

**TOWN COUNCIL MINUTES
SPECIAL MEETING
WEDNESDAY, DECEMBER 11, 2002**

Present: Chairman M. DiBietto, P. Loiselle, M. Ruel, R. Dion, R. Holley, M. Jolin, P. Ganley, D. Pichette-Volk. P. Rueppel-excused. M. Farrell-Town Administrator.

Chairman DiBietto explained the history to date of the Fire Inquiry. The original motion was to look at over-expenditures and personnel turnover. To date four witnesses have testified being Fire Chief Michael Howard, Fire Administrative Assistant Sue Labonville, Town Administrator Michael Farrell, and Police Chief Steve Agrafiotis. Through statements received, questions arose leading into areas of hostile work environment. The Town Administrator conducted an investigation. What direction would the Council like to proceed with this fire inquiry?

P. Loiselle stated he would like to interview the Master Mechanic of Fleet Maintenance to determine if the fleet is in horrible shape.

Chairman DiBietto stated the Council could do that or hire an independent third party for a fleet analysis.

R. Dion asked if the fleet status was necessary as part of the inquiry and that the Council could deal with this in the upcoming budget process.

M. Ruel stated that turnover was part of the inquiry and if the turnover was because of feeling unsafe in the trucks, then questioning of fleet maintenance would be justified. There's not enough time to discuss it during the budget process. If the trucks are in bad shape and a safety hazard, the public won't approve the budget because their perception is that the Fire Department budget has excess in it.

Chairman DiBietto asked the Town Administrator to find out if there are independent agencies who would do a fleet analysis on fire trucks.

Chairman DiBietto stated he would like to call Deputy Fire Chief DeSilva to the Council to explain why he failed to appear for the inquiry when called.

M. Ruel stated she is still perplexed about the issue of how the call force works in relation to the union contract language and would like to speak with the union representative about their interpretation of the contract language on callbacks, overtime, other options, and reinstating a call force.

M. Jolin stated the deeper the Council gets into this the more confusing it gets. The Council needs to look at an independent third party evaluation for assessment on the efficiency of the department and recommendations on the trucks and be done by February or March. The Councilors are not experts in this field and we're receiving information that we don't understand. We've been in this for a few months and it should've been finalized by now.

Chairman DiBietto asked if the Council would hold off on issuing a report until the independent report was finalized.

M. Jolin stated that after the report, the Council might discover the need for additional interviews.

M. Ruel stated the only way she would be in favor of a third party review is if they answered directly to the Council in order not to be influenced.

P. Loiselle stated he would like a detailed analysis of all calls with the number of trucks, personnel, etc to compare that to other town's standards.

Chairman DiBietto stated the standards would need to be obtained first to compare with.

Discussion ensued about an accreditation process.

M. Farrell stated it varies. ISO insurance standards and NFPA standards are used.

P. Ganley agreed with an independent third party study and reminded the Council that there are three departments that are over budget already this year during the default budget. A better solution to the third party review would be to properly budget for it and make sure the voters understand what the money is for.

M. Jolin agreed and stated it could have it's own line item and each year a different department could be evaluated.

P. Ganley stated the inquiry has run its course and aside from addressing Deputy Chief DeSilva's nonappearance, the most appropriate thing to do is get the three bids for an independent study and add a line item in the upcoming budget.

Chairman DiBitetto stated this inquiry should come to an end with a report that's credible and of value so the residents know an appropriate job was done. This would be a way to conclude the inquiry by defining standards which this department could operate under and whether there are areas that need improvement.

R. Dion asked if once this is completed would a report be drafted and if so who writes the report. .

Chairman DiBitetto answered yes a report would be drafted.

P. Loiselle stated it would be done collectively.

Chairman DiBitetto stated he would like to hear from Deputy Chief DeSilva and Master Mechanic Gene Serafin.

R. Dion stated that calling the Deputy Chief to answer why he wasn't here doesn't fall under the charge of the inquiry. The Council should have a nonpublic session for five to ten minutes to hear his answer, which may have nothing to do with budget overruns or turnover.

Chairman DiBitetto stated that the Deputy Chief's answers could tell us if any attempt has been made to undermine the inquiry or coercion for nonappearance.

Christina Katsikas, Treasurer and Secretary for NH Fireworks Company, 1407 Hooksett Road, stated that mention was made of having the mechanic called for questioning about the condition of the equipment. Larry Young, a former employee of Town, should be called as well, as he has information to add in the parameters of this inquiry. When Mr. Young left the employ of the Town he was refused an exit interview and forbidden from coming onto Town property. He's ready to go public to television and radio stations, and is asking to come forward instead. It's in the best interest of the Town to let him say what he has to say. He was a hard working, decent employee and really warrants your attention. The Council will find he has a lot to contribute.

M. Ruel stated that if Mr. Young wants to speak to Council he should send a letter before going public to give the Council an opportunity to hear it.

M. Ruel moved that Deputy Chief DeSilva and the Fleet Maintenance Supervisor be called to appear before the Council in the first meeting in January to answer questions relative to the Fire Inquiry. Motion seconded by P. Loiselle.

Roll call vote:

P. Ganley	no	R. Holley	no
M. Jolin	no	P. Loiselle	yes
D. Pichette-Volk	no	M. Ruel	yes
R. Dion	no	M. DiBitetto	yes

Roll call vote failed.

M. Ruel moved that Deputy Chief DeSilva be called to appear before the Council in the first meeting in January. Motion seconded by P. Loiselle.

D. Pichette-Volk asked what the purpose was of calling Deputy Chief DeSilva.

M. Ruel answered to find out why he didn't appear when called and there may be follow-up questions to his answer.

D. Pichette-Volk stated she was more aligned to read his answer because this should be asked outside of the inquiry.

M. Ruel stated that the fire inquiry was not in her motion.

D. Pichette-Volk clarified for the record that it would be totally outside the fire inquiry.

Roll call vote:

R. Holley	no	M. Jolin	no	
P. Loiselle	yes	D. Pichette-Volk	yes	
M. Ruel	yes	R. Dion	no	
P. Ganley	no	M. DiBitetto	yes	<u>Tie vote. Motion failed.</u>

M. Ruel asked if there was anything in the Council rules requiring an explanation of 'no' votes.

Chairman DiBitetto answered no.

R. Dion explained his 'no' vote because he felt it would sidetrack the inquiry. Whatever Deputy Chief DeSilva's reasoning was could be followed up in a different procedure not related to the inquiry.

P. Ganley addressed his letter to the Hooksett Banner in that the four witnesses were never agreed to by the Council and were scheduled by the Chairman who didn't have the authority to do so. To further call them in makes the Council incohesive. R. Dion had previously made a motion to not call any witnesses and then four witnesses were pushed upon us and two of the four appeared. We need to talk together about why we're calling these witnesses rather than doing what we're doing.

M. DiBitetto questioned if it was Councilor Ganley's suggestion that employees have the right to deny or simply not appear before the Council.

D. Pichette-Volk stated that was not the core of the issue that Councilor Ganley was raising. If as a group the Council had voted that the four witnesses should be called and then they failed to appear, that would then put it in a different light. However, we agreed to call Town Administrator and Fire Chief. This is where the process failed because others were called without the full consent of the Council.

P. Ganley added that the letters drawn up by the Town's attorney were not even used for these witnesses.

Chairman DiBitetto stated he wanted to know the reasons why the witnesses did not appear and that the Chairman has the authority to send out letters from the entire Council.

Harold Murray, 311 Hackett Hill Road, stated that since a precedent had been set by allowing the audience to participate, he would also. The letters sent out were unprofessional. They should've stated an RSA as to why the witnesses were being requested to appear and also to state what the Council's authority was to call them here.

Chairman DiBitetto stated the letters were drafted by our Town attorney with only a couple of words changed.

The Council through the Chairman began to create a list of items for an independent third party review. Some of the items were to review the historical responses dealing with number of incidences and compare those historical responses with the same type in other towns.

D. Pichette-Volk stated that what the Council is looking for has already been done in the RFP that was sent out previously with the exception of an equipment evaluation.

Council consensus was that the Chairman would create a draft list with the Town Administrator and bring it back to the Council at the next meeting under Old Business to decide if the list/scope is adequate and then obtain quotes.

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R. Holley moved to 8:30pm enter into nonpublic session 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, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted." Motion seconded P. Loiselle. Roll call vote carried unanimously.

M. Jolin moved at 9:10pm to exit nonpublic session. Motion seconded by R. Holley. Roll call vote carried unanimously.

The Council made a statement that the nonpublic minutes would not be divulged at this time.

R. Dion moved at 9:10pm to adjourn the meeting. Motion seconded by R. Holley. Roll call vote carried unanimously.

Elizabeth Dinwoodie

Mary A. Ruel, Secretary