

APPROVED

**Board of Selectmen
4 February 2013
Minutes**

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

After attendance, everyone stood for the “Pledge of Allegiance”.

Jen Correia – Jen informed the Selectmen that she had spoken with Chief Collins today, and she would like to set up a meeting with the Selectmen, the chief and Robin Bonan so they can review detail pay; the rate and the way the billing is to be done. She said she would have the information available for the selectmen to review when she has the work session with the Selectmen on the 19th. Jen said she would be working on policies this week – purchasing policy, petty cash policy, etc.

Jen stated that she has been making comments on invoices when they come through, and she had questions about the cleaning invoice for the Academy. She said it costs \$50 each time the upstairs is cleaned; it is done after the contra dances, etc. Jen asked how important it is to have the upstairs cleaned, and should there be a charge for the use of the upstairs. It was stated that there is a fee for the use of the upstairs, and a refundable cleaning deposit is required. Selectman Currier asked who is making the mess. There was a brief discussion of cleaning. Lois will check the contract to see how often the upstairs is supposed to be cleaned.

Warrant Articles - Jen reviewed the warrant articles that were changed at the deliberative session with the Selectmen to see if they wanted to change their recommendation, or keep their previously stated recommendation.

Motions were made, seconded and approved 3-0 to stay with the Selectmen’s previously stated recommendations on the following articles:

#’s, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.

Motions were made, seconded and approved 3-0 to change the Selectmen’s recommendation to the amount adjusted at the deliberative session on the following articles:

#’s 13, 14, 20.

No changes were made at the deliberation session to the following articles, so the articles will appear as written. These articles are:

#’s 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25,26, 37, 38, 39.

The budget committee will meet on Monday to review the articles for their recommendation.

4:37 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.

5:15 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. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

5:16 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.

5:22 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.

Fire Chief Hempel, Joe & Meg Hempel, John Funk, Deb Chase, Betty Ann Abbott, Chris Dubois, Bill and Terri Donovan, Bryon McSharry, Dan Redin and Tom Scribner joined the meeting.

Fire Dept. Staffing – Chairman Hatch stated that last week when Chief Hempel was on vacation, they had more discussion on Selectman Currier’s concerns about the staffing in

the fire department, and she was finally able to understand what Brett was looking for. She said what Brett is looking for is 2-person coverage seven days a week. There have been letters back and forth between the Selectmen and Chief Hempel since October regarding the minimum certification for anyone covering a shift at the fire department, with the Selectmen restricting having anyone not certified as at least an EMT-B covering a shift. At the Chief's request the letter was rescinded two weeks ago for a week, and last week for an additional week until the Selectmen had a chance to discuss the letters, which was done at last week's meeting.

Chairman Hatch said she wanted to get the matter settled tonight. Chief Hempel said he has two-person coverage seven days a week; he staffs his full-time staff six days a week from 7-am to 7-pm, and per diem employees from 7-am to 7-pm on Sundays. He explained the staffing. Chief Hempel said he had explained the rationale of his staffing pattern to the board, but it keeps coming up that the fire chief should be part of the staffing pattern. Chief Hempel said his position is that the chief is not part of the "line staff", and is not part of the staffing pattern. He said he allocates the hours he is obligated to be available where it best fits in; typically Monday thru Friday when he spends his day at the station working with the guys, doing administrative duties and answering and going on calls. Chief Hempel felt the chief shouldn't be boxed into a schedule.

Chief Hempel said there has been comment that if you have a medical issue on Sunday, you would be given less care; the numbers don't substantiate that argument. Chief Hempel added that he has to be able to manage his department as he sees fit; that is what he was hired for and trained to do and what he is doing. He said that the Board asking him to do something contrary with what he agrees with is overstepping their bounds. He reviewed his list of Sunday calls for 2011 and 2012 and how they were covered with the Selectmen. The Chief said he needs to do his job and feels the Board needs to support him until such a time there is evidence to support that he is doing something contrary to the well being of the community.

Chairman Hatch said that last week when they reviewed the chief's letter of January 23rd, he had pointed out two separate issues. The first one is the minimum qualifications going forward for full-time firefighters. Chief Hempel said he supported the recommendation, and felt he and the Selectmen were in concert with the qualifications. The minimum requirement for a full-time employee would be an EMT-I, or AEMT, which EMT-I will be changed to. He said they have had problems in the past hiring an EMT Basic, and they haven't fulfilled their obligation of obtaining certification. Chairman Hatch said she would like to see the policy implemented going forward that a full-time employee for the fire department be FFII/EMT-I/CDL-B. The other selectmen agreed.

MOTION – Selectman Lavin moved to implement the policy that when hiring a new full-time firefighter they be FFII/EMT-I/CDL-B certified. Selectman Currier seconded. Motion passed 3-0.

Chairman Hatch stated that the second issue is coverage, which she noted the chief had recapped what they have been dealing with since October, and asked if the chief's explanation had clarified Selectman Currier's concern. Selectman Currier responded that it hadn't changed his mind one bit. He read a letter dated November 27th the chief had sent to the Selectmen when they had asked for a minimum of an EMT-I certification for daytime coverage. "I believe that we need to allow at least a minimum of an EMT Basic to replace staff during sick days, vacation or as need allows." Selectman Currier said he agreed with that, but he didn't want to go below a Basic; that is why they are here. Chief Hempel said the reason they are here is that Selectman Currier had a problem with a first responder working on a Sunday. Selectman Currier agreed. The Chief said he had explained over and over again that there is a process for filling the Sunday per-diem shifts. He said a first responder is a licensed ambulance attendant recognized by the State of NH, and if he is comfortable, as a department head, putting that person in place, because EMS is not the only job that person has; they have fire responsibilities and decision-making responsibility and if we follow our own standard operating guidelines to the hiring procedure, and get down to the certification at that level, and fill that staff level, we are continuing to offer an excellent service. He said if you look at the data of the responses on Sundays, and the personnel that respond on Sundays, there is no argument that shows our Sunday service is degraded.

Selectman Currier asked if the Chief has all that response on Sunday, why are we paying a guy a full-time hourly rate, more than we are paying a full-time certified EMT-I. Chairman Hatch said she had "missed" that. Selectman Currier stated that when we hire a first responder as a stipend, they are making more money than a certified full-time guy. He said with his schedule he has (Selectman Currier had drafted a schedule that could be followed with an EMT on each shift), with Chief Hempel being, what he calls a working chief, -- Chief Hempel interrupted to ask if he wasn't a working chief, doesn't he work now? Selectman Currier said all chiefs work, but he should be in the rotation, and this was the way it had been presented to the Town years ago. Selectman Currier said he knows the chief has "chief duties" he has to do and isn't criticizing him in that respect, but if he followed the schedule that he (Brett) had made up, he wouldn't have the need for per-diem men.

There was considerable discussion on whether the chief should be expected to work a shift on a schedule. Chief Hempel felt he would be too boxed in to be able to do his duties, and had a problem with Selectman Currier telling him how to run his department. He said he needs to be able to run his department and the Selectmen need to support him and have confidence in his decision-making in order to succeed. Chief Hempel said the coach of the team does not play on the field. He is not paid to play on the field; he is paid to insure that his personnel are safe and the situation is contained, and he has to have the ability to have the flex to do what he needs to do.

Chairman Hatch said she said she had read the letters and the RSAs and doesn't want to micromanage the department, but wants to settle this tonight. She added that she has

never received a complaint; she asked Selectman Lavin his opinion. Selectman Lavin said Selectman Currier knows more about the fire department than he does, and the chief knows a lot more. He said we hired the chief to the position, and have had no complaints; he is going to support Chairman Hatch, but is curious about the additional cost of per-diem to the Town. Chief Hempel said there is no additional cost because it is part of his operating budget. He said if the Town is interested in bringing forth another employee, of which he is not a proponent, the Town could have the staffing; the fire chief is not a fireman. He said they can only staff what he is funded. The current staffing pattern works, his guys are happy and calls are getting answered. Selectman Currier asked the chief to get him the Thanksgiving Day call times. The chief said he would get them.

Chairman Hatch said she wanted to settle this now.

MOTION: Selectman Lavin moved to rescind permanently the letters the Selectmen had sent to Chief Hempel regarding the staffing of his department. Chairman Hatch seconded. Motion passed 2-1. – Chairman Hatch-yes, Selectman Lavin-yes – Selectman Currier-no.

5:40 pm - Public Input

Street Light-Elm Street – John Reifsnyder, 48 Elm Street requested the streetlight in front of his house, which affects only him, be removed. It had not been in use for years, but when the lights had been upgraded by the Co-Op an LED light had been put in, and it is too bright. Selectman Lavin will check it out, and Lois will ask the police chief and road agent to check to see if they feel it needs to be kept. We will need the pole#, should we request that the light be removed.

Minutes – Culvert Gale Rd. - Terri Donovan said minutes should always be viewed as historical and legal documents, and she was concerned when reading the January 7th minutes of a discussion by the Board of Selectmen. She commended the Conservation Commission on the good job they are doing on the Town forest (Thompson Town Forest) that has been discussed for years. She said there were two culverts put in on a Class VI road, not in the forest; one abuts the forest, the other doesn't. The minutes say the Town didn't expend any funds for the culvert. She asked how the Selectmen could make that statement. Chairman Hatch said the Town didn't put the culvert in. Selectman Lavin said the culvert had to be installed in order to do the work in the town forest, but none of the Selectmen knew who had installed it. Chairman Hatch asked if Terri was saying the minutes should reflect who installed the culvert. Terri replied that the minutes should reflect the facts, and they are factually incorrect, and was surprised that the Selectmen didn't know the fact. Chairman Hatch asked if she was saying the Town did expend funds, and the Selectmen didn't know about it. Terri said she felt they had approved it because they had authorized the Conservation Commission, who had given them a list of trees that were going to be forested, and there would be proceeds from the trees, and part

of the deal said that based on current prices, and after deducting roadwork and parking area costs, it is estimated that the town would net \$9,400. She said it is a fact that needs to be corrected. It is town money; we sold town goods, and the logging company deducted that out of the proceeds; if they hadn't had to do the culvert, there would be more proceeds, so town money was expended.

Terri asked who looked at the plan for the culvert to see how and why it was placed, and if there was long-term value. She asked if the culvert fails because it wasn't a good design, is it promoting the purpose they wanted to have a parking area for recreational use, who addresses those things? She asked the official minutes be corrected to wrap up the chronology of how this happened because it is not correct that no town money was expended.

Selectman Currier said he understood what she was saying about town money, and it makes sense, but if we do nothing to the culvert, what is the difference? It is a culvert that was put in for the logging operation to get into the town forest. Terri said they didn't need the culvert to get into the town forest; they get in and out of the road every day, so the culvert above the intersection between the Class V road and the intersection was not for the purpose of getting into the town forest. She said the culvert below the snowmobile trail might have been necessary for the logging. Selectman Currier said that was the only culvert he would have talked about, he had no idea about the other one.

Bill Donovan said the way it was designed was they took the water from the camp side of the road, and shot it across before the intersection so it dumps into the lower side (parking lot side). He said he doesn't know why they had to do that because it had been going down the regular trench and under the other culvert that had been replaced years ago; eventually all that water is ending up in the town forest, and no one knows how much damage that will do in the future.

There was discussion of why a culvert would fail, and what might happen if it did. Bill Donovan expressed concern that the Town didn't know about one culvert being replaced and the addition of another culvert. Terri expressed concern about the diversion of the water.

Selectman Currier felt we should get the conservation commission to find out who the logger is and what the intent was.

Chairman Hatch said the minutes of the 7th wouldn't be changed, but the minutes of tonight's meeting would reflect the conversation.

Jen Correia felt we should wait to see the bills from the logger to see who had installed the culverts and why. She will follow up on it.

Building Maintenance Article – Tom Scribner said he is here as a library trustee. He said that at the deliberative session there had been discussion on the building maintenance fund warrant article as well as the building maintenance in the operating budget. It was stated that the operating budget contained \$5,000 for siding repair, and asked if they felt there was \$5,000 put in the maintenance fund to side the library. Tom asked what the procedure is for getting the repairs. Selectman Currier stated they would have to wait until residents vote on the budget, but he would support it. Jen Correia said that according to the purchasing policy, anything over \$5,000 has to go out to bid, and we could help him with that. Tom said it would be under \$5,000.

Chairman Hatch stated that it is a Town-owned building, and we are technically exempt, but we have always met with the Historic District Commission, and she recommended that they do that.

Non-Public Sessions – John Funk felt the selectmen are in non-public sessions a lot, and asked if they were very clear in their minds of the circumstances of when they should go into non-public sessions. Chairman Hatch replied that they are. She noted that when she had campaigned for Selectman, it had been her agenda to do away with all the non-public sessions, but she has to “eat crow” because she had no idea how often they have to deal with personnel issues, litigation and issues where an individual’s reputation could be affected.

John said he isn’t sure how we compare with other Towns, but wondered what it says about our town that we have to spend so much time in non-public sessions. Is there a lot of dysfunction in town? Chairman Hatch said there have been a lot of personnel issues to contend with; they are trying to makes things better, but it takes time.

Jen Correia, who has worked in many towns, said it takes time because it can only be talked about at Selectmen’s meetings; they have to discuss the problem, sometimes they have to get legal counsel and then make decisions, and they have to go into non-public to discuss any of these things. She said she had been in other towns where they also had non-public sessions every week.

Conflict of Interest – John Funk said he had been watching the discussion with the Fire Department for a couple of months. He asked Selectman Currier if he hadn’t worked for the fire department in the past. Selectman Currier replied that he still does. John said if you are working for a department and are on the Board of Selectmen, there is a conflict of interest because as a board member you can issue policy that could put you in conflict with your department. He felt Selectman Currier should recuse himself. Selectman Currier said he would quit the fire department. He said he doesn’t want to not be able to talk when he sees something bad whether he is in the department or not.

Bill Donovan asked if that went the same for the police department. Selectman Currier said the police department was different; if it has anything to do with his son, he would stay out of it. He said he doesn’t deal with it. Bill asked what about the budget or a pay

raise for the chief who supervises his son. Selectman Currier said they had looked into it with LGC and had gotten a report from them. They could read it if they want. Selectman Lavin said that legally Selectman Currier could play a part in police department issues, but has stayed out of it. Chairman Hatch said that because of public perception she had resigned from taking minutes for various committees while a member of the Board of Selectmen.

Terri Donovan said Selectman Currier couldn't and shouldn't take part in any personnel issues in the police department. Chairman Hatch said she feels she is a selectman 24-7, and has to weigh what is legal and ethical. Selectman Lavin said Selectman Currier deserves credit for recusing himself from anything to do with the police department thus far, and Chairman Hatch has recused herself from school issues.

Under Drain – Safety Building – Bryon McSharry asked if the repair on the under drain at the safety building had been completed. He was told it had been. Bryon asked what the cost had been. Selectman Currier said he thought it was \$8,800. Bryon asked if the job had been put out to bid, and was told it hadn't been. Bryon asked why it hadn't been put out to bid. Selectman Currier said they had been in a situation where they had talked with the guy who had been in charge of the project. Selectman Lavin said it had been a non-public issue. Chairman Hatch said they are so limited by what they can tell about non-public sessions. Bryon asked if the \$8,800 included materials; it did. Betty Ann said she didn't understand the connection between that there is stuff that they can't tell you from non-public, and why it wasn't bid. Selectman Currier said it was a situation where they had met with the contractor who did the building and the site engineer, and there was no sure remedy on how to rectify it. He said they had talked with them recommending a fix they felt might correct it, and see if it would last through the winter. Selectman Currier said there was \$20,000 in an account to pave it, but they, as a board, had decided to correct it before they paved in. They had discussed putting it out to bid but were concerned about the quality of contractors they were going to get. He said they could get a low bid, or somebody they didn't know and asked how they would pick. They had a recommendation that the individual that did the job would be a qualified guy, and they had an idea of the cost of the project. Betty Ann Abbott said when things are put out to bid, we get bids in, the bids are discussed as a board; you aren't obligated to take the lowest bid, or on a bid that looks like a good bid, but can't get a "read" on their reputation. You can go with the person you know has a good reputation even though it may cost a little more; it is worth spending the extra to have somebody we know would do a good job the first time. She said we do have standards for when we do and don't put things out to bid.

Bryon McSharry said his problem is that Selectman Currier had worked on the job. Selectman Currier said he did not work on the job for money, and had told the Board of Selectmen up front that he might be on the job, but would not be getting paid or working on the job for money. He said he told Mickey Daigle, who did the job, that his (Brett's) machine wouldn't be there, and he wouldn't be working on the job. Bryon said that Brett

made the decision. Brett replied that he was one of three who had made the decision. Meg Hempel stated that Jen had said if the job is under \$5,000 it doesn't have to go out to bid, but if it is over \$5,000, it did; this was \$8,000 and it didn't go out to bid. Chairman Hatch said because it was a driveway issue, she didn't have much to do with it. She had asked Selectman Currier and Selectman Lavin look at the job, and when they came back, Selectman Currier had a recommendation, and she went along with it. Chairman Hatch was told she had to be careful not to set a precedent.

6:40 pm – Chairman Hatch closed public input.

FYIs and Other Business

Code Violation – Jen said a realtor had called today about a property where there has been a lot of work done with no building permits. The realtor was talking with Cindy, and asking questions about the property, and when Cindy pulled the property card, it didn't show several things the realtor was asking about. She asked and received the Selectmen's permission to have the building inspector or assessor go out and assess the situation. Fines can be levied in these situations.

Annette's Computer – After getting an estimate for a new laptop computer for Annette, Selectman Lavin got an additional estimate from Staples. He felt the estimates were for basically the same computer and Staples estimate was less than our first one. There was discussion and comparisons of the two estimates. Selectman Lavin will speak with Annette on Wednesday about the estimates and to see if there is anything on the estimates she doesn't need, as she will basically be using it to take minutes.

Approval of Minutes – MOTION – Selectman Lavin moved to approve the minutes of January 28, 2013 as amended. Selectman Currier seconded. Motion passed 3-0.

Maintenance List – Chairman Hatch stated that her husband had a maintenance list that he had come up with for the school that he facilitates, and had tailored it for the Academy Building. Mr. Hatch had been on the buildings committee. Chairman Hatch emailed the list to Cindy Bedford.

Safety Walk - Chairman Hatch said she and Cindy Bedford had met with an LGC representative, and had done a safety walk through the Academy; this is in compliance with the Joint Loss Safety Committee. She said there had been discussion that the Town Clerk/Tax Collector's Office and the Selectmen's Office are not secure. Chairman Hatch said she had taken notes, and the Selectmen would discuss them at a future meeting.

Handy Man – Selectman Currier asked about getting an application for someone for the maintenance job. Lois had a draft of an ad to be placed advertising the position. It gives information on how to go about applying for the job. The ad was approved and will go in the papers.

Lack of Support – Selectman Currier stated that he doesn't feel he was represented very well tonight by the Board Chair. He said he had said in an open meeting with the board that they would probably take some heat for the way they had gotten the job at the safety building done, and she had said they would take the heat; we had to do the job and get it done. Chairman Hatch said she said she supported it. Selectman Currier said in a round-about way she had come to that conclusion, but he emphasized that it had been a unanimous decision of the board. Chairman Hatch agreed that it was and said she had said that in front of everyone who was here. She said she was honest saying that Brett and Ralph had gone out and looked at it; she had given them the leeway and leverage to do it because she doesn't deal with stuff like that; she was very forthright. Selectman Currier said she wasn't forthcoming in stating that they had had the discussion. Chairman Hatch said they had done it because they were in a time crunch.

Lakes Region Planning Commission (LRPC) Questionnaire – Selectman Lavin informed the Board that he had a questionnaire from LRPC on the Rte 140 project research that he was going to fill out. He said he would have it completed for the board's approval at the next meeting.

Trash Pick Up – Lois reported that she had contacted Ralph Goodwin, and he would start picking up the trash at the Academy Building on Fridays.

Key – Recycling Center – The recycling manager asked if Ralph Goodwin could get his key to the recycling center back. Ralph used to have one.

There was a brief discussion, and it was the consensus to allow Ralph to get his key back.

Clean-up Day - Last week there was discussion about getting a dumpster for a couple of days to allow us to clean junk that is lying around the Academy Building. Cindy Bedford asked if the Selectmen felt March 26th would be a good day to do the clean up. The Selectmen agreed to the March 26th date.

Phone Warranty Renewal – Lois informed the board that we had a renewal form for the warranty on our phone system, and asked if we wanted to have it renewed. After a brief discussion, she was told to send in the renewal form.

Volunteers - The Selectmen had been told that there has been a volunteer working at the highway garage; none of the Selectmen knew anything about it. Lois had been asked to check with the road agent to see if he had any volunteers working at the garage. She said she had spoken with Eric, one of the highway employees, and he said they didn't have any volunteers up there.

7:10 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

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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 Selectman discussed a personnel issue.

7:50 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. Selectman Currier seconded. Motion passed 3-0. – Chairman Hatch-yes, Selectman Lavin-yes, Selectman Currier-yes.

7:52 pm – MOTION – Selectman Lavin moved to adjourn the meeting. Selectman Currier seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk