

## Tilton-Northfield Fire & EMS Commissioners' Meeting

Meeting Called By:	Commissioners	Date, Time:	January 16, 2012 at 5:30 PM
Transcribed By:	Kathy Tobine	Place:	Tilton Town Hall, Downstairs Meeting Room, 257 Main Street, Tilton

Commissioner Clark called the meeting to order at 5:33 PM.

Commissioners Present: Paul Auger, Patrick Clark, Thomas Gallant  
 Staff Present: Chief Bradley Ober, Administrative Assistant Kathy Tobine, FF Jonathan Powell  
 TNFD Budget Committee Members Present: Jane Alden, Timothy Sattler  
 Tilton Board of Selectmen Present: Patricia Consentino  
 Public Present: Eric Pyra

### Minutes

#### December 19, 2012

Commissioner Gallant made a motion to accept the minutes as printed. Commissioner Auger seconded the motion. There being no discussion, vote was taken. Motion passed unanimously.

### Correspondence

#### LRGHealthcare

A letter was received from Melissa Rizzor, Community Educator, thanking our members for their collaboration and efforts in supporting the Senior Safety Day last October. Commissioner Clark asked who was involved in that project. Commissioner Gallant stated it was all done under the guidance of LRGHealthcare.

#### Melanson Heath & Co.

The letter of agreement for our annual audit was received. It needs to be signed for them to do the audit. Commissioner Clark asked if we should have them come in and do a presentation. Commissioner Gallant stated it is a standard letter. Treasurer Seymour agreed it is a standard audit letter. Discussion ensued about the cost of the audit.

### Public Comment

There was no public comment.

### Treasurer's Report

Treasurer Seymour presented his report. He stated they had a packet in front of them.

Account Balances as of today:

Apparatus & Equipment Fund	\$439,963.30
Debit Card Account	\$4,882.15
Operating Budget Account	\$337,032.77
Payroll Account	\$500.00
Land & Building Fund	\$217,957.50

Apparatus & Equipment Fund the actual collections were \$331,378.00 and you budgeted \$300,000. That is 10% over budget. On expenditures, some of the items you budgeted haven't been issued yet that is why your expenditures are a lot less than what you budgeted.

Operating Budget is at December 31. The first line is the revenues. The two towns have paid us and the balance comes out to zero. We did receive some grants for \$3,500 and miscellaneous revenues is \$10,493. You can see that you are still under budget by \$31,000 on expenses. Commissioner Auger

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asked about miscellaneous revenues. Treasurer Seymour replied it is fees for permits and reports. Commissioner Clark asked if these were final year end numbers. Treasurer Seymour replied they are.

The Balance Sheet was discussed. Treasurer Seymour stated what is in the Accounts Payables is in the Expenses. Commissioner Gallant stated it is not usually as meaningful as it is now. The breakdown is in the year end numbers.

Discussion ensued about the Land & Building Fund.

### Fire Prevention Report

Chief Ober stated that Captain Joubert was unable to attend the meeting tonight as he was home with a sick child. Captain Joubert had provided him with several items he wanted the Commission to be aware of.

Bedard Realty property on Dearborn Road and Summer Street is working with Mango Security to install full fire alarm systems in those buildings. He is going to improve sprinkler protection in some of his other buildings including the one the fire was in December. They are not going to do a full sprinkler system at this time but they are going to improve some areas.

Lochmere Meadow has new buildings coming on line which is phase 2. Captain Joubert will be up there soon to do life safety inspections.

Chief Ober gave an update on the AutoServ fire and importance of fire codes and sprinkler systems. They are still tallying numbers but their loss which includes damage to the pickup that burned and other vehicles that were in there as well as to their own building and cleanup are approaching the \$100,000 plus. They were open for business the same day as the fire as compared to the 2007 fire at PSNH on Business Park Drive that was in the millions of dollars and out of business. That district was closed down for weeks. They did not have a sprinkler system. That is a huge benefit and a good comparison. Discussion ensued.

Captain Joubert is working on a fire safety program for the Senior Center. It looks like it will be in the early part of February he will be doing the program for them.

Jane Alden stated sprinkler systems are of real concern to the Planning Board. They might want to address this in the future. It appears there are companies that are designing and building at certain square footage so they don't have to go through this expense. Chief Ober stated it is the Fire Code she is talking about.

### Chief's Report

Chief Ober presented his report. Chief Ober stated the first one is the Incident Type Report for the year. The next is just the month of December. The third page is the breakdown by town. The last page is the Type Period Comparisons.

Commissioner Clark asked how the towns were selected. Chief Ober stated they weren't selected. That's where the responses were.

Chief Ober passed out graphs of the entire year. One of the graphs looks at incidents by day of week and the other looks at by hour. Commissioner Clark remarked that the majority of the incidents occurred between 9:00 AM and 9:00 PM. Commissioner Gallant remarked that Incident Responses peak Monday. Discussion ensued.

Chief Ober passed out his Annual Report. Chief Ober explained there are three graphs. The top graph is a breakdown by Incident Type which is the same report given monthly. The bottom line is a little different. This is data they are pulling of FireHouse. It includes training, equipment maintenance, station maintenance, inspection work, public education, any time they do something that is logged into the system that is a nonemergency event. It is a pretty good number to prove they are not just sitting around waiting for tone to go off. The center graph is the same by town. The bottom chart is purely EMS. They had 1,105 patient contacts and that is the breakdown of what was done with patients.

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Commissioner Clark asked why the number for Rescue & EMS in the top chart was 1,084 and this chart is 1,105. Chief Ober replied that 1,105 is the actual number of patients. You could have a motor vehicle accident with four patients. Each patient has to have a report filed on them. Commissioner Gallant commented on the trauma our people are exposed to. Out of 1,105 patients that required our assistance, 11 of them were dead at the scene. That is pretty traumatic. Discussion ensued about the calls. Chief Ober stated some of the treated, refused transport are billable. For example, if we treat a diabetic with D50 and they become conscious again and are adamant they don't want to go to the hospital, the equipment and supplies we used are billable.

Chief Ober reported that it looks like the chassis for the new ladder will be finished by the end of February then delivered to the factory in Nebraska. Commissioner Clark asked if this is on schedule or ahead of schedule. Chief Ober replied it is right on schedule.

Chief Ober reported the gas meter for the natural gas has been installed. Hopefully tomorrow they will come and make it live so we will have hot water. While he was in piping last week he was working close to the fill pipe for oil tank. The vent pipe fell over. It is completely rotted off at ground level. He was able to reinstall another one to keep the weather out. As soon as over we are over onto gas, we will get right on that to see what we need to do to get it out of the ground. It is a liability. It is not covered under our insurance. Commissioner Clark asked what the cost to remove it will be. Chief Ober stated he doesn't know. He will be calling DES to find out the procedure. He believes Rymes will come and pump any remaining oil out of it and credit it back. Discussion ensued.

## New Business

### Budget

Commissioner Clark asked if we could put the budget in the annual report. Now we have switched over to an MS report that DRA recommends we have to put in. He wanted to know if we could put them both in. Selectman Consentino stated you need to ask the selectmen if they have room. She will ask at their meeting on Thursday. Chief Ober stated it is on the web site.

### Vacation Carryover

Chief Ober stated he has a request from Captain Michaud to carry 24 hours vacation over. His anniversary is the 7<sup>th</sup> of February. Commissioner Gallant made a motion to extend the 24 hours as requested by Captain Michaud. His anniversary date is February 7<sup>th</sup>. Commissioner Clark seconded the motion. There being no discussion, vote was taken. Motion passed.

### Air Cleaning Specialists

Chief Ober presented the proposal for our annual service for 2013. They are the ones that provide the maintenance for the vehicle exhaust removal system for both stations. They are the ones that installed the systems. The total is \$1,228. He requested approval from the Board to sign that. Commissioner Clark commented that Center Street was \$384 while Park Street is \$844. Chief Ober replied that the system was larger at Park Street due to the number of vehicles there. Commissioner Auger asked if this was something they did every year. Chief Ober replied it is. Discussion ensued about what it covers. Commissioner Gallant made a motion to authorize the expenditure of \$1,228 for Air Cleaning Specialists. He asked if we don't have a contract with them. Chief Ober replied that is the contract. Commissioner Gallant stated his motion would be to contractually obligate ourselves by signing that agreement. Commissioner Auger seconded the motion. There being no discussion, vote was taken. Motion passed.

## Chief Ober's Activity Report

Commissioner Clark asked what PIO @ CC SO was. Chief Ober replied that is the Public Information Officer course at Carroll County Sheriff's Office he attended.

Commissioner Gallant asked about the Swift Water Rescue. He wanted to know if that is regionalized or still localized. Chief Ober stated they are making great efforts in regionalizing throughout the State. The Committee has identified and recommended a curriculum to the Fire Academy. The Fire Academy

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has adopted the curriculum. He reported they are working with Emergency Management to come up with a response plan. Several things come in to play. They come up with a document that allows a department to type a team. There are five types of teams. They are technical rescue typing. Currently nobody in the State is looking to become a Federal asset but using the guidelines in case somebody does in the future. By RSA Fish & Game is in charge of rescues. Through the folks that work at the State EOC, Fish & Game and the Fire Marshall's office they now have a list of current teams in the State. Those consist of the two teams in the Lakes Region, Keene, Bedford Fire and Souehegan Mutual Aid is developing a team. Their process now is they will submit paperwork to the Fire Marshall's Office and Fish & Game to validate them. That will go on a list and kept at the State EOC in case somebody needs something outside a normal mutual aid response. There is still some work that needs to be done. The real big benefit is the cost. What used to cost \$400 to send a person through the training to become a technician will now only be \$60 to \$100 since the Fire Academy has adopted the curriculum as an approved course and supported course. Costs are not shared but they are greatly reduced by Academy funds.

## Old Business

### Dispatch Fees

Kathy reported she is waiting to hear back from the Northfield Selectmen regarding when they would be available to meet.

### Personnel Manual

Commissioner Clark gave an update on the status. He has been working with Peg O'Brien of Devine, Millimet & Branch. They have about 15 pages left. She has sent some of the stuff. It makes sense to get it all done and read what she said. He will try to finish it in the next few days. She is red lining all the information. Everything else that is in there they should be able to accept. Commissioner Gallant asked if they were going to be dealing with this in workshops. Commissioner Clark agreed.

### RSA 91-A

Commissioner Clark brought up the motion made at the last meeting regarding the excel files. Commissioner Gallant stated the motion addressed the electronic make up. An email was sent out by Chief Ober that made sense. He asked Commissioner Clark if he would give somebody the FireHouse Software. Commissioner Clark stated no. Gretchen Wilder was saying that information even from FireHouse might be exported in excel without effecting anything in FireHouse. Excel is pretty common and that would be public information that they would be able to share. Commissioner Clark stated the question came up before he had heard anything from Gretchen back on January 2<sup>nd</sup> asking for the excel spreadsheets. He hadn't heard anything. What he was looking for was an excel file for the salary worksheet and the proposed budget worksheets which is helpful when you are working on a budget to hold a curser over a cell to see what the calculation was that went into the whole thing. That is why he wanted it. The fact of the matter is they do have access. If there isn't any information in there that is in 91A that says you can't have access to it, it is also open to the public. He mentioned that he was asking for excel worksheets. His question to Paul Sanderson was that. Basically he talks about different RSAs that give them that kind of powers. His final closing comments are *"If I or any other person sought disclosure of formula used in the calculation of spreadsheets the information is subject to disclosure under the Right to Know Law. Thus there is no basis for refusal to disclose electronic information which you have sought. There is no exemption in the Right to Know Law that would permit the nondisclosure of the information to any who requests the information in its electronic format."* Commissioner Clark stated he wasn't looking for electronic format in the form of an Adobe file. He wanted the formula in there so you could see how the calculations were done.

Commissioner Gallant stated the Chief has presented them today with an email. He read the email. *"Commissioners: Yes, 91A is clear. There has not been any denial of information requested. Information has been provided both in printed and electronic form (PDF) via email. 91-A:4 section IV and V deals with government records. Specifically section V deals with electronic records. 91A does not require the release of the software or a specific file it simply states the record must be provided – either written, electronic or viewed in person, and of course some information is protected (91-A:5).*

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*Example.....if a request for a fire report is received the report is provided either in written or PDF form. We do not release any Firehouse files. If a request for a medical record is received the report is provided either in written or PDF form. We do not release any TEMSIS files.”* It then goes on to deal with the request that Gretchen had but she is not here to talk about it.

Commissioner Clark stated that after all this back and forth he got hold of her and she said she couldn't make it tonight. What he doesn't want to have on our record is a blanket statement that we can have this but the public can't. It really needs to come up on a case by case basis. You need to look at it by what is written under RSA in 91-A. His request specifically and apparently hers was too was to get the excel file data so they could work on the budget.

Chief Ober stated that was not true. She did not request that. The information requested she saw and reviewed herself. Commissioner Clark stated he will let her do her thing. Chief Ober stated Commissioner Clark doesn't need to let her do anything. He knows what she asked for and she got what she wanted. She wanted to view the Step & Grade scale. As a matter of fact she said no, don't photo copy it. She would just look at it. She looked at it and handed it back to Kathy. The second information she wanted was the fees that you adopted in July. Kathy couldn't put her fingers on them quickly. Gretchen said she would come back in the morning. She didn't come back. An email was sent a few days later. Kathy had located the information and that next morning she forwarded the fee schedule to her. Commissioner Gallant stated in order to do that she had to go back through the minutes to find the information. Chief Ober stated we have since created a document that has that all spelled out so we have it right close. Commissioner Gallant stated it was cumbersome at that point that is why she couldn't put her fingers right on it. Chief Ober stated we just didn't do it after that July meeting. We forgot about it.

Chief Ober stated the Board authorized him to release the excel files to the Commissioners. He doesn't believe anything was mentioned about the public, either yes or no. Commissioner Gallant stated it didn't. He made the motion.

Commissioner Clark stated he thought that was in there as well. He voted no on it. What he is stating is that the public is entitled to the excel files. Both Commissioner Gallant and Chief Ober disagreed.

Selectman Consentino asked to speak. Commissioner Clark refused stating that he doesn't want to spend a lot of time with the audience right now as they have already had public input. He then agreed to let her speak.

Selectman Consentino stated this is information. If you have formulas built into the excel files and you give the whole excel file and, for example, it pinpoints folks on a single plan or a family plan then you are in violation of HIPPA. By giving that entire file you are in violation of HIPPA and it has those formulas that would link them to specific employees. Even though it may not have names associated, you may only have one or two and according to HIPPA that is enough to identify that person. That is why you cannot release those files. That is why they ended up with LGC and lawyers saying they had to redact that information before they could release those files.

Commissioner Clark stated that would be a specific case where the Right to Know Law says the public doesn't have access to it. Selectmen and Commissioners would but the general public would not have access to that information. Commissioner Consentino stated his original excel file includes that whole budget. In that budget, it would include that health insurance and other specific information so you would have to find a way to redact that information out of it before you handed it over to the public. Discussion ensued.

Commissioner Clark stated making a blanket statement that you can't have access to the excel files is the wrong way to go. His point last week was that they don't vote on the fact that the Commissioners have the right to look at that information. That is covered under RSA. There is no need to vote on it. Selectman Consentino stated the Commissioners have the right because they are sworn by their own confidentiality.

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Commissioner Gallant stated when they got legal opinion on it, legal opinion said they needed to authorize that. Commissioner Clark stated he did not see anything in writing that said that. He has legal opinion that he read them that said just the opposite. Commissioner Gallant stated so you have an opinion.

Chief Ober stated that the motion did not include anything about that. All it said was for the Board to authorize him to release that to the Commissioners. Commissioner Clark stated again, that doesn't need to be voted on. They are covered under RSA for that. They have complete access to any information. Chief Ober stated he has another lawyer that says something different. Get three more and they will tell you something different. Commissioner Clark stated he asked Chief Ober for that information. He thought he had it in writing. Chief Ober stated he never said that he had it in writing. He was pretty clear that he told him it was a phone call. Commissioner Gallant stated he said it in the meeting that night.

Commissioner Clark said maybe he said it in the meeting that night. Chief Ober said there is no maybe about it, that is what he said. Commissioner Clark requested Chief Ober calm down. Chief Ober replied he is not calming down because he is telling him that he didn't say something. Chief Ober stated Commissioner Clark doesn't believe him when he tells him that he said something. He is tired of Commissioner Clark insinuating he does not speak the truth. Commissioner Clark stated he didn't say that. Chief Ober stated he just did. Commissioner Clark stated he said his recollection was. Chief Ober stated his recollection is this and that. When he tells him no he did not say that Commissioner Clark says he will have to check into it. What does that equal? Commissioner Gallant stated disbelief. Chief Ober stated that has to stop. Commissioner Clark stated he did not say Chief Ober was lying. Chief Ober stated he did not use the word lie but he came very close. Commissioner Gallant stated he couldn't agree more and that is not the first time. Chief Ober stated that happens more and more and more. He cannot put up with that any more.

Commissioner Gallant stated this has happened particularly during the budget season. Commissioner Clark is out to prove that the information being given to you is incorrect over and over and over again. That is tantamount to saying you are lying.

Commissioner Clark stated it is his job, Tom's job and Paul's job is to look out for the fire departments budget to make sure it reflects what it is supposed to reflect. He did point out a couple of things that seemed to be a little bit out of whack after looking at it at great length and you talk about it. Commissioner Gallant stated he doesn't want to talk about it anymore. He made his statement.

Commissioner Clark stated he wanted to make his statement. He stated that Commissioner Gallant said he made accusations. Commissioner Gallant stated he does constantly. Commissioner Clark stated he was pointing out that there were some differences of facts within the budget information including the narrative that didn't add up and he wanted to point that out. He thinks it is important to be able to do that. You do that for the taxpayers. All he is saying is that he would entertain a motion to rescind what they voted on. Commissioner Gallant stated he doesn't even know what the verbiage is. They should wait until next time. Commissioner Clark stated that he is saying you don't need that vote. They are covered under RSAs. Commissioner Gallant stated he says RSAs say differently. That is the opinion of legal counsel procured through LGC and a phone call who then in response was the attorney who services us. Commissioner Clark stated it all depends on the question asked. Commissioner Gallant stated he just read to him what 91-A said. The information coming from the Chief and reading it here it is clear we are right and you are not. Commissioner Clark stated that is not the case. He has something that specifically states that. The question he asked was for excel files. He said you have the right to that. End of story. That is covered under RSAs that access to Commissioners to that information. Commissioner Gallant stated he doesn't think it is clear. Commissioner Auger stated if they don't need it he will make a motion to rescind. Commissioner Clark stated he will be more than happy to wait until they get the exact wording of what they voted on so they will know that clearly. He feels he had done due diligence. He has something in writing there. He has his question and he has legal counsels answer. Commissioner Gallant stated he has an opinion. It is an opinion that is what it is. Lawyers give you opinions. Now you have conflicting opinions, but you are going to cherry pick who

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you want to go with. Commissioner Clark stated he was just pointing out what was in writing. It is very clear what is in writing. Commissioner Gallant stated there have been even funded it of your own pocket, cherry picking this other guy.

Commissioner Clark stated he can wait until next month to deal with it. All he is saying is if they limit access to the public.

Jon Powell asked for clearing waters on all this opinion vs. fact, would it not be prudent for the Board of Commissioners to go with the opinion of the Board's lawyer and not continue, for whatever reason, to look to other lawyers. The Board has a lawyer that provides an opinion. Commissioner Gallant stated, just for clarification the both went through LGC. We are part of LGC. Commissioner Clark went to LGC, Paul Sanderson, and we went directly to LGC and were referred to an attorney that has and continues to serve the District. What they do down there is they have some attorneys that are on payroll and others that aren't. Commissioner Auger stated maybe they should get together and come up with the right answer. Commissioner Gallant stated that is his point. They are opinions.

Commissioner Clark stated he can put this off to the next month. He has no problem with that. They can look at it then. Commissioner Auger stated that was fine. Commissioner Gallant stated he didn't have a problem with that. The solution would be to get one opinion. Take the left and the right and see where it comes out. Either the left is wrong or the right is wrong.

Eric Pyra stated they should all get in one room and make one call on speaker phone so they can all hear the same information. You get the same person and ask the same question and get one answer. It's like calling the IRS. If you call one person you get one answer. You call a different person the next time and you are going to get a different answer.

Commissioner Clark stated he is willing to put that off. He requested it be put on the agenda for the next meeting. When the meeting minutes come out they will have the motion as it was made and voted on at the last meeting.

#### Nonpublic Minutes

##### January 2, 2012

Commissioner Gallant made a motion to accept the minutes as printed. Commissioner Auger seconded the motion. There being no discussion, vote was taken. Motion passed unanimously.

Commissioner Gallant asked why the minutes are sealed. The matter has been resolved. He requested the other two Commissioners give some consideration to that. Learn when minutes can be and how they are sealed, how long they remain sealed or under what conditions they may become unsealed. They all need to do that.

#### Adjournment

Commissioner Gallant made a motion adjourn. Commissioner Auger seconded the motion. There being no discussion, vote was taken. Motion to adjourn passed unanimously.

The meeting adjourned at 6:40 PM.

Respectfully submitted,

Kathy Tobine  
Administrative Assistant

**Next Meeting Date, Time, Place:** February 20, 2013 at 17:30. Meeting to be held at Tilton Town Hall, Downstairs Meeting Room, 257 Main Street, Tilton.