



Tilton-Northfield Fire & EMS

Stephen M. Carrier, Chief
Michael Robinson, Deputy Chief

By-Laws Committee Meeting October 13, 2009

The meeting was called to order at 6:40 PM.

Members Present: Pat Clark, Kevin Waldron, Leif Martinson, Scott Davis
Members Absent: Scott McGuffin

Approval of Minutes

September 22, 2009: A motion was made by Leif Martinson and seconded by Scott Davis to accept the minutes as written. Vote was taken. Pat Clark, Leif Martinson and Scott Davis were in favor of accepting the minutes as written with Kevin Waldron and Scott McGuffin abstaining as they were not present at the meeting.

Kevin Waldron brought up that there was no indication of who took the minutes. Scott Davis stated that he took them and to include that at the bottom.

Kevin Waldron wanted to know who asked the question if the District has a policy manual now. Scott Davis told him that no one could answer that. He didn't know who asked the question as it was amongst discussion that it came up. He just had it down in his notes that it was asked. Kevin Waldron wanted to know what led to that question being asked. Pat Clark told him that they were trying to look at as many things as they could to make a clear distinction between policy and procedures and By-Laws. Scott Davis told him they were wondering if the District has a policy manual during discussion and no one knew. That's why it is just as a question. They were talking and just trying to make the distinction between what is policy and what are By-Laws. Leif Martinson then told Kevin Waldron that this was before they had the revelation last week that By-Laws are far simpler than what they had originally thought. Kevin Waldron told the members that they do have a personnel policy. Members continued to discuss why the question was asked about a policy manual.

October 6, 2009: It was pointed out that there is a spelling error in the last sentence of the first paragraph. Kevin Waldron made a motion to accept the minutes as corrected. Leif Martinson seconded the motion. Vote was taken. All were in favor with Scott Davis abstaining as he was not present at the meeting.

Election of Officers

Chair: Pat Clark made a motion that Scott Davis be chair. Scott declined. Scott Davis made a motion that Pat Clark be chair. Motion was seconded by Scott McGuffin. There were no other nominations. Vote was taken. The vote was unanimous.

Vice-Chair: Scott Davis made a motion that Kevin Waldron be vice-chair. Kevin declined. Scott Davis suggested that they leave it as no vice-chair. Members then decided that if Pat Clark was not going to be at the meeting he would call to let the others know. They would then decide at the meeting which of them would run the meeting.

Secretary: Pat Clark explained how important this position was. That it would be the responsibility of the Secretary to pick up the recorder from Kathy and get it back to her so she could type up the minutes and e-mail them out to everyone. Discussion ensued about Kathy transcribing the minutes of the meetings. Kevin Waldron offered to transport the recorder back and forth but did not want the title of secretary. All were in agreement of Kevin transporting the recorder back and forth.

Meeting Schedule

Members discussed the meeting schedule. It was agreed that the meetings would be held every Tuesday night at Tilton School at 6:30 PM.

By-Laws

Pat Clark passed out copies of the By-Laws that Leif Martinson drafted. Leif Martinson explained that he took the existing By-Laws of the library, did a cursory review of them and replaced clear items like trustees with commissioners, library director with fire chief and made note of where we should look for the RSA that governs that particular article in the By-Laws. It was discussed that each member take a section of the draft, mark it up, bring it back with their suggestions to the next meeting for discussion and voting on it. Leif Martinson pointed out that some of the articles are governed by statute and some are just informational.

Leif Martinson pointed out the first article that is in By-Laws is the name of the organization. Pat Clark asked if anybody knew what the official name is. Kevin Waldron thought the legal name is the Tilton-Northfield Fire District. Everything is marked Tilton-Northfield Fire & EMS and he doesn't know where that came from. Scott Davis thought that might be in the Charlie Chandler letter to the State. Pat Clark thought it might be in that or in the warrant article a couple years ago when they expanded what the Fire District was going to do. Kevin Waldron pointed out that the legal name can be X-Y-Z Apparatus and what you do could be different. Pat Clark thought that they may have changed the name in the warrant article to reflect the expansion. Leif Martinson stated to solve that there isn't any reason the By-Laws couldn't say the name of this organization is Tilton-Northfield Fire District also known as Tilton-Northfield Fire & EMS. Pat Clark said that if it was changed by vote at Town Meeting they should include whatever the formal name is. He also would like to consider whatever they come up with and is voted on by the voters at District Meeting they should submit those By-Laws to the Secretary of State as well. They don't always get them, you don't have to but they like to get those. Kevin Waldron expected that would happen. Leif Martinson stated that what Article 1 really just talks about is what is the name of the organization, what is it known as, where physically is it, what is the mailing address. That one is easy. We can come back next week with the information, document that and check off Article 1.

Leif Martinson went on to explain that membership is one that gets interesting in that it defines who is governed by these By-Laws. Membership defines who are the commissioners, how are they elected, how are they replaced if necessary, how are vacancies filled if necessary, if they are voluntary or involuntary. That's the kind of stuff. Some of it is covered in statute. Some of it can be added to if you don't think the statute is strong enough. Kevin Waldron asked if we knew if RSA was minimum or maximum. Leif Martinson said that's what we don't know. He didn't know if an attorney would know. Scott Davis asked what RSA they were referring to. Leif Martinson said RSA 52-24. Pat Clark

stated that's one of them. Charlie Chandler also had RSA 154 something in the letter to the selectmen. There are several.

Pat Clark stated he did not see the change of name in the warrant article that passed at District Meeting. Scott Davis thought it was brought up. He remembered that being brought up. Further discussion ensued regarding the warrant article and the name.

Pat Clark asked what action everyone wanted to take on the By-Laws. He pointed out that it would involve a lot of reading and think about it. It would include the information that he had already passed out as well as the information that Leif Martinson had provided. Kevin Waldron asked where these departments were. Leif Martinson stated they are all over. Some are in Connecticut, Maryland and Georgia. Again, it was really just intended to show examples of what can and cannot be included in By-Laws. He just happened to go to these different fire districts and found the best examples he could find. Kevin Waldron stated that when he was on Meredith Fire Department they had to read the By-Laws before they could even join as a firefighter. Pat Clark stated that's a good point. There are a lot of elements in the By-Laws that they can incorporate that don't necessarily have to do with two towns. It is boiler plate stuff that any fire department might want to have in their By-Laws whether it is one town or multiple towns.

Members discussed representation and whether there was anything in the RSAs regarding representation from each town. Scott Davis explained there is nothing in the Village District RSA. Pat Clark stated that the Deputy Secretary of State commented there is a one man one vote rule kind of thing as they have set up RSAs for wards in big cities. Scott Davis stated that the Water District adopted at their first meeting that they would always have representation from each town. Right now they have two commissioners from Tilton and one from Northfield. Next year the one from Northfield is going to be up. It's going to have to be a Northfield representative. When they go to the clerk to declare themselves if they are from Tilton they will not be on the ballot. Kevin Waldron asked if that was legal. Scott Davis stated that since they had it adopted that way that they have to have representation from each town. Leif Martinson asked what would happen if the people from Northfield did not like the candidate that was running and preferred to vote for someone from Tilton. Pat Clark said they have the same situation with the school district where you are voting for candidates from each town. Leif Martinson wanted to make sure that it was their charge in writing these By-Laws that was seen as a flaw or whether everyone was happy the way things are done today. Scott Davis said in his opinion it should make a difference. He knows it has come up in the past as a concern from residents. If the District had By-Laws there would be something in writing on how that would be handled and would have alleviated a lot of the things that have caused concern in the past. Kevin Waldron brought up when he was nominated in 2005 as a commissioner and Mike Robinson made a motion with his wife seconding it that they wanted a commissioner from Tilton. Tom Gallant was then reelected. He remembers that a letter was received either from the LGC or DRA that the commissioners needed to be elected at large. Members continued to discuss how the By-Laws would have resolved this and other issues.

Leif Martinson suggested each member pick one of the articles that they want to research and write a sample based on examples they have and RSAs as they understand it. Circulate that around to the people who can tell them whether or not it is legal. Decide and agree whether or not they agree with the language and the spirit of that article and if they all agree and the vote on it. They set it aside and move on to the next one. Pat Clark said that the nice thing about that is it puts the responsibility on each of them to do some

homework as they are not doing that now. Kevin Waldron thought it was a good idea. However if they decide that tonight he cannot guarantee that whatever articles he is assigned that when they come back in one week that it will be done. All agreed that they couldn't guarantee that either. Scott Davis said if there is one person that has one segment done they can do that segment and move on. Pat Clark asked if anybody had read the stuff that Leif Martinson had passed out or the stuff he had passed out. He suggested that everyone look at the information and reference it to their rough draft of the By-Laws. Leif Martinson suggested that if in two meetings they were not making any progress with that approach that they, as an agenda item, say they are going to cover articles one and two and write them and re-write them until they can agree on them or until 9:00 when they decide to go home. Scott Davis suggested that they take what they have tonight and through them adding, deleting, crossing out something you don't like and making little notes. Next week go through them and decide who will take which article. Pat Clark suggested that they each take one right now and focus on that and also say they come back with a half a dozen elements, i.e. changes they have made, suggestions for additional things they might want to include out of the material they have or the RSAs. Come up with a half dozen things because we really haven't come up with much other than what Leif Martinson has done.

Leif Martinson offered to take Article 3. It really speaks to what the commissioners are supposed to be doing. Pat Clark will take Article 5 on the district fire chief. Kevin Waldron brought up that our chief is not a district chief. The district chief is a title given to someone in a larger department where they have battalion chiefs and districts within one big city. Our chief is the chief of the Tilton-Northfield Fire District he is not a district chief. Scott Davis said we could put Fire Chief of the Tilton-Northfield Fire District. Pat Clark stated that would be a clarification. Leif Martinson explained that what five is supposed to be outlining is what duties the commissioners are putting on the fire chief as their delegate. Using the library context, the trustees could very well say that in every hiring decision Mary makes they want to participate in the interviews. She is the employee of the trustees and everyone else is her employee. Everyone else who comes in and out of there is under her control completely. They are giving her that responsibility in the By-Laws. Pat Clark stated that the trustees make the By-Laws. What we are talking about is different than that. We are talking about the voters voting on a set of By-Laws. Leif Martinson thought that should be one of the articles in the By-Laws. That the way they are changed is not by the commissioners or the fire chief but by the voters. Pat Clark thought it should require a certain amount of votes like two-thirds in order to change the By-Laws. When we vote on these we would have to have a two-thirds vote for them to be accepted. Members discussed if that was an RSA.

It was decided that Leif Martinson would take Article 3, Pat Clark Article 5 and Scott Davis Article 6. Kevin Waldron offered to take Articles 2 and 4. Leif Martinson said that Article 2 is tricky because it should talk about how commissioners are elected, replaced and organized around this whole idea of one man, one vote representation from each town. It looks small on the Library By-Laws but it is really bigger than that. Pat Clark agreed that it is bigger than that because what do you do if nobody from a particular town applies to run. What do you do then? Kevin Waldron decided to take Article 4 about meetings. Scott Davis suggested that maybe Scott McGuffin would be willing to take Article 2 on membership and research that. Discussion continued on Article 2 and how to handle vacancies.

Members all agreed that they would review Article 6 on their own. Pat Clark suggested that Kevin Waldron pull together Article 7, Time Line, as he does that as a commissioner. Kevin Waldron told them that he has a list of all the dates when things have to be done. Pat Clark requested that the list be brought to the next meeting.

Kevin Waldron wanted to know as far as reporting to the commissioners, if the committee was going to report on an interim basis or go all at once and be done with it? Leif Martinson told everyone he has a preference. He feels that after a few weeks, when they have a rough draft they are comfortable with and the articles they think they should include in the By-Laws, they should meet with the moderator and the commissioners to show them the progress so far and make sure they are not going down a different path than what was expected. He would hate to get all the way to District Meeting in March to find out that you have 50 people at the meeting all questioning whether you should use the word shall or will or was which can happen. Kevin Waldron hopes that they have a legal opinion on it before the District Meeting but he didn't know where that opinion came from. Pat Clark told everyone that it was the Secretary of State according to Scott. The first would be to meet with the commissioners, second they would hold the public hearing and they need to set a date.

Pat Clark asked what if the commissioners are not interested in what we come up with at that time, what do we do at that point? Leif Martinson told everyone that if he remembered correctly, the warrant article stated that the task of the committee was to develop By-Laws for the District. That would be voted on by the members. Not necessarily develop By-Laws that met the satisfaction of the commissioners. Kevin Waldron told every that the words for commission approval is in that warrant article. Scott Davis stated that if it did not get on by the commissioners then the only other way is citizen petition. Kevin Waldron did not see that as being an issue. Scott Davis said that is what you accomplish by meeting with the moderator and the commissioners. You work all that out so that by the time the final draft is completed everybody is in agreement and it goes before the body as a warrant article. Pat Clark read the warrant article establishing the By-Laws Committee. It says for Commission approval which would be brought before the voters at the 2010 annual meeting. If the Commissioners don't approve it, it still needs to be brought before the voters so the mechanism needs to be there to allow that to happen. The timing for which we present to the Commissioners so that if that bomb shell should happen we still have time to do a petition article. He doesn't think it will be a problem. Leif Martinson agreed that it wouldn't be a problem. Kevin Waldron thought the calendar is backed out from the annual meeting date because the Town's is different than the Districts. Scott Davis also stated that there was a difference on whether it was a monetary article or a non-monetary article because on a monetary article you have to have a public hearing by a certain date. A non-monetary article you don't have to have a hearing. You can just put it on the warrant.

Pat Clark summarized. Next week Kevin Waldron is to bring his calendar so they can back in the dates for their schedule. They will then just go from there. They will plan in that schedule a presentation to the Commissioners and to put a public notice out for public input at that same meeting. Kevin Waldron stated that the notice for Commissioners meeting would have that. I think that's the way to let the public know. Leif Martinson didn't think it requires a public hearing. He believes that if it is on the agenda for a documented and planned Commissioners meeting then that is the public's opportunity to come for their input. They are also welcome to join us at any of these meetings. Scott Davis explained the

difference between the public hearing and being on the agenda. Further discussion ensued about the public hearing.

It was decided that the night that the Committee has finished as much documentation as they are going to do on the By-Laws and they agree on their final draft, the next day it goes to the Commissioners for review and they meet with them no sooner than five days later. Kathy will get copies to the Commissioners and the Moderator.

Kevin Waldron stated that one thing Scott McGuffin had brought up and he hoped it gets in his list of suggestions is jurisdiction for the District. Should there be a law suit brought against the District or the District should bring a law suit against someone else which county they would choose to litigate in, Merrimack or Belknap. Further discussion ensued about which county to litigate in.

Scott Davis made a motion to adjourn. Kevin Waldron seconded the motion. Vote was taken. All were in favor.

Meeting adjourned at 7:46 PM.

Minutes transcribed by: Kathy Tobine

Next Meeting Date, Time, Place: October 20, 2009 at 18:30. Meeting to be held at Tilton School, new Academic Building, School Street, First Floor, Ninth Grade Classroom, Tilton.

Approved November 24, 2009