

## Tilton-Northfield Fire & EMS Commissioners' Meeting

Meeting Called By:	Commissioners	Date, Time:	February 20, 2013 at 17:30
Transcribed By:	Kathy Tobine	Place:	Tilton Town Hall, Downstairs Meeting Room, 257 Main Street, Tilton NH

Commissioners Present: Paul Auger, Patrick Clark, Tom Gallant  
 Staff Present: Chief Bradley Ober, Deputy Chief Michael Robinson, Treasurer Roland Seymour, Captain Tim Joubert, Captain Greg Michaud and Administrative Assistant Kathy Tobine  
 Tilton Selectmen Present: Sandy Plessner and Patricia Consentino  
 Budget Committee Present: Jane Alden  
 Public Present: Eric Pyra and Judy Tilton

### Call to Order

Commissioner Clark called the meeting to order at 5:30 PM.

### Minutes

#### January 2, 2013

Commissioner Gallant made a motion to accept the minutes as printed. Commissioner Auger seconded the motion. Discussion: Commissioner Clark requested several changes be made to the minutes adding more detail. Commissioners Auger and Gallant agreed to the changes. Minutes approved as changed.

#### January 9, 2013

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

#### January 16, 2013

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

### Correspondence

#### RSA 91-A Request

Commissioner Clark stated they had received a request dated February 14<sup>th</sup> from Chief Ober for the minutes of June 6, 2012, July 18, 2012 and October 3, 2012.

Commissioner Clark stated this will be taken up under nonpublic at the end of the meeting. Commissioner Gallant does not believe you can take a 91A request under nonpublic. Commissioner Clark stated he called legal counsel at LGC and they said you can take it up under the RSAs you went into the meeting on. Commissioner Gallant stated he does not believe it should be taken up under nonpublic. Commissioner Clark stated that is the feedback he got and that is what he would like to go with. Commissioner Auger stated he is fine with taking it up under nonpublic. Commissioner Clark stated he doesn't remember what all of them were about.

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PNE Energy Supply, LLC

A CUSTOMER NOTICE OF SERVICE PROVIDER CHANGE was received from PNE Energy Supply for Center Street and Park Street. PNE Energy Supply announced they reached an agreement with FairPoint Energy, LLC, in which FairPoint Energy will assume the duties of providing our electric power.

Public Comment

Pat Consentino asked how the Commission can go in to nonpublic session on the 91A request. Commissioner Clark explained they may decide to unseal the nonpublic meeting minutes to look at them and may discuss them at that time. That would be done in nonpublic. LGC legal counsel advised him they can do that in nonpublic and you would site the same reasons for going into nonpublic as what was cited before. Pat Consentino asked what the reasons were that they went into nonpublic for that they are going to cite tonight. Commissioner Clark stated June 6<sup>th</sup> was per RSA 91-A:3, II(a), July 18<sup>th</sup> was under RSA 91-A:3, II(a), October 3<sup>rd</sup> was under was under RSA 91-A:3, II(c).

Pat Consentino said for the sake of clarification they are going to go into nonpublic to unseal minutes of the nonpublic meeting. You are officially going to go into nonpublic under the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted. He is asking for that in public. You are going into a nonpublic session to unseal the minutes of the prior nonpublic that were sealed or not sealed or questionable about how they were sealed. Commissioner Clark replied yes. They were nonpublic so we are going into nonpublic to review them. That is what they are going to do. He checked with legal counsel and she advised him that is how they should proceed.

Pat Consentino stated she would like to be on record as challenging that. She thinks that is an illegal request for him, as chairman, to go in to nonpublic to do that.

Treasurer's Report

Treasurer Seymour presented his report. He stated the only thing he has is the account balances as of today. We haven't run any reports. As soon as we have the annual meeting and get the budget updated we will have the regular reports.

The account balances are as of today.

Apparatus & Equipment Fund	\$464,758.98
Debit Card Account	\$3,561.07
Operating Budget Account	\$302,248.04
Payroll Account	\$500.00
Land & Building Fund	\$217,964.52
Health Insurance Deductible	\$4,828.27

He sent the report to the towns for the annual report with the balances as of December 31<sup>st</sup>. We have sent the towns letters requesting monthly payments.

Fire Prevention Report

Captain Joubert presented his report. They have the Activity Report in their packet. He highlighted some of the things going on.

- Subway at Town Line Plaza. Their goal is to open Friday, February 22<sup>nd</sup>.

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- Lochmere Meadows Phase II. Fourteen additional units.
- Attended LGC Seminar. We received a \$500 grant. Under training policy we were able to purchase a Power Rack.
- Presented Fire Safety Program at the Senior Center. Will be presenting again in March.
- Fire on Reservoir Road. Notification was initially made by child who is sophomore in high school. He heard smoke detectors going off as he was approaching the house. He opened the door, saw the smoke, shut the door and called 9-1-1. This is a good example showing that smoke detectors do work.
- He attended the LLR program last year. One of the responsibilities upon completion of the class is to organize a day for the class. He and a couple others from this area were responsible for organizing economics day. It was hosted for the first time at the Spaulding Youth Center.
- Photos from the training fire at Spaulding Youth Center were shown. Discussion ensued about the training.

#### Chief's Report

Chief Ober presented his report. Looking at the Incident Type Period Comparisons, he stated we are up a little bit. We are closer to 2010.

- The conversion to natural gas is complete as of today with the conversion of the cook stove.
- The standby generator is up and running. It is scheduled to test weekly.
- We saw a change in the Park Street electric bill with the change of electricity supplier. We will probably see the change in Center Street next month.
- Photos of the new ladder were shown. Chief Ober explained Spartan is almost done and it is getting prepared to be transported to the Smeal factory in Nebraska for the body and ladder to be installed. Discussion ensued about estimated delivery time and training.
- Chief Ober gave a summary of the NH Swiftwater/Flood Rescue Working Group that he was part of. There were 15 of them from throughout the State representing are Fire Departments, NH Fire Academy, NH Fish & Game, NH Fire Marshall's Office, NH Army National Guard MEDVAC and NH Emergency Management. Many of their recommendations have been implemented. The NH Fire Academy has already adopted the curriculum.

#### New Business

##### Bundled Rate Structure Ambulance Billing

Chief Ober stated we have received a recommendation from Comstar to change from our traditional "a la carte" rate schedule to a bundled rate structure during CY 2013. These recommendations will position us better for the time if and when Obamacare becomes fully implemented and the provider reimbursements begin to flow through the Accountable Care Organizations. The transition to bundled rates from a la carte rates is an industry best practice recommendation. Discussion ensued. Commissioner Gallant made a motion to authorize Comstar to use bundled rates as opposed to a la carte rates which we currently use and he further authorizes the Chief to sign that authorization to Comstar. Commissioner Clark seconded the motion. There being no discussion, vote was taken. Motion passed.

##### Call Company Pay

Chief Ober stated we have traditionally paid quarterly as far back as we could find. Come to find out that is not legal. It violates Chapter Lab 800 Payment of Wages & Requirements of Employers, specifically Lab 803.01 Payment of Wages. There is one type of pay period

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allowed by the Department of Labor which is weekly. You can ask them to pay bi-weekly, semi-monthly or monthly. He presented a summary of Administrative Rule LAB 800 Payment of Wages. Administrative Rule LAB 803.01 talks about payment of wages. It says all wages are due to his or her employees within 8 days, including Sundays, after the expiration of the work week. It goes on to explain that you may request permission to pay less frequently. Permission shall be granted on a case by case basis provided terms and conditions are met. Lab 800 goes on to discuss the terms if permission is granted, terminated employee's pay, etc. We have two options. We can roll the dice and stay the way we are and hope nobody reports us, hope that the Department of Labor doesn't come in and do an audit and then tell us how we are going to pay them or we submit a request for monthly. Discussion ensued. Commissioner Gallant made a motion to authorize the Chief to petition that we be permitted to pay call firefighters on a monthly basis pursuant to Lab 800. Commissioner Clark seconded the motion. There being no discussion, vote was taken. Motion passed.

**Old Business**

21Ladder1

Chief Ober explained Ladder 1 has been completely removed from service. The truck has been stripped. It now sits behind the Park Street Station. We have been advised by Apparatus Professionals to not sell this truck 'as is' but to dispose of it through a salvage or scrap facility. He is asking the Board to approve the start of disposing of the truck. If approved by the Board, New England Fire Equipment & Apparatus Corporation will work with us through this process and will record it as a trade value toward our new ladder therefore reducing the amount due on delivery. Discussion ensued. Commissioner Gallant made a motion that they resolve not to sell the ladder truck as apparatus but they authorize the disposition by selling it for scrap/salvage. Commissioner Auger seconded the motion. There being no discussion, vote was taken. Motion passed.

2012 Grant Funded Programs

Chief Ober presented a summary of the grant funded training. State-wide there were 2,460 students who participated with 91,847 hours of grant funded training which not only covered tuition but covered labor costs which included backfill costs. Our personnel participated in 389.5 hours of those hours and 93 of those hours were backfill hours saving the District \$17,009.

Belmont, TNFD, Sanbornton FD Regional Services

Chief Ober stated that on January 9<sup>th</sup> he met with Belmont Chief Parenti and Sanbornton Chief Dexter to discuss what a potential budget might look that and/or scenarios to get back into a relationship about the Winnisquam Fire Station. There were four different scenarios presented. Chief Dexter did oppose. He had some reasons he wanted to dedicate some resources to his own department before he felt he could go out to another department. His Board of Selectmen back him in that. Through the Belmont Chief, the Belmont Board is no longer interested. He and Chief Parenti don't see how that would work without Sanbornton. Discussion ensued.

**Any Other Business**

Budget Narrative

Discussion ensued about the budget narrative.

Meeting Location

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Commissioner Auger brought up the meeting of locations. He stated we were going to do six months in Tilton and six months in Northfield and we never did. Chief Ober stated we did do that then we went to the school. Deputy Chief Robinson agreed. It was decided to take this up next month.

March Meeting

Commissioner Gallant requested the meeting in March be moved from the 20<sup>th</sup> to the 27<sup>th</sup> as the 20<sup>th</sup> will not work for him. It was agreed that the March meeting would be moved to March 27<sup>th</sup>.

Nonpublic Session

Commissioner Patrick Clark made a motion to go into nonpublic session. Commissioner Paul Auger seconded the motion.

Specific Statutory Reason cited by Commissioner Clark as the foundation for the nonpublic session on the minutes of:

June 6, 2012 and July 18, 2012 under RSA 91-A:3, II(a) *The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.*

October 3, 2012 under RSA 91-A:3, II(c) *Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of this board**, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

Roll Call vote to enter nonpublic session:	Paul Auger	Yes
	Patrick Clark	Yes
	Thomas Gallant	No

Motion Passed.

Nonpublic session entered at 6:36 p.m.

Public Session

Motion to leave nonpublic session and return to public session by Commissioner Patrick Clark, seconded by Commissioner Paul Auger.

Roll Call Vote to exit nonpublic session:	Paul Auger	Yes
	Patrick Clark	Yes
	Thomas Gallant	Yes

Motion Passed.

Public session reconvened at 7:10 p.m.

Motion made to seal the meeting minutes of June 6, July 18, October 3, 2012 and January 2, 2013 by Commissioner Patrick Clark, seconded by Commissioner Paul Auger because it is determined that divulgence of this information likely would...

- Affect adversely the reputation of any person other than a member of this board
- Render a proposed action ineffective

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Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal these minutes:	Paul Auger	Yes
	Patrick Clark	Yes
	Thomas Gallant	No

Motion Passed.

91-A:3 Request

Commissioner Clark told Chief Ober that they have prepared a letter in response to his February 14<sup>th</sup> letter to the Commissioners of the Fire District to obtain specified information in accordance with the Right to Know Law of New Hampshire, RSA 91-A on the Non-Public Meeting Minutes of June 6, 2012, July 18, 2012 and October 3, 2012. Your opinion was that these minutes were sealed contrary to 91-A:3, III.

Upon obtaining legal opinion on his letter from LGC counsel, the Commissioners have decided in a two to one vote to forward the sealed meeting minutes of July 18 and October 3, 2012, the sealed minutes of January 2, 2013 along with his letter and the public meeting minutes to their attorney for his legal advice. The non-public meeting minutes of June 6, 2012 were a non-meeting with their attorney. They hope to get back to him, hopefully, within two weeks. They have been assured by LGC counsel that what they are doing is per RSA 91-A:4, IV. As Chair and with permission of the other Commissioners, he will be the contact with their attorney.

Commissioner Gallant stated they are also going to be sending the public meeting minutes to the attorney so he will have those as well. Commissioner Clark stated they are going to add to the letter as they are sending the January 2, 2013 minutes as well.

Commissioner Gallant stated he refused to sign the letter as he felt it could be handled internally. He had information relative to the falsity in many of those meetings minutes being sealed. They thought they wanted to send it down to counsel. If they want to spend the taxpayers' money that's fine but he won't enter into that situation.

Commissioner Clark stated they will get them back as quickly as they can. He is hoping they he will respond this week but certainly we should be able to get it done within two weeks. Chief Ober asked what counsel they were sending them to. Commissioner Clark responded Mark Broth.

**Adjournment**

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

The meeting adjourned at 7:17 p.m.

Respectfully submitted,

Kathy Tobine  
Administrative Assistant

**Next Meeting Date, Time, Place:** March 27, 2013, at 17:30. Meeting to be held at Tilton Town Hall, Downstairs Meeting Room, 257 Main Street.