

APPROVED

**Board of Selectmen
22 January 2013
Minutes**

4:00 pm - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Lavin and Currier and Recording Clerk Lois Dionne. Also in attendance were Jen Correia and Tom Scribner.

After attendance everyone stood for the "Pledge of Allegiance".

Chairman Hatch stated that she and Jen had been corresponding about clarification on the warrant article for merit raises.

Jen said a public hearing had been scheduled for Monday, January 28th, but Monday is the day everything has to be posted, and the budget committee has to have the ms-7, which is a rather complicated form, done, and every time there is a change these forms have to be redone. If there were to be a meeting on Monday, and changes made, the budget committee would have to meet and the ms-7 would have to be redone and posted at all polling places before they close. Jen said the Selectmen could pull the warrant article, decrease the amount of the article or leave it as it is. By doing any of these things, the budget committee would be able to meet and recommend or not recommend the article. If the Selectmen make their decision tonight, the ms-7 could be updated and the budget committee could get it signed.

The warrant article was reviewed as written. There was a discussion of the need to set up a criteria for giving raises such as giving percentage merit raises, across the board COLA raises or a certain dollar amount for each individual employee based on job performance.

MOTION – Chairman Hatch moved pull warrant Article #26 for merit raises.

There was no second on the motion at this time, but considerable more discussion ensued about the fairest way to grant raises, whether the article should move forward or be pulled.

Selectman Currier asked if Chairman Hatch's motion to pull the warrant article was still on the table. He was told it was. **Selectman Currier seconded Chairman Hatch's motion to pull article #26 from the warrant.**

Chairman Hatch called for a vote on the motion to pull article #26. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

Jen will notify the budget committee chair tomorrow of the board's decision, and ask him to have his clerk cancel the public hearing scheduled for the 28th.

Interim Town Administrator - Chairman Hatch cited the need to have an interim town administrator until we know if Tim will be able to return in March. She said we could consider going through MRI, but asked the board to consider appointing Jen as interim town administrator. Jen is already familiar with, and has been working with the budget, she is a former town administrator, and Chairman Hatch felt there needs to be a "go-to person" in the office; Jen has basically been doing the job. Chairman Hatch said all the employees had been "stepping up to the plate" and been sharing the responsibilities but there is no one person to delegate.

Chief Hempel, Joe & Meg Hempel, Betty Ann Abbott and Bryon McSharry joined the meeting.

Selectman Currier said he would like to be able to talk about it a little more before making a decision. He would need to know how the pay situation and other things would work.

Jen said she could be doing the work in the interim; she will get a proposal for the Selectmen. Jen said she has a lot of ideas, and they could try it out; her hours wouldn't be forty hours a week. It was agreed to discuss it further in non-public session.

Purchasing Policy - Jen had one item she wanted to discuss with the Selectmen. She said Chairman Hatch seemed to remember changing the purchasing policy so that a purchase order was needed for a purchase of \$500 or more. Currently the purchasing policy calls for a purchase order for any purchase over \$250. It was stated that there had been discussion of increasing the amount to \$500 before needing a purchase order, but it was never adopted.

There was a brief discussion during which it was stated that with the cost of things today, \$250 is not a reasonable amount to require a purchase order.

MOTION – Selectman Lavin moved that a purchase order is needed for any purchases of \$500 (five hundred dollars) or more. Selectman Currier seconded. Motion passed 3-0.

Jen said she would give the Selectmen a list of things she feels should be done, such as taking a tour of the Academy Building, and before anything is done to the building, having a spatial analysis done on the building, reviewing all the properties in town, to see if we could maximize any revenue on the buildings, by donating or renting out the space

in the buildings, etc. She cited the need to increase revenues as well as cutting costs to relieve the burden on the taxpayers.

Chief Hempel – Chairman Hatch stated that she had asked Chief Hempel to come in because of a letter the Selectmen had received from the chief regarding fire department staffing in response to a letter he received from the Selectmen in November.

Chairman Hatch said the chief had referenced a couple of RSA's, and she had gone on line over the weekend and printed them out. She said the chief and selectmen have been going back and forth on this for months, and she wanted to clarify things. Chairman Hatch asked if the other selectmen had read the letter. A copy of the letter had been delivered to Chairman Hatch, but the other two Selectmen had not yet had the opportunity to see the letter, as it was received in the office only a couple of days ago, and was to be discussed at tonight's meeting. The Selectmen were given the letter to read.

Selectman Currier said he wished he had received letter before tonight's meeting because he felt blindsided by it.

Chairman Hatch said, according to the RSAs the chief is correct in what he is saying.

Chief Hempel said when he had received the Selectmen's November letter, what he got from the letter was that the Selectmen wanted to have at least an EMT B on a shift, no first responders due to liability issues. He said he felt the board was overstepping their bounds and asking him to make a policy change on a policy they have been following for many years, and the decision was made without the Selectmen having looked at the RSA that applies to liability. He said there is no liability because there is no expectation of level of service. Chief Hempel added that if he had removed the Selectmen's objections with his letter and RSAs, then he should be able to do his job, staff his department as he sees fit and provide a level of service.

Chairman Hatch said liability had been the Board's concern. Chief Hempel replied there is no liability according to RSA 154-1(d), there is no liability to the town and there never has been, nor would there ever be; they are operating within the scope of practice. He said first responders are used throughout the EMS system and are designated as an important part of the EMS system. Chief Hempel said the title first responder is going to be changed to Emergency Medical Responder. Chief Hempel read, "in many communities emergency medical responders provide a mechanism to increase the likelihood that trained professional and lifesaving equipment could be rapidly deployed in serious emergency. In all cases emergency medical responders are part of a tiered response system. Emergency medical responders work along side EMS and healthcare professionals as an integral part of an emergency team."

Chief Hempel said their (emergency medical responders) job is not to be taken lightly and they fit in; there is a need for them. He said they allow them to fill shifts, and if an EMT or EMT I isn't available, a first responder can assist the EMT and drive the ambulance. Chief Hempel stated that in the State of NH, a first responder could transport a patient as long as they are working within their scope, and according to the state an EMT and a first responder is considered a licensed ambulance. He said our town has never suffered from an ambulance transferring a patient to the hospital without a licensed "rig"; we are licensed and comply with the law. Chief Hempel said his daytime hiring policy is to go down the list to see who is available according to their qualifications. He felt the policy the selectmen want is removing an important resource from the town.

Selectman Lavin said he felt the chief is right, but wants to read the RSA's, and if there is no liability, he is happy to let the chief continue doing as he had been doing. Chairman Hatch stated that after reading the RSA's, the chief is correct and is doing what is acceptable practice in the State of New Hampshire. She asked if the chief is asking them to rescind their letter to him. He replied he felt it important that the board understands what their obligation is to him, and he understands his obligation to them, and that they would rescind their letters and let him manage his department, which is what he was hired to do within the scope of his budget and the laws of NH.

Selectman Currier stated that when the chief met with them, he (chief) had said he would have no problem making an EMT B the minimum requirement. He asked, forgetting the RSA, if the chief could name any full-time departments with people on that do not have two EMTs on board. Chief Hempel replied that Barnstead doesn't; when they run into an issue with staffing, they bring in a driver. Selectman Currier said the townspeople expect a level of certification that we base salaries on, and for many years it has been stated that the qualification for a full-time firefighter is that the minimum after a year would be EMTI. Chief Hempel said they do want to establish a minimum for their employees, but sometimes they have to step outside that. He said Sundays are currently a per diem day, and that changes things, but does not affect the level of care.

There was more discussion on minimum qualifications, and if they need someone with more qualifications at an incident, they call for help; there has never been an issue with patient care.

Chairman Hatch stated that she doesn't want the Selectmen to micromanage the department or go against the RSA, and asked if the board wanted to rescind the mandate they had given him. Chief Hempel said he knows his obligations and feels he and his department are doing a fine job.

Selectman Lavin reiterated that he would like to read the RSAs before he makes a decision. Chairman Hatch said they could wait one week to make a decision.

MOTION – Selectman Lavin moved to temporarily rescind the letter on said date to Chief Hempel for one week until he has had the chance to read the RSA’s and make a decision whether to permanently rescind the mandate. Chairman Hatch seconded the motion. Motion passed 2-1. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-No.

Deliberative Session – Chairman Hatch asked Jen to explain the deliberative session. Jen said the meeting runs very much like a town meeting. The warrant articles are brought up; they will be up for discussion and they can be amended. The amendments are voted on at that time, but there is a 10% rule, and residents need to be informed of this so they won’t try to go up too much on articles.

Selectman Lavin asked if there would be any changes other than the numbers.

Jen explained how at the deliberative session amounts could be changed that would affect the bottom line of the budget, and that the taxpayers could also change the default budget.

Jen said the Selectmen had to be able to explain to residents why they created the budget they had, and why they thought it was a good one. She said if the budget gets amended, the Selectmen would have to go through the budget again and decide where to make the changes. Jen thought the Selectmen had two decent budgets, regular and default.

Chairman Hatch asked if the ballot would show what the selectmen and budget committee recommend. It will.

Chairman Hatch said it is important the residents have copies of the budget, warrant articles, capital and non-capital reserve accounts with balances. They always had this information in the Town Report, which was available before Town Meeting, but the town report can’t be done until after the voting has been done. Jen said the MS-7 has all that information. It has revenue, expenses and the warrants, and should be able to be available next Monday.

Since the meeting Jen got more information and said she had misspoke, and according to RSA you cannot change the default budget. According to RSA XI

(a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. The form and associated calculations shall, at a minimum, include the following:

- 1. Appropriations contained in the previous year’s operating budget***
- 2. Reductions and increases to the previous year’s operating budget; and***
- 3. One-time expenditures as defined under subparagraph (b)***

(b) This amount shall not be amended by the legislative body. However, this amount may be readjusted by the governing body, unless the provisions of RSA 40:14-b are adopted, acting on relevant new information at any time before the ballots are printed, provided the governing body, unless the provisions of RSA 40:14-b are adopted, completes an amended default budget form.

5:17 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3,

II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen discussed a personnel issue.

5:37 pm – Selectman Lavin moved to come out of Non-Public Session.

Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

5:37 pm – Selectman Lavin moved to come out of Non-Public Session.

Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

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The Selectmen discussed a personnel issue.

5:55 pm – Selectman Lavin moved to come out of Non-Public Session.

Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

5:55 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3,

II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted.

Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

The Selectmen discussed a personnel issue.

6:30 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

FYIs & Other Business

Tuesdays Opening to Public – Selectman Currier had expressed his opinion that the Selectmen's Office should be open to the public on Tuesdays. Lois had been asked to speak with the employees and get their justifications for opening or not opening to the public.

Input from employees is that Tuesday had been a designated in-house bookkeeping, catch up day where work and minutes could be done without interruption. The phones are answered and deliveries (UPS, FedEx, Staples, etc.) are received.

Employees regularly try to schedule any doctor, dentist or other appointments on Tuesdays to lessen the impact on the staff when they are out. Most of the part-time staff does not work on Tuesdays, so staffing rescheduling would have to be considered.

The Town Clerk's office is closed and it would be more confusing to the public if the Selectmen's office is open and the Clerk's office closed.

Currently people know who will be here on what days.

There was a brief discussion. No decision was made tonight.

Bureau of Homeless & Housing Services sent a request for the number of homeless in town. Chairman Hatch who will fill out the form.

DES Public Notice – NH Statewide Total Maximum Daily Load Report for Bacteria Impaired Waters Available for Public Comment was received and posted as required. The draft is available for public review and comment on the NH DES website at <http://des.nh.gov/organization/divisions/water/wmb/tmdl/categories/publications.htm>. Public comments will be accepted until 4:00 pm on February 22, 2013.

Lakes Region Planning Commission will be holding a meeting on January 28, 2013 in Bridgewater, NH.

Provan & Lorber submitted their annual report on the landfill closure. Report will be filed in the Selectmen's office.

Emergency Response – Lois informed the Board of the need to update the contacts on the emergency response list. Security alarms were tested last week, and Sgt. Currier was able to get things reset, but because the people on the contact list are no longer employed with the town, we will have to send a letter from the Selectmen authorizing the name changes on the contact list.

Approval of Minutes

MOTION – Selectman Lavin moved to accept the minutes of January 11th and January 14th, 2013 as written. Selectman Currier seconded. Motion passed 3-0.

Liability Insurance - Lois informed the board that she had updated the liability policy, and the corners fire station is no longer on the town policy. Several weeks ago, the fireman's association had been notified this was to be done. Chief Hempel was notified by phone and confirmed in an email on January 17, 2013 that this has been done.

School Board Meeting – Selectman Lavin said at the school board meeting Donna Clairmont mentioned that the recommendation from the budget committee and the selectmen would be on the ballot. He said the warrant articles could be voted to zero dollars at the deliberative session without changing the intent of the article. Selectman Lavin said one of the school board representatives mentioned that they would like to play a part in the negotiations with the Metrocast contract we are looking into because they need a big enough trunk for the Internet service for the students. Lois suggested that they be notified of the consortium meetings so they could attend the meetings with their concerns. Selectman Lavin stated that Superintendent Fauci mentioned that frequently there are many students on the Internet, and it shuts everything down. Chairman Hatch will notify them of the consortium meetings.

Selectman Lavin said it was mentioned how high the school budget is, and it was brought up that the planning and zoning boards have such restrictions that the taxes are being forced on homeowners. If the boards relaxed the regulations, there would be more businesses coming into town and would reduce the tax burden on the property owners. Selectman Lavin asked and received the board's permission, as selectmen's representative, to pass this information on to the planning board.

Time Off – Selectman Currier stated that after the meeting on February 4th, he would be gone until after the 15th. Selectman Lavin said he would be gone the last week in February.

01-22-13 BOS

APPROVED

7:07 – MOTION- Selectman Lavin moved to adjourn the meeting. Selectman Currier seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk