: January 6, 2012
Re: Appeal of One-Day Suspension

As part of the Personnel Policies adopted by the Board of Selectmen, an employee has the right to appeal a suspension per Article XXVII(5). Since there are no written guidelines/procedures provided to me as to the process at the Board of Selectmen's meeting, I prepared this information packet for you so that you have the background the lead up to my issuance of the one-day suspension.

The one day suspension was levied against Ms. Wood after a lengthy period of poor job performance, verbal counseling sessions and written reprimands. It was something that I weighed very seriously, consulted with the Town Administrator on, and ultimately felt that it was a necessary step based on the lack of improvement being shown on Ms. Wood's part.

In an effort to assist Ms. Wood perform her job functions in an efficient and correct manner, I have adjusted my work styles and methods to better accommodate what she said she needs. This includes meeting with her on a weekly basis, providing feedback and direction in a verbal and written format, and reviewing and providing comments and corrections to all her memos and correspondents.

Unfortunately, her work performance is not improving and seems to actually be getting worse. She has repeatedly stated that she relies on me to correct her mistakes and tell her if she has forgotten something; when mistakes are made she does not take responsibility for them and instead finds excuses for why the mistake happened; and clearly does not listen to or read the feedback I have given her or even follow her own weekly to do list.

I have included the following material for your review:

- July 25, 2011 Written Reprimand
- October 18, 2011 Written Reprimand
- December 12 & 16, 2011 One-Day Suspension Reprimand

In addition, I have all the write-ups from the weekly meetings I have with Ms. Wood that illustrated the numerous instances where I am required to correct her work and/or

provide assistance in completing her job functions. If you are interested in receiving copies of this information, please let me know.

This continued poor work performance has negatively impacted Planning Board applicants, Department customers, and the effective and efficient functioning of the Department itself. I feel that Ms. Wood has the ability to do the job that she was hired for but that it is up to her to prove that to me, as well as to herself.

Please feel free to contact me if you have any questions or need any additional information.

Exhibit 12
1.30.12

Ruth-Ellen Post
15 Stonehedge Road
Windham, NH 03087

October 24, 2011

Town of Windham
Board of Selectmen
P.O. Box 120
4 North Lowell Road
Windham, NH 03087

RE: Elizabeth Wood, Town Planner

Dear Selectmen:

Having worked with Elizabeth for two years now as a regular Planning Board member, as Planning Board Chairman, and most recently in the context of some extensive subcommittee work, I want to offer what I hope will be helpful comments about the enormous value she brings to her position and the potential I see for even greater responsibilities one day.

Coming from a distant state where local legal traditions and governmental processes are very different from our own, she initially assumed, without hesitation, a steep learning curve with an ease that spoke volumes about her eagerness to learn and impressive intelligence – a clear predictor of even better things to come – and quickly put to rest any concerns I may originally have had about what surely was a major challenge. Since those very early days, her skills have only intensified and become even more diverse. She has mastered New Hampshire's technicalities and local expectations to the point where I don't believe any New Hampshire native could provide a better understanding of Windham's planning needs or a higher level of competence in meeting them.

As a Planning Board member, I have always found Elizabeth to be someone who genuinely listens to others' thoughts and questions and does her utmost to respond in a genuinely helpful manner. She supports our decision-making processes in a way that is extremely respectful of board members' time and authority, asking of us only what is truly needed for her to assume as much of any given task as one person can conceivably do. Her attitude is always one of problem-solving and, even when a suggestion may hint of criticism, she takes it takes constructively and in a positive spirit. I am especially impressed with how she goes to great lengths to make our jobs as easy as possible by providing extensive, well-organized background data in a readily understandable format.

A recent example is the detailed, well-researched data that she spent (literally) days compiling for a board subcommittee which is currently examining, one-by-one, over 90 lots in town that are confusingly zoned partly in one district and partly in another, for possible single-zone recommendations. As a member of that subcommittee, what I expected from her was simply a master list of Windham's mixed-zone lots, and we got that. What I did not anticipate were the 20 or more hours of research she conducted to provide us with a spreadsheet not only identifying each lot and the mixed zones currently applying to each, but also offering (without binding committee members' independent judgment in any way) a potential rationale for a single-zone recommendation for each lot based on extensive study of Windham's zoning and tax maps. While we often debated these recommendations as one would certainly expect board members to do, we

were extremely grateful for the well-focused starting point her researched spreadsheet provided – together with the extensive use of GIS technology that she shared with us – as we examined each of the 90-plus lots involved. Thanks to Elizabeth’s supportive efforts, a job otherwise might never have been accomplished in one season was made manageable and, I am happy to report, achievable in far fewer months than I ever imagined possible for such a massive task. Thanks to Elizabeth’s background work and ongoing support, this subcommittee goes forward on November 2 with approximately 90 recommendations to the full board on this town’s multi-zoned lots, with each recommendation based on genuinely researched facts – not just “intuition” or guess-work. Obviously, this intelligent young woman is not afraid of hard, detailed work. In my view, her support has been extraordinary in that regard.

In addition, I have always found her thoroughly prepared for regular board meetings and public hearings, pleasant to work with, respectful towards both the board and the public alike, entirely professional in demeanor, immediately receptive to board members’ requests, and simply a very likeable person who appears to have earned the clear respect of those she deals with. It is difficult to imagine a better combination of talents for the position she holds. Indeed, it is difficult to imagine much in the way of limits to whatever new tasks and responsibilities she might be given in the future.

I do hope the Select Board recognizes the gem we have in Elizabeth Wood.

Respectfully yours,

Ruth-Ellen Post
Chair, Windham Planning Board

cc: Elizabeth Wood
Windham Planning Board

Exhibit 11
1.30.12

15 Stacey Circle
Windham, NH 03087

October 17, 2011

RE: Elizabeth Wood, Community Planner

To Whom It May Concern,

It is my privilege to provide a recommendation for Elizabeth Wood, as Community Planner for the Town of Windham. Ms. Wood has been an integral part of effective recent planning and zoning initiatives impacting the residents of Windham that have resulted in improved quality of life for residents while maintaining the desired rural character of the Town.

As an Alternate member of the Windham Planning Board I have worked with Ms. Wood over the past two years on updating existing regulations and researching material for new ordinances. Specifically, in 2010, I worked with Elizabeth on developing the Town's first Junkyard Ordinance, which was subsequently approved by voters at Town Meeting. I have found Ms. Wood's research methods both in depth and accurate.

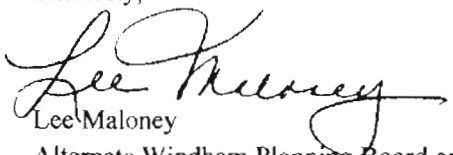
Ms. Wood is clear on communicating application processes and procedures to both the general public the Planning Board in a thorough yet concise manner. Ms. Wood's skills at addressing both the Board and applicants are exemplary and extremely professional especially in the face of adversity and in working with sensitive applicants.

In recent years, Ms. Wood has demonstrated forward thinking in the timely presentation of new ordinances for the Planning Board to work on as well as shown initiative through coordination and monitoring 2005 Master Plan goals. I have recently had the pleasure of working on a committee with Ms. Wood to address re-zoning multi-zoned parcels that will make sense in future development.

In my role as a Representative Commissioner on the Rockingham Planning Commission I have observed Ms. Wood's eagerness to learn and participate in regional planning efforts taking place in Rockingham County as well as share her planning experiences and expertise with other Commission members.

I feel Ms. Wood is valuable planning asset to the Town of Windham, she always has the best interest of the Town in mind, and the Town is fortunate to have gained her planning expertise.

Sincerely,



Lee Maloney
Alternate Windham Planning Board and former Planning Board Chair
Rockingham Planning Commission – Commissioner Representing Windham
Executive Director – CART Regional Transit System

Exhibit 7 10
1.30.12

Memorandum



To: Elizabeth Wood, Town Planner

From: Chief Gerald S. Lewis *Gerald S. Lewis*

CC:

Date: October 20, 2011

Re: Job Performance Feedback

I am writing in response to your request that I provide you with feedback of my observations and interaction with you during the course of your duties as the Town Planner with the Community Development Department.

First and foremost, I am very happy to do so. It's not often that an employee is willing to solicit such feedback from sources outside of their immediate office. Doing so is not only beneficial to your growth in the position but also reveals your understanding that there are both internal and external customers who come before you daily.

Please keep in mind that I provide the following not knowing the specifics of your job description.

- **Conduct and Attitude**

I find your personal behavior and attitude to be appropriate and professional. You have been nothing short of pleasant and accommodating whether in a meeting or during a one-on-one discussion.

- **Cooperation and Interaction**

You have been very cooperative and willing to immediately address whatever question or inquiry I may have. I must note that as you continue to grow in your position there are times when you have not immediately known the answer to a question. You have openly admitted such and then researched the subject providing a timely answer. As a member of the Highway Safety Committee (HSC) you have been an active participant and a valued member of the team.

- **Organization and Coordination**

In my opinion, this is probably one of your strongest traits. In your position you regularly coordinate the Technical Review Committee (TRC) process. This task is one that requires you to manage multiple applications while simultaneously soliciting feedback and input from numerous individuals for a host of projects. Not only do you

October 20, 2011

coordinate this process but you also provide all committee members with the final result(s) of that process when completed.

Considering the above topics I cannot offer any criticism. I would recommend that you continue to maintain a willingness to learn and grow in your position and profession. Doing so will be benefit to both yourself and the town as a whole.

Exhibit 9
1.30.12

Memorandum



To: Elizabeth Wood, Town Planner
From: Asst Chief Edward Morgan
CC:
Date: October 21, 2011
Re: Job Performance Feedback

It is with great pride that I write this letter and provide feedback of my dealings and interaction with you during the time we have worked together. Elizabeth is the Town Planner and she continually displays unusual resourcefulness, technical ability, and mature judgment in the timely execution of assigned tasks. Her exemplary handling of her duties attests to her professional knowledge, willingness to accept responsibility, attention to detail, and the ability to adapt to any assignment or situation.

Elizabeth's tact, common sense, professional knowledge, and devotion to duty are an inspiration to her associates, and contribute significantly to the present high standards she holds for herself. Her honesty, integrity, perseverance, devotion to duty and earnest desire to be successful has contributed immeasurably to her outstanding success as the Town Planner.

Through her actions and dedication, Elizabeth Wood continues to improve and I am honored to work with her as part of a team. I find that Elizabeth will always try to accommodate and help with any task. The Town of Windham is lucky to have someone like Elizabeth. She always follows up on a project and tries to help all parties, this is a real good trait!

Exhibit 8
1.30.12

**BENCHMARK ENGINEERING, INC.
1F COMMONS DRIVE, SUITE 39
LONDONDERRY, NEW HAMPSHIRE 03053
PHONE: (603) 437-5000**

October 25, 2011

RE: ELIZABETH WOOD – LETTER OF RECOMMENDATION

To whom it may concern;

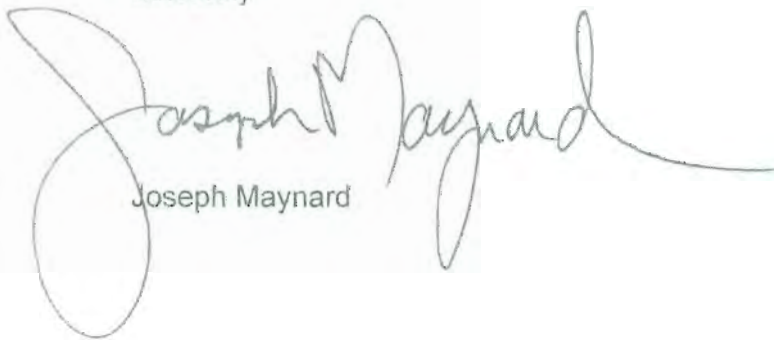
Over the past couple of years I have had the pleasure of working with Ms. Wood on numerous projects in the Town of Windham ranging from the subdivision of land to site plans for commercial and industrial development.

In this time I have watched Ms. Wood evolve as a planner. She has always worked to understand the position of the developer, and when within her capacity, she strives to work through the issues and move projects toward the planning board or zoning board of adjustment in a timely fashion.

Lastly, Ms. Wood always seems to keep an open mind and although we do not always see eye to eye or agree on how things should be handled, she works hard to respond to our applications in a timely and professional fashion. Overall I feel her performance as a planner for the Town has been admirable.

I hope this letter has been helpful. If I can be of any further assistance please feel free to contact me at the office number above.

Sincerely



Joseph Maynard

Exhibit 7

1.30.12

October 27, 2011

Re: Elizabeth J. Wood, Community Planner

To Whom it May Concern:

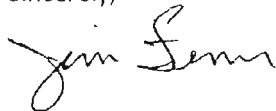
I am writing this letter in support of Elizabeth Wood, Windham Community Planner. I have had the pleasure of working with Elizabeth on several occasions dealing with resolving code violation issues and as a member of the Technical Review Committee over the past two years.

One code violation issue, which Ms. Wood and I worked on together over a period of nearly a year, consisted of several site walks that included a number of abutting property owners, some of whom were quite contentious, and in one specific instance, aggressive and abusive. Elizabeth maintained a calm and professional manner throughout her dealings with the disgruntled property owners. She maintained control of the situation, resulting in a positive and useful site walk and ultimate resolution of the code violation.

Elizabeth has also demonstrated her organizational skills as head of the Technical Review Committee. I have found her to be well prepared and knowledgeable, resulting in organized and efficient meetings.

In short, Elizabeth has proven to be an asset to the town and I hold her in high regard.

Sincerely,



Jim Finn

Chairman, Windham Conservation Commission

Exhibit 6
1.30.12



Having opened a business in Windham, NH in 2009 I have been faced with many obstacles and challenges that were unexpected and new to me. Being in business most public offices assume and expect that business owners are familiar with state and local zoning laws and bylaws. I was not versed in such matters. The Town of Windham has been exceptional with assistance throughout each process. I have to stress that without the knowledge and help of Elizabeth Wood we would most likely not have been able to meet the expectations and requirements set forth by the Town of Windham. Elizabeth is an asset to this community. Her knowledge, professionalism and commitment to both the Town and local business are greatly appreciated.

A handwritten signature in black ink, appearing to be "Elizabeth Wood", written in a cursive style.

Exhibit 3
1.30.12

**Ruth-Ellen Post
15 Stonehedge Road
Windham, NH 03087**

January 5, 2012

Board of Selectmen, Town of Windham
c/o Mr. David Sullivan, Town Administrator
Windham, NH 03087

RE: Elizabeth Wood, Administrative Appeal on January 9, 1012

Dear Selectmen:

Because a long-awaited family trip makes it impossible for me to attend Ms. Wood's hearing, I am submitting this letter in lieu of a personal appearance.

I understand that Ms. Wood is to be disciplined with a one-day suspension due to what was at first believed by some (including myself) to be an inaccuracy in a public notice that she prepared.

The public notice in question was based on a very late-night Planning Board motion which some of us understood to be broader in its intent and effect than others understood it to be. That motion came at the end of a long and contentious meeting, at a point when everyone was unusually tired, quite drained of energy, and eager to conclude the agenda in order to go home and get some rest. Under those circumstances, the risk of confusion was high and different understandings of even a fairly simple motion not at all surprising.

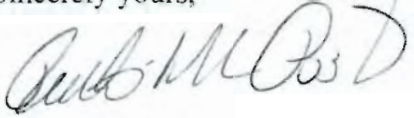
Nevertheless, the following week, the board determined that Ms. Wood's public notice and her understanding of the motion on which it was based were, in fact, entirely correct. She actually understood the motion in question with greater accuracy than I and two other board members! So I have great difficulty understanding why any disciplinary action should follow such a turn of events. On the contrary, Ms. Wood should be congratulated for remaining so sharp and focused at the end of a long and difficult meeting – sharper, it appears, than some of us on the board.

I would like to add that I have always found Ms. Wood to be extraordinarily reliable, detail-oriented, accurate, cooperative, responsive, and wonderfully pleasant to work with. She is someone who always does what she says she will do, and does it well. While no one – not employees, not town officials, and evidently not even board Chairs – are 100% correct in everything they do 100% of the time, Ms. Wood has been correct and accurate in nearly everything I have seen her do, or say. If she were trained in a different field, I would hire her myself in a heartbeat.

In the interest of fundamental fairness to a very hard-working and capable employee, I urge the Selectmen to grant Ms. Wood's request that her suspension not be upheld.

Thank you for your kind consideration.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ruth-ellen Post". The signature is written in dark ink on a light background.

Ruth-ellen Post
Chair, Windham Planning Board

Exhibit 74
1.30.12

Elizabeth Wood

From: Ross McLeod [rox-nh@comcast.net]
Sent: Wednesday, December 14, 2011 7:27 PM
To: Elizabeth Wood; 'Laura Scott'; 'Ruth-Ellen Post'; 'Carolyn Webber';
crisler.family@comcast.net; Jonathan.Sycamore@mwra.state.ma.us; 'K. Difruscia'; 'Kristi';
leemaloney01@comcast.net; 'Pam Skinner'; swrenn@wrenn.com; 'vanessa nysten'
Subject: Re: Error in Legal Notice for 12/21

Elizabeth is correct. Now I see the disconnect. At our meeting, we were immediately fixated on the Commercial Kennels (at least, I was). I see the disconnect as between our review of the ordinance as proposed for Commercial Kennels and our "non-review" for the other items. We looked at the former, discussed it briefly, and never discussed the latter.

So, I see no issue with this going to hearing as posted. It does represent where we left things at our last meeting. We just need to be sure, as a board, to ALSO address the Customary Home Occupation Kennels.

-Ross.

From: Elizabeth Wood <EWood@windhamnewhampshire.com>
Date: Mon, 12 Dec 2011 09:50:25 -0500
To: 'Laura Scott' <LScott@WindhamNewHampshire.com>, 'Ross McLeod' <rox-nh@comcast.net>, 'Ruth-Ellen Post' <ruth-ellen@comcast.net>, 'Carolyn Webber' <cpr1741@aol.com>, <crisler.family@comcast.net>, <Jonathan.Sycamore@mwra.state.ma.us>, "'K. Difruscia'" <kdifruscia@difruscialaw.com>, 'Kristi' <ic.thus@hotmail.com>, <leemaloney01@comcast.net>, 'Pam Skinner' <ka1mbf@att.net>, <swrenn@wrenn.com>, 'vanessa nysten' <vanessa.nysten@gmail.com>
Subject: RE: Error in Legal Notice for 12/21

Hello all,

I've received all the emails regarding the 12/21/11 Hearing notice for Commercial and would like to address your concerns.

From 12/7/11 Planning Board meeting, it was my understanding that the Board clearly did not want to have Commercial Kennels in the Rural District. My memo for the meeting references **Section 720.4** of the ordinance which lists the locations where Commercial Kennels may be located (see attached) and I referred to this memo when I presented the ordinance changes to the Board.

During the meeting, we did not specifically discuss the location of Home Occupation Kennels (which allow for a maximum of 4 dogs), so I assumed that Home Occupation Kennels would be allowed wherever other Home Occupations are permitted in town. This includes the Rural, Residence A, B, and C districts. At previous meetings, no Board members expressed concern over the location of Home Occupation Kennels in the Rural Zone, so I assumed we were leaving this section alone.

The 12/21/11 Hearing Notice states:

- 1) **Commercial Kennels** are permitted in Commercial A and Limited Industrial Districts
- 2) **Customary Home Occupation Kennels** are permitted in the Rural, Residence A, B, and C Districts

Cc: 'Elizabeth Wood'
Subject: Re: Error in Legal Notice for 12/21

Hi Ruth-Ellen,

I am firmly opposed to allowing it in there. That said, as far as the posting is concerned... From a due process perspective, as it is posted, it will draw out more people (in theory) since it is worded as being applicable to a greater area and if we subsequently reduce it's potential impact (by deleting "rural" from the area of its applicability), then we have not made a change that would require reposting because there would be no one who could possibly say that they weren't on notice as to the impact of the ordinance. I may not be expressing myself well on this – I apologize for that.

So, to sum up: as posted, not a fatal posting and we can go forward; as worded (with "rural"), I am adamantly opposed to it – but by removing "rural," I will likely support it, as I've stated at the previous workshops on it.

Thanks,
Ross.

From: Ruth-Ellen Post <ruth-ellen@comcast.net>
Date: Sun, 11 Dec 2011 09:43:30 -0500
To: 'Ross McLeod' <rox-nh@comcast.net>, 'Laura Scott' <LScott@WindhamNewHampshire.com>, 'Carolyn Webber' <cpr1741@aol.com>, <crisler.family@comcast.net>, <Jonathan.Sycamore@mwra.state.ma.us>, "'K. Difruscia'" <kdifruscia@difruscialaw.com>, 'Kristi' <ic.thus@hotmail.com>, <leemaloney01@comcast.net>, 'Pam Skinner' <ka1mbf@att.net>, <swrenn@wrenn.com>, 'vanessa nysten' <vanessa.nysten@gmail.com>
Cc: 'Elizabeth Wood' <EWood@windhamnewhampshire.com>
Subject: RE: Error in Legal Notice for 12/21

"Rural" is the largest single zoning district in town – residential or commercial -- so this is a huge discrepancy. You're not extremely uncomfortable with that?

R-E

From: Ross McLeod [<mailto:rox-nh@comcast.net>]
Sent: Saturday, December 10, 2011 9:50 PM
To: Ruth-Ellen Post; 'Laura Scott'; 'Carolyn Webber'; crisler.family@comcast.net; Jonathan.Sycamore@mwra.state.ma.us; 'K. Difruscia'; 'Kristi'; leemaloney01@comcast.net; 'Pam Skinner'; swrenn@wrenn.com; 'vanessa nysten'
Cc: 'Elizabeth Wood'
Subject: Re: Error in Legal Notice for 12/21
Importance: High

Yes, the kennel ordinance can go forward, I believe, because we would not be looking to expand the impact of the ordinance, but instead reduce it. In those cases, it can go forward because no one could claim that we over-extended our public notice (due process protections).

From: Ruth-Ellen Post <ruth-ellen@comcast.net>
Date: Sat, 10 Dec 2011 09:55:12 -0500
To: 'Laura Scott' <LScott@WindhamNewHampshire.com>, 'Carolyn Webber' <cpr1741@aol.com>, <crisler.family@comcast.net>, <Jonathan.Sycamore@mwra.state.ma.us>, "'K. Difruscia'" <kdifruscia@difruscialaw.com>, 'Kristi' <ic.thus@hotmail.com>, <leemaloney01@comcast.net>, 'Pam Skinner' <ka1mbf@att.net>, <rox-nh@comcast.net>, <swrenn@wrenn.com>, 'vanessa nysten' <vanessa.nysten@gmail.com>
Cc: 'Elizabeth Wood' <EWood@windhamnewhampshire.com>
Subject: Error in Legal Notice for 12/21

In the Windy Indy, the notice for commercial kennels still has it permitted in Rural District, but I'm

remembering on 12/7 the Board removed Rural from the districts in which kennels would be permitted, due to several who strongly disagreed with that (Ross, myself, Carolyn). Isn't that how others remember it?

If I am remembering correctly, then this cannot go forward on 12/21.

Also, someone with a bit more patience than I should also review the very detailed notice on multi-zoned parcels. Excruciating detail there. The more eyes brought to that one, the better.

Thanks,

REP

P.S. Why is cable so often showing the wrong PB meeting the following day? That's sure to confuse to people

Exhibit 3
1.30.12

Elizabeth Wood

From: Tim Corwin [TCorwin@windhamnewhampshire.com]
Sent: Monday, December 12, 2011 5:15 PM
To: 'Elizabeth Wood'
Subject: RE: 12-21/11 PB Hearing Notice

Hi Elizabeth,

Sorry I didn't respond to this when I got in this morning. In any event, I'm really sorry about leaving the fence ordinance language in the hearing notice. It was late and I just wasn't thinking about it. It was 100% my fault of course and it certainly will not happen again.

-Tim

~~~~~

Tim Corwin  
Zoning Board of Adjustment/  
Code Enforcement Administrator  
Town of Windham  
3 North Lowell Road  
P.O. Box 120  
Windham, NH 03087  
(603) 432-3806 phone  
(603) 432-7362 fax

-----Original Message-----

**From:** Elizabeth Wood [mailto:EWood@windhamnewhampshire.com]  
**Sent:** Thursday, December 08, 2011 2:41 PM  
**To:** TCorwin@WindhamNewHampshire.com  
**Subject:** RE: 12-21/11 PB Hearing Notice

Tim,

The Fence Ordinance was moved to Town Warrant so it should not have been on this hearing notice. I did not notice this until this morning. I hope there aren't any problems generated by this error.

**Elizabeth Wood**  
**Community Planner**  
**Town of Windham**  
**P.O. Box 120**  
**Windham, NH 03087**  
**Ph (603) 432-3806**

**From:** Tim Corwin [mailto:TCorwin@windhamnewhampshire.com]  
**Sent:** Wednesday, December 07, 2011 10:17 PM  
**To:** 'Elizabeth Wood'  
**Subject:** RE: 12-21/11 PB Hearing Notice

Elizabeth, attached is the revised hearing notice based on tonight's meeting.

~~~~~


Tim Corwin
Zoning Board of Adjustment/
Code Enforcement Administrator
Town of Windham
3 North Lowell Road
P.O. Box 120
Windham, NH 03087
(603) 432-3806 phone
(603) 432-7362 fax

-----Original Message-----

From: Elizabeth Wood [<mailto:EWood@windhamnewhampshire.com>]
Sent: Wednesday, December 07, 2011 9:24 AM
To: TCorwin@WindhamNewHampshire.com
Subject: 12-21/11 PB Hearing Notice

Tim,

See attached.

Elizabeth Wood
Community Planner
Town of Windham
P.O. Box 120
Windham, NH 03087
Ph (603) 432-3806



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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

Exhibit 2
1/30/12
AMEAL

To: Elizabeth Wood, Community Planner
From: Laura Scott, Community Development Director
Date: December 16, 2011
Re: One-Day Suspension Amendment

This memo serves as an amendment to the December 12th written notification of your one-day unpaid suspension due to your unsatisfactory job performance.

One of the items of concern that was outlined in the December 12th memo was:
"Planning Board public hearing notice being posted with multiple errors (fence and kennels) with no awareness of mistakes until they were pointed out to you and then, your inability to find a solution to problem. Once the solution was explained, there was an inability for you to follow-through on resolving problem as I instructed".

The inclusion of "kennels" to this item is the amendment I am making to your written notice. The hearing notice that you wrote was technically correct so this item no longer applies.

However, upon reading the emails from the Planning Board members, talking with a majority of the members, and watching this section of the meeting myself, it was clear that it was their intent that no kennels, commercial or otherwise, were to be in the Rural District. In fact, two of the Board members said that kennels in Rural were a "deal breaker" for them.

If you had confirmed at the meeting, with the Board, what you were going to be posting for public hearing to ensure that your understanding and theirs were the same, none of this confusion would have taken place about what the public hearing scheduled for the 21st was on.

I have reviewed the schedule for the remainder of the year and have chosen that December 29th is to be your one-day suspension because it causes the least amount of disruption of the office operations to have you out that day.

If you have any questions or need any additional information, please feel free to contact me.



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
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Exhibit 1
1/30/12
Hearing

read
5/

To: Elizabeth Wood, Community Planner
From: Laura Scott, Community Development Director
Date: December 12, 2011
Re: One-Day Suspension

This memo serves as written notification that you will be put on a one-day unpaid suspension due to your unsatisfactory job performance. You have had two formal written reprimands (July 25th and October 18th), as well as both verbal and written feedback on your job performance from your annual review conducted on November 2nd and a November 29th verbal warning.

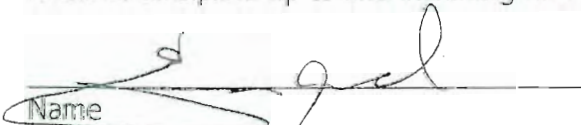
Unfortunately, your job performance has not improved over time and there have been repeated mistakes in your work. I believe this is due to your lack of focus and clarity, forgetfulness in your tasks, and the inability to think through an assignment without explicit instruction and constant oversight. Recent examples of this include:

- Planning Board public hearing notice being posted with multiple errors (fence and kennels) with no awareness of mistakes until they were pointed out to you and then, your inability to find a solution to problem. Once the solution was explained, there was an inability for you to follow-through on resolving problem as I instructed;
- Multi-Zone material not available for public review for Dec 21st public hearing, despite numerous reminders about the deadline
- Continued misfiling of items in your office, including but not limited to the 2012 Town Meeting material;
- Inability to accomplish weekly tasks in a timely and accurate manner;
- Not reading and/or responding emails and correspondents in a timely manner; and
- Continued backlog of material/articles and filing documents in public files

This lack of consistent, quality work from you is causing you and I to spend an overwhelming amount of time redoing items that you have already done once, thus reducing our efficiency and effectiveness. It also makes me not trust your judgment and ability to do work accurately and requires me to double-check all of your work, regardless of how seemingly simple, straightforward and routine it is.

Additionally, your mistakes jeopardize the work that the Planning Board is doing, creates confusion for the public and property owners, and make the Department look incapable of providing the proper assistance to an elected Board.

Please be advised that additional instances of this nature or violations of other Town policies will result in additional disciplinary action against you, including the possibility of increased levels of discipline up to and including termination from employment.


Name

12/12/11
Date

Your signature does not constitute agreement with these findings only acknowledgement that you were presented with the written document.

INTRODUCED BY
REFERENCE
11/30/12



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To: Elizabeth Wood, Community Planner
From: Laura Scott, Community Development Director
Date: July 25, 2011
Re: Written Reprimand

This memo serves a formal written reprimand of your job performance as Community Planner for the reasons listed below.

Planning Board Hearing Notice

You were responsible for the July 20th Planning Board hearing notice posting requirements. You failed to post the notice in the Town Hall, Department, send it to Wendi for the web site posting, or give to Mimi for the Department binder. I asked you if this had been done and you replied positively, as well as list it in your weekly accomplishments for our staff meeting.

By failing to do this, you have violated NH RSAs and the Planning Board Rules of Procedure, as well as jeopardized the applicants approval due to your technical error.

Formal Application Submission Reporting

The Planning Board has asked that staff provide verbal updates at the Planning Board meetings of any formal applications that have been submitted since the prior meeting. Since I would not be attending the July 20th meeting, I requested that you report to the Board the one application (WFH on Range Road) I was aware that had been formally submitted since the last meeting. I gave you the information in writing and you assured me that you would do this.

The meeting came and went and I assumed that you did what I and the Planning Board had asked. It was not until the end of the next day when the Planning Board Chair and I were talking about the application that she asked why you had not mentioned this at the meeting.

When I asked you about this later, you said that "everyone wanted to get home and was in a rush". When I asked why you quickly announce the application submittal prior to the meeting adjourning, you had no answer. When I asked why you didn't tell me that you did not announce the application submittal, again you had no answer.

In addition, another application (Roulston Road Site Plan) had been formally submitted on July 20th that you were working with that you failed to even realize that you should

have reported to the Planning Board. I was not aware that this had been formally submitted until July 24th when I looked in the file.

The reason that some of the Planning Board members repeatedly requested this information is because they do not feel that the Staff can properly manage the applications and that they need to be involved more in the day to day operations to ensure that things are done correctly. You proved to them that they are correct.

Quality of Work

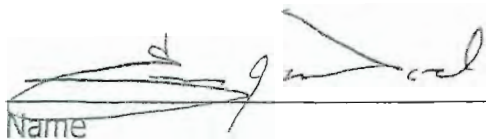
There have been repeated mistakes in your work, lack of focus and clarity in your memos, forgetfulness in your tasks, and the inability to think through an assignment without explicit instruction and oversight. Recent examples of this include:

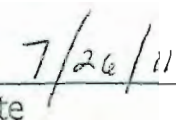
- Inability to realize that Department staff should not be talking with Ms. Passler after her property was sold but that her calls should have been immediately referred to Bernie; you should not have agreed to research her file to see if her claims against the Town and Bernie were accurate nor should you have suggested to her that she could write a letter to the Selectmen to have the judgment against her reduced
- Continued misfiling of items in your office that you have spent time organizing;
- Unable to figure out who the current CIP members are;
- Lack of follow-through on 4 Ledge Road with Bernie on next steps;
- Not sure what to do about posting the CIP agenda when you had not heard back from the Chair; and
- Required numerous redrafts of the code enforcement memo to Windham Junction/Kitchen to clearly and completely outline steps they needed to take to resolve your concerns;

This lack of consistent, quality work from you is causing you and I to spend an overwhelming amount of time redoing items that you have already done once, thus reducing our efficiency and effectiveness.

Please be advised that additional instances of this nature or violations of other Town policies will result in additional disciplinary action against you, including the possibility of increased levels of discipline up to and including termination from employment.

Your signature does not constitute agreement with these findings only acknowledgement that you were presented with the written document.


Name _____


Date _____

INTRODUCED BY
REFERENCE
1/30/12



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To: Elizabeth Wood, Community Planner
From: Laura Scott, Community Development Director
Date: October 18, 2011
Re: Written Reprimand – 2nd Notice

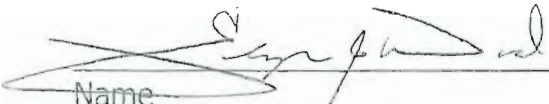
This memo serves as your second formal written reprimand of your job performance as Community Planner, first one was in July 2011, due to decrease in the quality and accuracy of the work you accomplish. There have been repeated mistakes in your work, lack of focus and clarity in your memos, forgetfulness in your tasks, and the inability to think through an assignment without explicit instruction and oversight. Recent examples of this include:

- Continued misfiling of items in your office that you have spent time organizing;
- Unable to interpret and explain the Planning Board fees (Searles Castle);
- Loosing files that are only used by yourself (2011 TRC File);
- Inability to accomplish weekly tasks in a timely and accurate manner;
- Confusion when explaining ZBA and PB process, waivers, and timelines to applicants (McCourt Subdivision/Auto Vilalge);
- Doing 50% of a project (Roberts Lot project) and then moving on/filing it away as if it had been completed;
- Lack of follow-through on 4 Ledge Road with Bernie and Mike on next steps after the Planning Board meeting; and
- Incorrect deposit and cash drawer balance and then inability to understand the mistake and make the correction when it was pointed out to you

This lack of consistent, quality work from you is causing you and I to spend an overwhelming amount of time redoing items that you have already done once, thus reducing our efficiency and effectiveness. It also makes me not trust your judgment and ability to do work accurately and requires me to double-check your work.

Please be advised that additional instances of this nature or violations of other Town policies will result in additional disciplinary action against you, including the possibility of increased levels of discipline up to and including termination from employment.

Your signature does not constitute agreement with these findings only acknowledgement that you were presented with the written document.


Name _____

10/18/11
Date _____

Board of Selectmen
P.O. Box 120
Windham, NH 03087

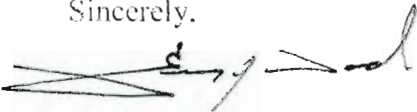
December 20, 2011

Re: Appeal of One-Day Suspension

Dear Board of Selectmen,

On 12/12/11 I received a memo from Laura Scott, Community Development Director informing me that I will be put on a one-day unpaid suspension. This letter serves to inform you that I am appealing the suspension to the Board of Selectmen per Article XXVII (5) of the Town of Windham Personnel Policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Wood", with a stylized flourish at the end.

Elizabeth Wood, Community Planner

Attachments: 12/12/11 Memo from Laura Scott, Community Development Director
12/16/11 Memo from Laura Scott, Community Development Director

cc: Laura Scott, Community Development Director
David Sullivan, Town Administrator