

Town of Waldoboro, Maine
Transfer Station Committee Meeting Minutes
Municipal Building - 1600 Atlantic Highway
Thursday, January 30, 2014 – 7:00 p.m.

1. Sign in and Call to Order. Bob Butler called the meeting to order at 7:00 p.m.
2. Determine presence of a Quorum (At least 5 of the 7 Committee members or their duly appointed alternates must be present).

Present at the meeting were:

Martha Marchut, Cushing Select Board
Randolph W Robbins, Cushing Resident
Bruce A. Prior, Cushing Hauler
Elizabeth Dinsmore, Friendship Select Board
John E. Meyn, Friendship Resident
Theodore Wooster, Waldoboro Select Board
Bob Butler, Waldoboro Resident

The above Transfer Station Committee members constituted a quorum.

Also present at the meeting were John Higgins (Waldoboro Alternate), Terry Gifford (Hauler Alternate), Wayne Leeman (Joe's Rubbish Removal), Wes Richardson (Waldoboro Town Manager), John Daigle (Waldoboro Public Works), , Gifford Campbell (Resident), Monika Magee (Cushing Citizen), Ron Miller (Waldoboro Select Board), BeBee Naylor (Regional Rubbish Removal), Mike Naylor (Regional Rubbish Removal).

3. Motion from John Meyn, seconded by Liz Dinsmore: Unless at the discretion of the chairman, only voting members of the Transfer Committee will participate at the table discussions and votes. All others will be seated in the audience.

John Higgins objected, saying that he and Terry Gifford have a right fully to participation in the Transfer Station meetings in view of the Waldoboro's Select Board having appointed them to the committee. He argued, as well, that they have been full participants in all meetings up to this point. Martha Marchut said it's difficult, with alternates present at the table with the sitting members, to know who is entitled to vote. Ted Wooster suggested we ask West Richardson, Waldoboro Town Manager, to consult with the Maine Municipal Association (MMA) concerning the matter of alternates. Wes Richardson confirmed his willingness to do so. Liz Dinsmore moved and Ted Wooster seconded that the committee table John Meyn's motion. The move to table passed unanimously.

(Note: Wes Richardson phoned Bob Butler the day after the meeting to confirm the MMA's view that alternates sit in the audience unless they are actually needed to act as an alternate because of the absence of a respective sitting committee member.)

4. Minutes of the January 9, 2014 Meeting. . Ted Wooster moved that the committee approve the minutes of the January 9, 2014 meeting. Ted's motion was seconded. During the ensuing discussion, Terry Gifford suggested that her questions and their respective answers set forth in Attachments A (questions of and answers by John Daigle) and C (questions of and answers by Bob Butler) to the draft minutes be deleted and that reference, instead, be made to the video of the meeting. John Meyn said that it was difficult to capture the questions and answers John Daigle provided. He stated that Bob Butler had submitted written responses to each of Terry Gifford's questions and asked if it might be possible for John Daigle to submit his written

responses to Gifford's questions for incorporation into the minutes. Bruce Prior suggested that the written answers of both respondents be included in the minutes with a reference to the video of the meeting. Ted Wooster moved, with a second from Randy Robbins, that the draft minutes of January 9, 2013 be approved subject to placing in Attachment A John Daigle's written responses to Terry Gifford's questions and to adding a comment as to the availability of a video of the January 30th Transfer Station meeting on the Town of Waldoboro's website. John Daigle handed his written responses to John Meyn during the discussion of the minutes.

5. Continuation of the Hearing held during the January 14, 2014 Meeting

Bob Butler asked Wes Richardson if agreement had been reached during the meeting Wes had held with Terry Gifford, Wayne Leeman, John Daigle, Gifford Campbell (Union Steward), and Silvia Perry (AFSCME Council 93, Office 20).

Wes confirmed that agreement had been reached as follows:

- a. Wayne Leeman and Terry Gifford agreed to start afresh with a clean slate going forward. The complaint John Daigle submitted is a matter of public record and will be on file with Sylvia's office. Transfer Station staff will not tolerate any disrespectful or threatening behavior going forward. Transfer Station employees have been instructed to call the police if abusive behavior is exhibited and to retreat to the office at the Transfer Station to await the police in order to guaranty their safety.
- b. John Daigle will explain to Wayne Leeman the Transfer Station's procedures for determining the volumes of recyclables and solid waste Wayne brings to the Transfer Station.
- c. If Wayne has any problems at the Transfer Station, he must communicate directly with John Daigle about them, not with the Transfer Station employees. In the interest of public safety, the smooth operation of the transfer station and the security and well being of the transfer station employees, transfer station users are expected to follow the directions of the transfer station employees.
- d. Wayne Leeman will initial next to the recorded measurements of solid waste and/or recyclables that transfer station employees complete for each load Wayne Leeman brings to the transfer station. Transfer station employees do not show favoritism to any of the haulers. They treat all haulers the same and expect all of them to follow transfer station procedures.
- e. Terry Gifford agreed that Joe's Rubbish Removal would pay all three outstanding invoices for October, November and December 2013.
- f. Going forward, if Wayne Leeman or any other Joe's Rubbish Removal employee or personnel behave inappropriately at the Transfer Station, Joe's Rubbish Removal will be permanently barred from using it.

Bob Butler asked John Daigle if he agreed with Wes Richardson's summary of the agreement. He responded in the affirmative. Bob Butler than asked Gifford Campbell, Union Steward the same question. Mr. Campbell answered in the affirmative.

Bob Butler emphasized that the issue facing the Committee was one of employee safety. He read from a number of excerpts Sylvia Perry had sent to him concerning employee safety and OSHA rules subsequent to her meeting with Wes Richardson, Terry Gifford, Wayne Leeman, and John Daigle.

- i. According to the national Institute of Occupational Safety and Health (NIOSH)

workplace bullying is one form of workplace violence, which they describe as follows: Workplace violence is any physical assault, threatening behavior or verbal abuse occurring in the work setting. It includes ... harassment of any nature such as being followed, sworn at or shouted at. Workplace violence includes verbal harassment.

- ii. Signs of workplace bullying include screaming/yelling, public attempts to humiliate, constant, personal verbal assaults on one's character, name calling and belittling.
- iii. The employer is responsible to provide a safe work environment. It is the job of the Union and the Stewards in particular to make the employer live up to their responsibility. It is the responsibility of the Union to defend the members from any form of workplace bullying or violence. If the Union learns of any harassment or threat of violence the Union is obligated to protect that member. To fail to do so would not only be morally wrong, but would be a violation of the Union's duty of fair representation.
- iv. Employers have both a legal duty and a moral obligation to provide a safe workplace. To prevent loss of life and injuries and to limit financial losses and potential liability, employers should institute policies and procedures to prevent violence from occurring in their workplaces. These policies may include means to identify the potential for violence, procedures to prevent the occurrence of violence and, in the event prevention fails and an incident of violence occurs, plans to respond and mitigate further damage.
- v. The OSHA General Duty Clause has been interpreted to mean that an employer has a legal obligation to provide a safe workplace. An employer that has experienced acts of workplace violence, or becomes aware of threats, or intimidation or other potential indicators showing that the potential for violence in the workplace exists or has the potential to exist, would be on notice of the risk of workplace violence and may be required to implement a workplace violence prevention program.....the Union MUST notify the employer of the problem and the employer must have refused to act before the union goes to OSHA.

Bob Butler asked if all elements of the agreement had been implemented. Wes Richardson said Joe's Rubbish Removal had not paid the October, November and December invoices. He insisted that this item needed to be addressed. John Meyn wondered if the matter of payment shouldn't simply be separated from the other elements of the agreement. Bob Butler emphasized that making payment was a demonstration of good faith to implement all aspects of the agreement. While initially objecting that she had committed to pay the invoices as a part of the agreement, Terry Gifford agreed during the meeting to make the payment. Wes Richardson said that the town would give Joe's Rubbish Removal an additional 14 days to make the payment, until February 13th.

Ted Wooster moved, with Liz Disnmore's second, that the Committee continue the hearing concerning John Daigle's complaint for 14 days to ensure a final resolution of the union member safety issue, including payment of the invoices. All seven sitting Committee members voted in favor of the resolution.

John Daigle emphasized that payment of the invoices and implementation of all other elements of the agreement would not necessarily satisfy the union that the town was taking the steps necessary to ensure the safety of its employees at the Transfer Station.

6. Day Pads. John Daigle reported that the walls were up and that the project was thus far about \$50,000 under budget. He emphasized, however, that the hard topping had yet to be completed.
7. Scales. John Daigle reported that Pine Tree would provide an estimate for a 40-foot scale with an estimated cost to lengthen the scale to 70 feet. He hopes Pine Tree's estimate will be available for the next Transfer Station meeting.

8. Adjournment.

A motion was made and seconded to adjourn the meeting. All voted in favor.

Respectfully Submitted: John Meyn, Secretary and Bob Butler, Chairman

Approved:

Bob Butler, Chairman (Waldoboro Resident)

John Meyn, Secretary (Friendship Resident)

Martha Marchut (Cushing Select Board)

Randolph Robbins (Cushing Resident)

Liz Dinsmore (Friendship Select Board)

Bruce Prior (Waste Hauler)

Ted Wooster (Waldoboro Select Board)

Attachments: