

MINUTES OF THE SELECTMEN'S MEETING - October 7, 1991

Present for the meeting which began at 7:00 p.m. were Selectmen Johnston, Dodge and Olson with Sandra Gendron taking minutes.

Road Agent Lee Murray was in for his regular weekly meeting with the Board. Discussion began with Lee stating that he had been contacted by Thomas Eaton, Chamberlain Road, complaining that the ditch was too deep adjacent to his property, Lee expressed agreement with Mr. Eaton's assessment. Lee stated that the only solution was to redo the culverts in the area which he anticipated doing this fall. In the meantime Lee will install gravel to alleviate the problem until the convert work can be done.

The Board of Selectmen reviewed with Lee letters from Mrs. John Leedham, Clark Hill Road and Paul Aikens, Thornton Road expressing complaints regarding the roadways in front of their respective properties. A time would be arranged when the Board could view both sites to assess the complaints.

Lee reported that the McCurdy Road Project was done to his satisfaction and David Bowen would be paid the balance due less \$500.00 held for incidentals that still needed completion. David told Lee that he would be returning to the Beard Road job the week of October 14th.

Discussion turned to the Highway Department's potential 5% wage increase which had yet to reach a resolution. Lee reported that he had spoken with three area communities and would try to reach two others comparable in size to New Boston to get information regarding their wage scales. Discussion ensued on the wage scale of Weare, which Lee will pick up and that of the Weare Highway benefit package both of which were drawn up by the Municipal Association at the cost of \$2500.00. Lee presented figures from the Town of Hopkinton which has 90 road miles and four full-time men. The Road Agent receives a salary of \$32708 with the Assistant Road Agent receiving \$10.55 per hour. All other operators were paid \$9.55 per hour with the exception of truck drivers who were paid \$8.80 per hour. The Town of Henniker has five full-time men plus the Road Agent, Lee was not certain of the miles of road within the Town; however, the population is similar to that of New Boston and the wages per hour range from \$8.80 to \$10.29. The Selectmen requested that Lee chart the information that he had collected.

Discussion continued on the subject with Lee commenting that New Boston was not at the top of any list of the Town's contacted. Selectman Johnston asked Lee if he felt the Town should follow the state which has been the practice in recent years or create a schedule of our own. Lee responded that he was concerned with the present and future politics of the state and commented that now might be the time to look for a different direction. Again, Lee stated, as he had in the previous times that this topic has been discussed, that the state scale was only used as a guideline. Selectman Olson asked Lee if he would propose that the future Highway Department increases be negotiated each year prior to Town Meeting or would he propose that a schedule be set up. Lee responded that he supported the establishment of a schedule and further commented that he did not want to see the department go backwards which was his immediate concern. Lee stated that the 5% increase, currently under discussion and budgeted for in 1991, would keep the department moving forward.

Discussion continued with Lee stating that he was looking for help from the Board in finding a way to keep the department progressive with regard to wages. Selectman Dodge queried as to whether the proposed 5% being granted now would put the department ahead or behind as it relates to raises that were granted as a result of passage of the various budgets at Town Meeting. Once again, discussion ensued on salary increases that have been given including the Town Office Staff. When the wages of the personnel at the school was brought up, Selectman Olson commented that the Town had no control over what they might or might not receive. Again, the present system was reviewed as to how it had begun and whether it should continue bearing in mind that the state highway workers would be receiving no pay raise this fall. Selectman Olson offered a counter proposal to the increase by stating that no raise be granted until Town Meeting 1992 and at that time inform the voters that the state scale was no longer being used as a guideline and present a new scale that would be used. Selectman Dodge expressed agreement commenting that the state scale had been used to try to give some security to the Highway Department. He went on to state that this was no longer the case and he had no issue with curtailing using the state scale as a guideline; but still had an issue of granting a raise that might put this department ahead of other departments. He offered the thought that possibly the Finance Committee should have some input into the current discussion to which Selectman Olson agreed. The discussion and meeting with Lee ended with the Board generally agreeing that if the state system was no longer going to be used as a guideline, then something else would have to be developed and no decision was made regarding the 5% raise.

Next in to see the Board for his regular monthly meeting was Chief of Police James McLaughlin. Jim began the meeting presenting his statistics for the previous month and commented that the department had been busy. He told the Board that former part-time police officer Paul Derochemont had returned the radio as requested. Jim reported to the Board that the Fair had gone well with only minor problems. He did state that he was requesting that a street light be placed at the entrance of the grounds for the safety of the officer directing traffic after dark. Some discussion ensued, Selectman Johnston suggested that possibly the state could install a flashing light overhead, which actually is already there; Jim commented that the street light would be more effective and only addresses the visibility problem after darkness. Selectman Dodge, who is also a 4-H Foundation Trustee, stated that there was to be an upcoming joint meeting of the Foundation and the Fair Association and the topic was on the agenda.

Jim told the Board the new cruiser still did not have the radio equipment installed, that delivery was proving to be very slow although it had been expected to take between six and eight weeks. He will pursue the matter and stated that no monies had been expended as yet.

Jim reminded the Board that he was still awaiting their review of the Emergency Management Plan that he had prepared. Selectmen Dodge and Olson had reviewed and Selectman Johnston promised to review the plan and return it to Jim promptly. Selectman Dodge complimented Jim on a comprehensive and well done report to which Selectman Olson agreed.

ext Jim told the Board he was still working on rules and regulations for the Police Department, he expressed disappointment that the Municipal Trust had not produced as yet what they had planned to with regard to putting together policies applicable to smaller police departments statewide. Jim asked if the Selectmen wanted to review the material as he prepared it and Selectman Dodge felt that would be necessary. Jim commented that he is using Amherst and Goffstown's policies and trying to adapt them to the needs of New Boston, he further commented that he was still looking to the Municipal Trust feeling that they would provide something that was uniform and would most likely have been tested nationwide. Jim contended that the process would take a long time to complete; however, time was necessary to insure that the project was done properly and completely. Once the rules and regulations were ready for institution, Jim plans to hold a training session for the officers who will be expected to sign on an annual basis that they understand what the material entails.

The next topic of discussion was the pagers which Jim has been acquiring to replace those currently in use by the department. He explained that the new ones were a different type and were working very well compared to those used previously. He explained that he was leasing the equipment at the State of N. H. rate which was very economically. He wanted the Board to be aware that he still had the old pagers which had been purchased outright by the Town and could be used by the Fire Department with permission of the Board of Selectmen. Jim showed the pager that was now being used and explained to the Board the benefits of leasing the equipment. He went on to state that the Fire Department has expressed a need for the old equipment. Selectman Dodge asked Jim if the Fire Department would be better off leasing new pagers and possibly trade in the outdated pagers. Jim explained there was no trade in value and that the pagers would be of use to the Fire Department until they could make a decision as to what would be the best avenue for them to pursue with regard to obtaining newer equipment. The Selectman agreed unanimously that Jim could turn the old pagers over to the Fire Department for their use.

Jim next brought to the Selectmen's attention that the department secretary Cathy Widener was approaching the end of her six month anniversary of hiring (11-18-91) and Jim was extremely satisfied with her performance. He recommended to the Board that she be given the .25 per hour increase that had been in the salary range when she was hired. Selectman Johnston agreed that this had been the original intent and the Board agreed unanimously that as of the anniversary date Cathy's per hour wage would be increased accordingly. Discussion turned to the pay scale of the full time officer, a position now held by Alan DeMichaelis. Jim discussed with the Board a five step pay scale which he proposed and stated that Al was on a one year probationary period which would end in July, 1992. He stated that there was approximately 5% between steps and discussion ensued as to how this scale compared to that of surrounding communities. Jim contended that this scale was adequate to entice a qualified person to remain in New Boston. Selectman Johnston felt that the scale would need to be reviewed by the Board keeping other departments in mind. Jim supported the institution of a scale program, expressing his belief in this type of system and the incentive it offers those who are subject to it.

discussion ensued on this subject and Selectman Olson asked Jim if a margin of overtime had been figured into the scale. Jim responded that overtime could not be guaranteed and that is an item that needs addressing in the upcoming budget since there is currently no budget consideration given to potential overtime. He did state that outside details are offered which is financially beneficial to the officer. Jim stated that he is trying to formulate a budget for 1992 that will be both economical and reasonable especially keeping in mind the tough economy. He has been able to absorb most of the local needs for his department such as those of the Recreation Commission, but he pointed out that demands are becoming greater and harder to absorb. There was much discussion on traffic patrols which continue to be the largest concern of New Boston citizens who contact the Police Department conveying the feeling that there are not enough.

Before ending his meeting with the Board, Jim stated that he had received a donation from the New Boston Businessmen' Association, Lou Maynard of the Molly Stark Tavern and the Friendly Beaver Campground to be used in conjunction with educational programs at the school.

Jim made a final comment recommending that the Board not lower the pay scale presented for the patrolman. Selectman Olson complimented Jim on the good job he was doing which was supported by the Board as a whole.

Next in to meet with the Board of Selectmen was Fire Chief James Dodge accompanied by several Fire Wards who included George St. John, Cliff Plourde, Dale Smith and Dan MacDonald who also serves as an Assistant Fire Chief. Chief Dodge had requested the meeting asking that the Board of Selectmen retract in full a letter that had been sent to him and the Board of Fire Wards regarding a recent situation whereby the Board of Selectmen had been requested by the Building Inspector to approve a Certificate of Occupancy that he did not feel he had the authority to issue based on the circumstances. The circumstances involved the type of smoke detectors to be placed in a mobile home per Fire Department Policy. Jim had a copy of the letter which he used to state their objections. He referred to the first paragraph questioning why the Selectmen had to grant a "waiver" and asked why the Building Inspector had come to the Board of Selectmen when it was a Fire Department Policy that was at issue. It was his contention that the Fire Wards had the right to make adjustments to the policy and have done so in the past. He went on to state, contrary to the letter, that it was the Fire Wards decision to make. He further stated he did not know why reference was even made to HUD Regulations and referring to the last page of the letter he contended that the policy was being handled consistently and he has always been under the assumption local departments work with individual cases on a case by case basis to try to accomplish the same goals that of compliance with the various regulations. He did agree that there should be discussion that could ultimately lead to this particular policy becoming a part of the New Boston Building Code. However, he maintained that currently this is still a Fire Department Policy, to be inspected by the Building Inspector and he further stated that the Building Inspector refused to do what he was asked again contending that there was no need for the Board of Selectmen to make a decision in this case. He went on to state that the Building Inspector was aware that he was within his jurisdiction by virtue of the way he handled the inspection of the manufactured house looking for the HUD sticker, then later changed his mind, and that, Jim contended is the decision that

was caused the problem. Jim expressed surprise that the Selectmen would write a letter of this nature without first discussing the matter with the Fire Wards.

Selectman Dodge stated that, in his opinion, there has been some misinterpretation of the letter sent by the Selectmen and contended that the policy was waived only in this incident. He went on to say that no Occupancy Permit had been issued to date and the New Boston resident deserved the permit and the action taken appeared to be the only solution to the matter.

Jim continued to contend that the Board of Selectmen did not have the authority to waive this policy and; further, that the Building Inspector could issue the Occupancy Permit. Jim presented what he considered proof from MUP in Washington regarding whether a local ordinance did supersede a HUD Regulation, this issue becoming a focal point in the matter. Much discussion ensued as to who had what jurisdiction in this situation.

Discussion then turned to the history of the Building Inspector and that of Fire Ward John Bunting who supported the Building Inspector in the contention that he did not have the authority to issue the Occupancy Permit. Again, there was more discussion regarding the authority of the Fire Wards to make a decision in this case.

Selectman Dodge agreed to give more thought as to whose right it was to make a decision, but was opposed to a general retraction of the letter. He stated that maybe the Fire Wards did have the authority to make the decision, but went on to support the general text of the letter and contended that the situation should never have occurred in the first place.

Jim stated that it has always been his understanding, referring to the sentiments of the late Selectman Mansfield, that each case is handled on its own merits. Selectman Johnston responded that he can respect this theory; however, the methods used in this matter have been a problem. Jim again stated his biggest problem with this matter was the fact that there was a question that the Fire Wards did not have the authority to make a decision that was contrary to the policy.

Selectman Olson asked what should have occurred as opposed to what did occur, stating that there was obviously a breakdown in communication resulting in the homeowner suffering not knowing if he would get a permit to occupy or would be asked to leave. Selectman Olson once again reviewed why the Board felt they had the right to waive the policy and authorize the issuance of the Occupancy Permit. He did not feel that the Selectmen were interfering with the Fire Wards or their authority, stating that this was an unfortunate isolated incident.

Dan MacDonald agreed with Selectman Olson that there had been a lack of communication and recognized that the Fire Wards have an internal issue to be resolved. Dan went on to state that he felt that too much time has already been expended on this matter and there are no sides to be taken, all need to work together.

Selectman Johnston again brought up the issue of incorporating this policy into the Building Code to which all agreed and; further expressed the thought that the Building Code in general needs to be reviewed.

However, he did state that there must be the leniency within the code; whatever it might be, to allow for the handling of individual situations on their own merit.

Discussion turned to minutes being taken at the Fire Ward's regular meetings and the Board of Selectmen were told that they were being taken by Marie MacDonald. Selectman Olson suggested that at meetings when decisions were made such as was the case in this matter, that copies of the minutes be forwarded to the Selectmen's Office. Selectman Olson went on to state that the time was past when matters could be handled on a casual basis. Jim Dodge ended the discussion by stating that they will wait to hear from the Board and further stated that they did not want the letter to become a part of the Town's records.

On another subject, Jim contended he would like to have known about the machine gun jamboree that had taken place in a gravel pit on River Road and had made this request previously of the Selectmen's Office when the event had taken place without his foreknowledge. He had been promised a donation to the department by the sponsors for any additional burden that could potentially be placed on especially the Rescue Squad during such an event and had never received the donation. The Selectmen responded to Jim that they were as unaware of the event as he was. Jim questioned this since the event was open to the public and Selectman Dodge responded that the Office of Selectmen had never received notice of the event. Jim feels that action should be taken to insure that this does not happen again. Selectman Olson commented that he had received a personal invitation and was unaware that the local departments did not know the event was to take place. Selectman Dodge stated that the sponsors of the event should be sent a letter requiring a permit for future rallies.

The meeting ended with Fire Chief Dodge stating they would be awaiting a reply as to the Board's decision regarding the letter to the Fire Wards.

Checks were signed, mail was reviewed and the meeting was adjourned at approximately midnight.

Respectfully submitted,


Sandra Gendron
Administrative Assistant