



APPROVED

## Board of Selectmen Town of Gilmanton, New Hampshire

Meeting

January 29, 2014

**1:00 pm.** – Gilmanton Academy

Present: Chairman Ralph Lavin, Selectmen Brett Currier and Donald Guarino, Town Administrator Arthur Capello, Administrative Assistant Stephanie Fogg. Also present Fire Chief Hempel.

**1:00 pm** Chairman Lavin opened the meeting, took attendance of those present and voting and led the Pledge of Allegiance.

**Gilmanton Fire Department** – Arthur Capello said the purpose of the meeting was to discuss the part-time, implementing the polygraph policy, the wage differential between call and part-time employees.

The Selectmen and Chief Hempel discussed the rates of the call and part-time rates. Chief Hempel said he did contact the Labor Board, past practice there have been two rates, because they are two different jobs. According to the Labor Board it is appropriate to have the different rates. Chief Hempel said the only addition would be on their wage summary sheet, the rates would have to be noted.

Selectman Guarino said, I'm sure Arthur has given you a heads up on this.

Selectman Currier said, the Selectmen do the hiring of part-time employees, in every department, except the Fire Department up until now. Chief Hempel, you hire the call firefighters. What we are trying to be sure of that with the Police and Fire Departments the people who are going into homes are vetted through a criminal background check and a polygraph. You can put in place who you want, we would need a list of people who would fill these shifts and have a roster of them. They would be vetted and you can hire them whenever you need to. Chief Hempel said our current employees should be considered already vetted. I can understand if I am bringing someone new, a new candidate, now, part-timer that is not currently part of this Department. Selectman Guarino said, he was not considering the current firefighters when this was discussed.

Selectman Currier said, whoever was going to be on the part-time roster should be vetted. Selectman Currier said we have had some issues that have not been resolved to my knowledge. Chief Hempel said there have been things put in place to ensure a checks and balances for supplies. Chief Hempel said that to require current employees to be vetted or to take polygraphs is not necessary. Selectman Guarino said he has always felt that in the future, as new hires occur, we would use the vetting process. Selectman Guarino said that he does not want to take

1 the existing guys, that serve the Town and have shown loyalty to the Town, to be vetted. He is  
2 not in agreement with vetting the part-time roster of existing employees. Ralph Lavin said he is  
3 always in support of the “grandfathered clause”, these employees were hired under certain  
4 circumstances. Chief Hempel said he is ok with saying to a prospective employee that these are  
5 the conditions of employment and this is the process that you are going to have to go through.

6  
7 Selectman Guarino asked Arthur Capello if he had shared with Chief Hempel anything about the  
8 previous Selectmen’s Meeting that we were discussing. Arthur said, no he had not shared with  
9 the Chief, that this just came to light, now correct me if I’m wrong, about wanting to hold off on  
10 the full-timer until we find out what is going on with the Warrant Article in March. If that  
11 passes, obviously the Board is going to have to make a decision about whether they are going to  
12 follow it or not.

13  
14 The Selectmen discussed staffing the Fire Department with the Fire Chief. Selectmen Guarino  
15 said if the Warrant Article passes they had considered as a Board, where as benefits for a full-  
16 time firefighter are so expensive, let’s consider that the third person is two part-time people.

17  
18 Chief Hempel said he offered to put one full-timer on Sunday’s and it was not accepted. Then  
19 he received a policy stating no more part-time personnel. The intent of the Warrant Article is  
20 merely to continue providing 208 hours of coverage a week that we currently provide. Using  
21 both full-time and part-time guys in the same manner. I think it is important that we have a full-  
22 time replacement. I don’t necessarily agree with it.

23  
24 Selectman Currier said can you give me the real drawback of having two part-time firefighters,  
25 there is about \$31,000 savings there. Chief Hempel said if we are going down this road, you say  
26 to me ok Chief, you schedule the way you want, I will have two part-time positions, I can staff it  
27 the way I want, including Sundays, then it gives me the latitude to do what we have been doing  
28 in the past, maybe not with a full-time person, but a part-time person. My biggest drawback has  
29 been scheduling. Chief Hempel said, are we at a point where we can negotiate or talk?

30  
31 Selectman Guarino, as a Board, we are looking for savings.

32  
33 Selectman Currier said if we hire a part-time guy, I think we become the hiring/firing authority.  
34 Chief Hempel would bring the person forward with his recommendation to hire/fire, and we  
35 would follow his recommendation. This is a unique situation. We already have proven  
36 employees who are doing the job. Chief Hempel said, these guys will not be available because  
37 they will not want to subject themselves to the polygraph test.

38  
39 Selectman Currier said we do have them take a polygraph test at the Police Department.  
40 Selectman Currier said he believes there is a policy in place already that if you go from part-time  
41 to full-time in the Police Department, you are subject to the polygraph test. Selectman Currier  
42 said I know it is in the Fire Department right now. Chief Hempel said I have not seen that  
43 policy. Arthur Capello said part-time call firefighter is not the same thing as a part-time  
44 employee who can still do call hours, but the part-time employee status is different in his  
45 opinion. Chief Hempel said, it becomes a part-time 12 hour shift and we are calling those  
46 employees based on their certifications to fill those shifts.

1 Selectman Guarino said the full-timer we were going to hire would now be two people. Chief  
2 Hempel said that is how we are filling the shifts right now. Selectman Guarino said you would  
3 be open to this right now?  
4

5 Chief Hempel said he is open to it if he is able to utilize his current staff, based upon the fact  
6 they have been with us for years, they are vetted employees and if we are going to hire new  
7 employees for the part-time list then they would go through the process. The other piece is that  
8 I am able to staff accordingly. You have already forced my hand with the cuts in the part-time  
9 budget, the \$10,400. I would be willing to digest this if my money was restored in my part-time  
10 account, to get my 24 hours back and consider the two 24 hour guys, instead of a full-time guy, I  
11 would be happy to talk about that. We have a good roster in the way the guys are available in  
12 their full-time jobs, and it makes it pretty easy to work. I have no interest, until I am forced to, to  
13 look at new part-time employees. Based on the current list, I believe we could staff the open  
14 shifts and you would have your cost savings.  
15

16 Arthur Capello said I still believe the Board needs to do a part-time status with an application,  
17 whether they choose to vet or not? Ultimately that is the only thing that gives the Board the  
18 ultimate hiring and firing ability. Arthur said otherwise with the part-time employee, the Board  
19 has no authority. Chief Hempel said I am not fighting over authority. If that is the case, then  
20 folks who are already working for us can put an application in and consider them vetted, because  
21 they are already employees who have been with us for a period of time. Chief Hempel said I am  
22 not in favor of putting current employees through the polygraph, I have been there when other  
23 employees have gone through it, it is very stressful for the applicant.  
24

25 Selectman Currier said there are reasons that I feel the way I do. Chief Hempel said I understand  
26 Brett, we have installed a video camera in the Public Safety Building, we have taken steps with  
27 some of the issues that may have occurred with some stock, and it is monitored. Selectman  
28 Currier said we have a guy right now that is in a jam, how long was that guy vetted? Chief  
29 Hempel said you cannot control someone. Selectman Currier said with due diligence, we can  
30 say yes, we did check that out. Selectman Currier said I am just one guy, and I have an opinion  
31 you know I, and you have a different opinion. Chief Hempel said are we ever going to agree on  
32 anything? Selectman Currier said, personally if I had nothing to hide and you were telling me I  
33 had to take a poly I would. Arthur said, I do not see the Board deciding on the vetting process  
34 today. Can the Board come to a resolution as to whether they want to continue to look at the two  
35 part-timers to replace the full-time on the Sunday shifts?  
36

37 Chief Hempel said, first you are basing everything on 2004 for the full-time guy. Selectman  
38 Currier said this is my negotiation deal, you will cover one shift, like you said you would before,  
39 I don't care what day, you and one guy. We put two part-time guys in for the full-time position,  
40 and we save \$31,000 approx. there. We save the one day that we do not have to cover the other  
41 guy and you go about your business. You get all your signatures back and pull that Warrant  
42 Article. Selectman Guarino said I would go with that.  
43

44 Chief Hempel said you will put the money back in my part-time account? Arthur said you will  
45 have the money in the line because of the full-time position will be eliminated. Chief Hempel  
46 said I have \$18,000, I do not have \$29,000. Chairman Lavin said would you be willing to get rid  
47 of the Warrant Article? Chief Hempel said, I am having this dialogue with Selectman Currier.  
48 Selectman Guarino said the reason the \$10,400 was taken out was because we were looking at

1 the Sunday shift, saying that one full-timer should be in there. That is where it came from 52  
2 weeks x \$200 is \$10,400.

3  
4 Chief Hempel said if we move forward with this, where is your position with the vetting, my  
5 guys that are currently my employees, I want to be able to use them without having to put them  
6 through the polygraph? If we can get through that, then I would probably be interested in talking  
7 further and then we could get rid of everything. Selectman Currier said I would like to talk to the  
8 other Selectmen about this. Chief Hempel said our guys have worked for the City Laconia.  
9 Selectman Currier said, I am not saying they haven't. I would like to talk to these guys.

10  
11 Chief Hempel said I would agree with you if we have to bring in a new time guy or an outsider  
12 in, he gets the polygraph, the whole nine yards. I'm good with that. I am not good with the 6 or  
13 7 guys I have now going through that.

14  
15 Selectman Guarino said it is a good proposal, but Chairman Lavin and I do not want to take  
16 existing guys and vet them. I understand his reservations on this, and why I have reservations to  
17 a certain extent, the person that we had to let go that was the part-timer, that had this issue had  
18 other issues. Arthur Capello said that the part-time people fill out the applications so the  
19 Selectmen have the authority that they have in every other Department. Selectman Guarino  
20 said can you take one other shift, that you proposed, take the full-time position and replace it  
21 with two part-time employees (which is covered by the list that we already have)? The only  
22 thing we are hung up on is the vetting? There are two of us that do not want to vet the 7 or 8  
23 guys, can you let that go so we can move forward on this, it is good for the Town.

24  
25 Chief Hempel said, I would say at this point if we come to an agreement, at the Deliberative  
26 Session, you would publicly state that the Selectmen reverse the policy and I would say that I  
27 make an amendment to pull that Warrant Article. Arthur said that a Petition Warrant Article has  
28 to go forward by law. Chief Hempel said even if it was voted in the affirmative, it still remains  
29 the same, because our coverage is not changing. I will speak against it, and let them know we  
30 have come to an agreement and we are moving forward.

31  
32 Selectman Currier said do you feel comfortable with a part-time rate and forget about the officer  
33 part of it. If we give them all the same rate even if we bump the amount up a bit. So it doesn't  
34 matter who you hire. Chairman Lavin said he is against that because instead of lowering the pay  
35 down to be the same it will be an increase and spending more money. Arthur Capello said you  
36 will still be saving money from the full-time position. The other part the Selectman Currier  
37 wanted to be sure was that we do not have one part-time employee working more than 24 hours a  
38 week. Chief Hempel said correct. Selectman Currier said that way we would not have any  
39 issues with overtime. Arthur said, if you all agree to this he can write it up and get everyone to  
40 sign off on it.

41  
42 Selectman Currier said, I do not want your full-time guys' morale going down because you hire a  
43 Lieutenant, I want them to be an equal. Chief Hempel said what happens, if the guy is a  
44 Lieutenant, and he is working that shift, he is going to operate with that authority. The rate is  
45 still lower than the full-time employees. If you want to make it a flat rate than that is the way it  
46 is.

1 Arthur Capello said another benefit of completing an application for the part-time positions  
2 would be in the contract you can state “not to exceed 24 hours per week”, if it goes over that it  
3 would be at the call rate.

4  
5 Selectman Guarino said is everybody good? Chairman Lavin said that initially when this whole  
6 Warrant Article was created because I did not know what the people out there really wanted. All  
7 I really wanted was the Warrant Article to prove to me what the people really wanted. Now that  
8 there is a Warrant Article out there again, I want to know what the people want. That is why I  
9 am here for the taxpayer, I don’t know if I want to make these deals without knowing what the  
10 people want. Selectman Guarino said we are saving the taxpayers between \$30,000 and \$40,000,  
11 it is a pretty significant savings.

12  
13 Selectman Currier said, I want to have checks and balances on employees. Chief Hempel said  
14 currently we have a criminal background check and they have a driving record check done.  
15 Fingerprinted, sent to the Feds, if it comes back clean, we check on references and they are put  
16 on a probationary status for a year. Arthur said can I add something, you hire a call firefighter,  
17 he would go through the same process, if the call firefighter then moves to a part-time status,  
18 they go through the vetting process. Chief Hempel said that is fine, if it is a new guy.

19  
20 Selectman Currier said that it was voted by the Selectmen before that when anyone who went  
21 from a part-time to a full-time position will be subject to a polygraph test. Chairman Lavin  
22 asked about checking with LGC on this, Arthur said he already had.

23  
24 Selectman Guarino said we are not going to take the full line item for the full-time firefighter and  
25 put it into the part-time line item. Arthur said he will have a number for the Selectmen regarding  
26 the 48 hr plus 12 hr x \$16 with FICA etc. included.

27  
28 **MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman Currier is was  
29 voted to rescind the current policy implemented on January 6, 2014, to go forward with hiring  
30 two part-time employees to replace the full-time firefighter position at 24 hours per person, the  
31 Chief would pick up one 12 hour shift and have the flexibility to fill all other shifts as he sees fit  
32 with part-time employees, current part-time employees will fill out applications and receive  
33 employment contracts. Any future part-time employees or full-time employees will go through  
34 the vetting process of a polygraph test. All of this is to be encompassed in 196 hours with a  
35 maximum of 60 hours per week part-time, at 2:00 pm. (3-0 Voice Vote – Chairman Lavin -yes,  
36 Selectman Currier – yes, Selectman Guarino – yes).

37  
38 **Non-Public Session per RSA 91-A:3, II (c):**

39 **MOTION:** On a Motion by Selectman Guarino, and seconded by Selectman Currier it was voted  
40 unanimously to go into Non-Public Session per RSA 91-A:3, II (c) at 2:00 pm. (3-0 Voice Vote  
41 – Chairman Lavin -yes, Selectman Currier – yes, Selectman Guarino – yes).

42  
43 The meeting room was closed to the public. Present during the Non-Public Session were  
44 Chairman Lavin, Selectmen Currier and Guarino. Town Administrator Arthur Capello,  
45 Administrative Assistant Stephanie Fogg.

1 Arthur Capello announced, as you all know, Desiree Tumas, Planning Administrator has given  
2 her letter of resignation officially on Friday, January 24, 2014. The Selectmen and Arthur  
3 Capello discussed office staffing.

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5 **MOTION:** On a Motion by Selectman Currier and seconded by Selectman Guarino it was voted  
6 unanimously to come out of Non-Public Session at 2:29 pm. (3-0 Voice Vote – Chairman Lavin  
7 -yes, Selectman Currier – yes, Selectman Guarino – yes).

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9 The meeting room was opened to the public. The Board noted the Non-Public Session minutes  
10 were not sealed.

11  
12 **Adjournment:** On a motion by Selectmen Guarino, seconded by Selectman Currier it was voted  
13 unanimously to adjourn at 2:30 pm. (3-0)

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15  
16 Respectfully Submitted,

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19 \_\_\_\_\_  
20 Stephanie S. Fogg  
21 Administrative Assistant

22  
23  
24 **Approved by the Board of Selectmen**

25  
26 \_\_\_\_\_  
27 Chairman Ralph L. Lavin

28  
29 \_\_\_\_\_  
30 Selectman Brett A. Currier

31  
32 \_\_\_\_\_  
33 Selectman Donald J. Guarino