

APPROVED AUG 30 1999



**TOWN OF ANTRIM
BOARD OF SELECTMEN'S MEETING MINUTES
August 9, 1999**

6:00 p.m. MEETING CALLED TO ORDER – Chairman Seeger opened the meeting at 6:00 p.m.

PRESENT: Chairman Tim Seeger, Selectmen Denise Dargie & Eric Tenney and Town Administrator, Kelley Collins

6:00 p.m. SELECTMEN WILL OPEN SEALED BIDS ON TOWN TAX DEEDED PROPERTY

The Chairman opened the sealed bids on the Town tax-deeded property. The results are as follows:

Parcel #1 (Map 9, Lot 65)

Bradley Jackson bid \$650. There being no other bids, Chairman Seeger made a motion to accept the bid of \$650, Selectman Dargie seconded. VOTE: 3-0.

Parcel #2 (Map 7B, Lot 6)

Bradley Jackson bid \$1,150. There being no other bids, Chairman Seeger made a motion to accept the bid of \$1,150. Selectman Dargie seconded. Vote: 3-0.

Parcel #3 (Map 7B, Lot 35)

Bradley Jackson bid \$3,150. There being no other bids, Chairman Seeger made a motion to accept the bid of \$3,150. Selectman Tenney seconded. Vote: 3-0.

Parcel #4 (Map 2A, Lot 14) minimum bid of \$5,000 required

Bradley Jackson bid \$5,730

Vincent & Eleanor Franco bid \$6,123

Bonnie Alexander & Richard LaRochelle bid \$11,507

Albert B. Ullman bid \$5,435

Chairman Tim Seeger made a motion to accept the high bid of \$11,507, as submitted by the Ms. Alexander and Mr. LaRochelle. Selectman Tenney seconded. VOTE: 3-0.

Parcel #5 (Map 2A, Lot 2)

Bradley Jackson bid \$8,260

Bonnie Alexander & Richard LaRochelle bid \$8,570

Peter W. Ullman bid \$7,525

Chairman Tim Seeger made a motion to accept the high bid of \$8,570, as submitted by Ms. Alexander and Mr. LaRochelle. Selectman Dargie seconded. VOTE: 3-0

6:40 – 7:25 p.m. MEET WITH MEMBERS OF THE FIRE DEPARTMENT, AT THE REQUEST OF KEN FALES, TO DISCUSS PROCEDURES

Ken Fales stated there are problems with the enforcement of policies as adopted in 1982. These policies were in place upon hire for the fire department members present tonight.

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The membership wants to get back to the by-laws. **Mr. Fales** does not feel that the fire department members are employees of the Town. They are here to serve for life and the Selectmen are just around for three years.

Bill Nichols asked where the by-laws stand and how come the personnel policies were not distributed to the fire department members as they were hired? The Town Administrator notes that there are a couple of different legal opinions on where the by-laws stand.

Notably, what is the procedure if and when the fire department bylaws conflict with Town personnel policies. **Doug Cottle** (Company 1) feels that the bylaws should stand until they are changed. **Douglas Stone** (Company 2) is a member of the standing committee and agrees that bylaws should be followed. **Gary Wood** stated that Company 1 does a pretty good job of using bylaws and Company 2 is more sporadic. **Pam Caswell** asked if Town employees are given a copy of personnel policies when they are hired?

The current personnel policies are available for review at the Town Hall they are not being widely distributed because the Board is currently looking at updating them. **Doug Cottle** stated that if fire department members can't go by the bylaws, maybe they don't belong. **Doug Wood** asked where the personnel files are kept. The Town Administrator stated the general information such as, employee application, W4, I9, etc. are kept at Town Hall. Each individual department has a personnel file with their training records.

Bill Nichols asked if there is a Personnel Handbook. The Selectmen noted that there is not, and we are still working on updating current personnel policies. **Bob Bethel** noted that the Fire Chief's word is the final word. **Ken Fales** believes that the bylaws may need to be revised but they are the rules right now. **Todd Bryer** explained that the bylaws govern the department but accountability belongs to the Chief. **Amy Zaluki-Stone** read the definition of the words "bylaw" and "constitution".

Mike Caswell asked if the Selectmen acknowledge the bylaws. The Selectmen had no answer for this question. He also asked how long the Chief and Assistant Chiefs are appointed for and by whom? Someone answered that the bylaws state that the Chief is appointed for 4 years and Deputy Chiefs for 2 years and the Selectmen are the appointing authority.

Chairman Seeger noted that no decision on the bylaws will be made tonight. **Doug Wood** asked if the Board was aware of House Bill 636 as submitted by the IAFF (International Association of Firefighters). The Board is not aware of that bill. **Mr. Wood** also noted that based on the bylaws, members are evaluated by their peers. In his opinion peer review lends itself to less bias and more investigation. **Mike Caswell** would like an answer to his question about the bylaws. **Selectmen Tenney** stated that he would provide Mr. Caswell with a written answer.

At this point the Selectmen moved into Ken Fales' appeal hearing

**7:26 p.m. SELECTMEN WILL HEAR KEN FALES APPEAL TO
TERMINATION OF EMPLOYMENT FROM ANTRIM FIRE DEPARTMENT
AND ANTRIM RESQUE SQUAD**

Chairman Seeger offered Mr. Fales a Non-Public Session under RSA 91-A:3, II -a, Mr. Fales requested an open meeting.

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The Board of Selectmen reserved the right to make a final decision and Chairman Seeger outlined the general procedure. The Board will hear testimony from each side. Each side will have an opportunity to rebut each other’s testimony. There will be closing statements from each side and the Board will close the public input portion. The Board will make a decision after hearing all public input.

Cpt. Lovering read three letters of complaint received from two recent ambulance calls in Bennington. Two letters were from the Bennington Rescue Squad, one letter was from an employee of Antrim’s Rescue Squad.

Bob Bethel gave a synopsis of several incidents that have occurred since Mr. Fales suspension in April of 1997.

Cpt. Keith Nason (Bennington’s Rescue Captain) noted that he was not at either of these calls personally, but had received complaints from several of his members and stands behind his members complaints.

Sherry Miller noted that she was only on one of these calls and was very concerned with the treatment of a very nice, elderly lady. She was also concerned that she was going to be responsible for the transport of this person and Mr. Fales would not respond to her request for information on the patient’s vital signs. Mr. Fales did respond to a Bennington member who made the same request.

Chairman Seeger asked the Fire Department or Rescue Squad if they had any further testimony? There being no further testimony Mr. Fales was allowed to proceed.

Mr. Fales noted that the reason he spoke to one of these patients the way he did was because he has known the woman for 34 years and treats her more like a grandmother. He also noted that the Bennington Rescue Squad member was given all the vital information and he cannot be expected to talk to more than one person at a time. He also noted that with regard to driving at an excessive speed through Hillsborough he isn’t even sure what call this pertains to. If it is the call he is thinking of, he was at home and responded from home with his fiancée and his child with no red light, no siren and never went through Hillsborough. Mr. Fales is also concerned that 90% of the documentation in his personnel file does not have his signature on it and he doesn’t agree with at least 30% of it. Mr. Fales proceeded, at this point, to submit a letter of resignation from the Antrim Ambulance Squad to the Board of Selectmen. Mr. Fales noted that the letters of complaint were solicited and if he went around asking he could probably get letters too. He noted that he is concerned that people who may need his services will no longer get them.

Chairman Seeger made Mr. Fales aware that this has no bearing on the Board’s termination from the ambulance service on July 22, 1999.

Mr. Fales requested that his termination be withdrawn and he be reinstated as a member of the fire department until he can sit down with the Board of Selectmen, Fire Chief and Standing Committee and clean up his personnel file. Mr. Fales specifically noted that there is a document in his personnel file dated October 15, 1996 that relieves Mr. Fales from all duties as a Deputy Forest Fire Warden for the Town. Mr. Fales never knew about this and the Chief has continued to re-appoint Mr. Fales to this position each year.

Chief Beauchamp does not remember ever preparing such a document although it

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appears to have his signature. Mr. Fales has a big problem with the two letters of May 17, 1999 stating in one that he was using excessive speed and if it happened again he would be suspended. The other letter states he has again gone directly to the scene rather than to the station and if it happens again he will be suspended. He notes he hasn't "done it again" but has been terminated. Mr. Fales again asked to be reinstated pending an investigation of his personnel file with Standing Committee, Chiefs and Board of Selectmen.

Doug Stone noted that as a member of the standing committee they heard Ken Fales side of the May 1999 documents. The standing committee (or D. Stone) asked Captain Gale for more information and was told that the speeding complaint came from Hillsborough Police Department. D. Stone asked Capt. Gale at least three times for further information and never received it.

Chief Beauchamp noted that he spoke to Ken Fales after that call. The Chief was concerned with Ken's response that there was a police officer right there if he was really driving too fast why didn't the officer do something. The Chief received a second call of complaint and asked Captain Gale to write K. Fales up.

Cpt. Gale notes that his initial handling may have been his fault, but he did have a standing committee meeting. It was his feeling that they did what they could and now it would have to go to the Chief.

There was a discussion about who goes to the station and who goes directly to the scene. There appears to be conflict between bylaws which say you should go to the scene and actual practice which the Chief notes has always been Chief, Assistant Chiefs to the scene, Captains have the option of going to the scene or the station and all others go to the station.

Bob Bethel feels that these disciplinary issues have gone on long enough. Mr. Fales has been warned of various infractions numerous times. This needs to be dealt with.

Cpt. Lovering notes it is too bad it has come to this. She had hoped things would get better after the April 1997 suspension. With regard to solicitation of letters she feels that people have a right to write letters of complaint.

Chairman Seeger asked if there was any further testimony or statements. There being none, Chairman Seeger closed the public input section of the meeting

Deliberation:

Selectman Eric Tenney made a motion to reduce the termination to an indefinite suspension pending a meeting, to review the items in Mr. Fales personnel file, with Ken Fales, the Board of Selectmen, and the fire officers, within three weeks. Selectman Dargie seconded.

Discussion: There was discussion regarding whether the officers would include Lieutenants and Captains, the Board agreed it would not. The officers will include the Chief and two Assistant Chiefs. The body present asked if this meeting would include the standing committee – the Selectman agreed it would not. Asst. Chief Bethel asked if this could be done in Non-Public Session – The Town Administrator noted that Mr. Fales will have the same opportunity as this evening. It will be his choice to have it open or closed. Mr. Fales indicated that he would like an open meeting. Chmn. Seeger noted that although the meeting will be open only the parties mentioned will be allowed to

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participate there will be no public input and the only matter discussed will be the items in Mr. Fales personnel file.

Motion passed. Vote: Selectman Tenney and Dargie – yes; Chairman Seeger – no.
(Note: This meeting has been tentatively scheduled for Thursday, August 19, 1999 at 6:00 p.m.)

This portion of the meeting was closed at 8:24 p.m.

GENERAL BUSINESS

- **Review and discuss overtime for police officers which is currently capped at 3 hrs. per week**

The Town Administrator noted that there have been a couple of times lately when officers have worked above and beyond the weekly three hour overtime limit and have asked to be paid overtime. The three hour per week limit was set by the Board of Selectmen and the Police Chief and therefore no one in the office feels comfortable overriding it without the Board's approval. An example is the Board's request for an officer other than the duty officer for tonight's hearing. The Town Administrator feels that the officer should be compensated in overtime for this work. The Board agrees. The Town Administrator does not think it is appropriate to change this policy without input from the Chief because it will quite obviously affect his budget but perhaps some of these situations could be taken on a per case basis.

- **Y2K contingency plans (Emergency Management Director)**

Chairman Tim Seeger asked Assistant Chief Bethel if he has a contingency plan as part of the compliance factor for the Y2K planning. Asst. Chief Bethel suggested reviewing the written emergency plan for the Town, he believes this has the pertinent shelter and emergency information.

- **Review, discuss and accept Tim Lang's resignation from part-time, fill-in position at A.R.T.S. facility**

The Town Administrator made the Board of Selectmen aware of a situation that occurred recently at the A.R.T.S. facility that led to Tim Lang resigning as a part-time fill-in person for the facility. Some general discussion took place regarding whether a replacement will be required. Selectman Tenney will speak to the A.R.T.S. manager, Bill Lang. If Mr. Lang feels a replacement is necessary the Selectmen want the position advertised (like other open Town employment positions) and Mr. Lang can interview and make a recommendation to the Selectmen.

- **Review and discuss personnel evaluations for office employee.**

The Town Administrator noted that the Selectmen were no longer interested in conducting evaluations for her position and she is questioning whether they would like her to evaluate the employees in the office or not. She also notes that Mrs. Miller's evaluation and possible raise were due on August 6. Chairman Seeger would like the Town Administrator to do a written evaluation for Mrs. Miller, discuss it with her and the Selectmen will decide on the salary increase at that time.

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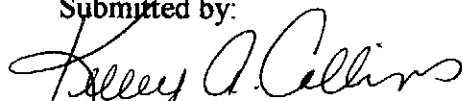
State statute course

The Town Administrator noted that there is a weeklong State Statute course that covers training in current use assessment, timber tax, assessment, excavation tax, etc. and would like to know if Mrs. Miller is willing, would the Board approve the \$50-\$75 cost of the course, mileage and lunch. The Board approved this expense.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Submitted by:


Kelley A. Collins
Town Administrator

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