

*Approved 8/11/2015*

**NEW DURHAM BOARD OF SELECTMEN**

**New Durham Town Hall**

**July 1, 2015, 7:00 P.M.**

***Fire Department Regulations Workshop***

**Present**

Chair David Bickford

Selectman David Swenson

Selectman Gregory Anthes

**Also Present**

Jeremy Bourgeois, Town Administrator

Corkey Mork, videographer

Peter Varney, Fire Chief

Joan Swenson, Resident

Skip Fadden, Resident

Mark Sullivan, Resident

Dot Veisel, Resident

Ellen Phillips, Resident

Terry Jarvis, Resident

Eileen Berry, Resident

Mark Foynes, Resident

Mike Varney, Fire Department/Resident

Kevin Ruel, Fire Department/ Resident

Marc Behr, Fire Department/ Resident

Cam Libby, Fire Department /Resident

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**Call to Order**

Chair Bickford called the meeting to order at 7:00p.m.

Selectman Swenson stated he has some key points he wants to be sure are covered in the discussions: Authority structure of the Fire Department; SOG/SOP revisions and compare to current regulations and policies; Fire Chief Varney Department roster job titles and hiring issues; pay scale request and other concerns regarding those.

**Fire Department Regulations (Proposed 2015)**

Fire Chief Varney stated the discussion is in regards to possible changes in the Fire Department regulations but clarified he is not prepared to discuss the SOG/SOPs.

Copies of the Fire Chief Varney Department rules and regulations were distributed and review. Fire Chief Varney noted there are many conflicts between policies. It was clarified there is no comparative analysis available for review although Fire Chief Varney has compared the policies.

Fire Chief Varney stated he doesn't have any specific changes he is requesting and asked the Board of Selectmen to do the comparisons themselves. He stated he did side-by-side comparisons of the old and new documents.

The Fire Department regulation documents were reviewed page by page and Fire Chief Varney outlined some of the changes already made. He stated the biggest change made was to the Assistant Fire Chief position.

Chair Bickford noted there is a rule that the Fire Chief must report to the Board of Selectmen on a monthly basis and asked if it is necessary. Fire Chief Varney replied it is not unreasonable.

The hiring policy and associated RSAs were reviewed and discussed. Selectman Swenson stated he would be opposed to having a policy that differed from what is outlined in the RSA specifically that the RSA defines authority only over firefighters. It was agreed to address this at a later date.

Selectman Anthes proposed making the policy that the Fire Chief oversees the hiring and firing of all individuals in the Fire Department with the understanding that the RSA is not clear. He stated it is the Chief's responsibility and as the Board of Selectmen they should not take that away from him.

The personnel policy was reviewed and discussed. Chair Bickford questioned the current policy on probation and the need for all the officers. Selectman Swenson concurred and stated he doesn't see a need for all the administrative titles. They have a deputy chief and questioned the need for an assistant chief and Selectman Swenson stated no justification has been presented. Fire Chief Varney replied they need the positions for administrative purposes. He stated Farmington has three chiefs and Alton has a couple.

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The personnel structure of the Fire Department was reviewed and discussed. Fire Chief Varney stated many of the individuals have qualifications in other areas outside of their position that benefit the Department.

Promotions and the appointment authority of the Fire Chief were discussed. Chair Bickford asked Fire Chief Varney what is his suggestion as to whether promotions and appointments should be “recommended” or “appointed” by the Fire Chief with the final approval by the Board of Selectmen. Fire Chief Varney stated he doesn’t mind coming to the Board of Selectmen for input but it may require a warrant article change as currently the Fire Chief handles appointments. He is happy with the way the current policy is which is “recommended by the Fire Chief and appointed by the Board of Selectmen.” Fire Chief Varney noted the rules and regulations contradict the policies, which contradict the RSAs with regards to promotions and appointment. Selectman Swenson referenced Article 23 of the 2008 Town Warrant which outlined the organization of the Fire Department, noting it says nothing about promotions and appointment. Any changes in structure or organization need to come through a warrant article.

Theresa Jarvis, resident, suggested the Board of Selectmen go back and review legal counsel that was provided when this warrant article was originally discussed.

There was further discussion regarding the authority and responsibility of the Fire Chief.

Joan Swenson, resident, referenced previous Board of Selectmen meetings and discussions of the responsibilities of department heads in managing their departments. She asked why these other professionals have not been given the same courtesy as the Fire Chief who is seemingly being given a “carte blanche”. Ms. Swenson asked why there is no pushback from the Board of Selectmen in saving money in this particular department.

It was noted there are no departments exempt from the Town policies although they may be able to handle hiring and firing.

Chair Bickford suggested the Board of Selectmen have the right to say “no” to a hire or promotion, rather than going through the process, similar to a veto.

Selectman Anthes stated again that he doesn’t think the Board of Selectmen should be getting involved with this and it should be the full responsibility of the Fire Chief as he has more knowledge of the individuals and how the department works.

Selectman Swenson asked how that differs from any other department in Town.

Selectman Anthes replied the Fire Department is not full time employees and they are volunteer.

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Fire Chief Varney explained the reasons for probation periods with regards to ensuring individuals obtain the proper certifications and getting through training. He stated he would be in favor of extending the 90-day probation period.

Ms. Jarvis stated a previous Board of Selectmen made this policy to be consistent with the Town's personnel policy. However department heads are still able to come before the Board of Selectmen to request a waiver or to extend the period.

Ms. Jarvis explained her concerns with pro-board certifications that could be required of experienced and mature firefighters and how this policy could exclude them from being hired. The effects of the policy on the department were further discussed.

Selectman Swenson stated there are also additional changes that are important to consider but were not proposed by Fire Chief Varney.

Selectman Swenson suggested considering who sets the organizational structure. He also referenced the qualifications of the Fire Chief and stated the qualifications were reduced in the proposed Fire Department Regulations. Selectman Swenson stated there also needs to be more discussion on the hiring/firing policies as well as the assistant chief position. Selectman Anthes questioned whether the Board of Selectmen should be involved in that. Selectman Swenson replied yes, primarily for budget purposes. Selectman Swenson stated he does not want to reduce the qualifications of the Fire Department.

Selectman Swenson stated a major concern he has is that Fire Chief Varney noted there were no changes throughout the Fire Department Regulations when in fact there are numerous changes. He stated he wants to make sure all the concerns of taxpayers are addressed. Selectman Swenson asked Fire Chief Varney to go back and look at these and prepare to discuss at a future date.

Chair Bickford stated he would like Fire Chief Varney to come back with a document showing what he wants for changes.

Selectman Swenson summarized the points discussed: to take a further look at what RSA 154 covers (i.e. firefighters versus EMS, EMTs, etc.); justification for the assistant chief and numbers of captains, lieutenants, etc.; review all comments made tonight to address questions raised; do side-by-side comparison to note changes; and provide justification for the proposed changes discussed.

Selectman Anthes asked Selectman Swenson to forward him and Chair Bickford a summary of the proposed changes.

**Payroll Policies (Proposed 2015)**

Fire Chief Varney stated there are no changes to the payroll policies but the position of Assistant Chief was added.

Chair Bickford stated he would like to see higher pay for the EMTs and paramedics.

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Fire Chief Varney stated the payroll policy was changed years ago and instead of stipends, they switched to hourly pay, which would more evenly distribute pay to the volunteers who participate in calls. Chair Bickford stated he wants to try and attract more with higher pay. Selectman Swenson asked why Chair Bickford is singling out EMTs and paramedics. Chair Bickford said the pay could be as low as \$11/hour for a life/death decision job.

Fire Chief Varney stated one way they currently encourage people to get more qualifications is to offer \$0.50 more per hour and pay for classes. However, they are not paid for the hours put into the class.

Chair Bickford stated he sees a shift in demand for more EMTs than firefighters. Fire Chief Varney replied he thought that too at one point but in fact both are required for many emergency calls. It was explained if there are no calls, no one gets paid so higher hourly pay doesn't necessarily make it more attractive for people to quit their full time jobs. A deterrent to many people is the number of hours required to put into getting certifications.

Ms. Jarvis stated many calls require more than just a couple medical personnel and there is also need for non-medical personnel. She noted a 2% across-the-board raise given in 2008 is not reflected in the current pay scale.

Fire Chief Varney stated he doesn't believe there is any problem with fair pay within the department.

Selectman Swenson stated that each fire department employee is paid roughly \$5-\$6,000 per year. They are paid in addition to that for responding to calls and weekly training. Fire Chief Varney explained the requirements for mandatory in-house training sessions.

Selectman Swenson asked for information on radio inventory.

Selectman Swenson summarized Fire Chief Varney needs to make sure the numbers for the pay scale are accurate; and determine the current rates the officers are receiving conform to approved rates.

**Promotions - Town Promotional & Transfer Policy**

The policies were reviewed and briefly discussed.

Selectman Swenson stated they need to discuss the hiring issues that have been raised as there is potential liability to the Town. He stated some hiring was done by Fire Chief Varney that may have not followed Town policies and asked Fire Chief Varney for his response.

Fire Chief Varney replied he tried to follow the policy with the rehires and new hires. He stated rehires were just rehired. No background checks were done.

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Selectman Swenson suggested doing the background checks as well as consulting with Primex for possible liabilities.

Fire Chief Varney asked if there are some issues Selectman Swenson is aware of that should be of concern.

Selectman Swenson replied his reasons for concern are that it may put the Town at liability because policies were not followed. He stated they should follow the policy for all future hires as well as go back to retroactively follow the appropriate policy for the rehires. It was clarified there are seven rehires in question since March 15.

Selectman Anthes stated he doesn't have a problem bringing back rehires without going through the process.

Ms. Jarvis stated that prior to 2010, all hires were not required to have criminal background or motor vehicle checks. Selectman Swenson stated policies have changed since then and suggested any that had already gone through the proper process, do so again. Ms. Jarvis stated that legal counsel from Local Government Center advised that as an employer they should be doing across-the-board motor vehicle and criminal record checks and financial checks as necessary.

Town Administrator Bourgeois stated they need to be sure they aren't "cherry picking" who has to follow policies. He stated department heads are watching this and be sure everyone is being treated the same.

Selectman Anthes stated there is a difference in different departments, the Library, Recreation Department and Fire Department.

Ms. Swenson stated the departments may differ in whom they can hire but according to the RSA they must all still abide by the governing body for policies and procedures. She stated the Board of Selectmen should not be willing to allow something that could open the Town to liability. Ms. Swenson stated Fire Chief Varney acknowledged he did not follow policy and suggested they clear that up.

Skip Fadden, resident, when Peter Varney was chief in the past, he saved the Town money every year and the department did an excellent job. He stated he is seeing them want to treat the same people differently.

Selectman Swenson stated he is only advocating that policies and procedures be followed.

Fire Chief Varney stated he didn't think he needed to follow policy for rehires because it had already been done for the employee.

Chair Bickford asked Fire Chief Varney to identify the employees in question and go from there.

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Selectman Anthes asked what the policies are. He was told the policies are all available online and in Town Hall. It was clarified there is a difference between a rehire and new hire but the same information is needed.

Ms. Swenson reiterated they need to look at the policies again and make sure the procedures are being followed to reduce any liability to the Town.

Mr. Fadden asked how long it would take to get a copy of the policies. Chair Bickford replied all policies are available online as well as in the Town Hall.

Mark Sullivan, resident, stated in his experience he always had to follow policies and procedures or he would have to answer to his boss. If not, he had to explain why. Mr. Sullivan stated the Board of Selectmen should not have to micromanage departments.

Selectman Anthes stated he thinks rehires have seniority because they have already gone through the procedures and it is his understanding Board of Selectmen do change policies to make things better.

Selectman Swenson stated the rates of pay in the Fire Department are driven by certifications and qualifications but also have to work within budget restraints.

Selectman Swenson summarized the discussion: they would need to check with Primex on the liability issue of not following policy and Fire Chief Varney will work with Town Administrator Bourgeois to address all the policy issues and return to the Board of Selectmen. Selectman Anthes suggested looking at the policies first, before going through and doing background checks. Selectman Swenson replied to his knowledge everyone hired prior to March 23 had been hired under the current policies. Fire Chief Varney asked if the Board of Selectmen could waive the policies. Selectman Anthes stated past Board of Selectmen have done so. Selectman Swenson clarified that has been done with the circumstances were "time of essence", which this is not.

It was agreed the policies need to be reviewed. Fire Chief Varney agreed to work on getting the background checks on all employees hired or rehired 3/15/2015, just to get this done and continue working on reviewing and revising the policies.

Chair Bickford stated they also need to discuss the hiring and appointment of immediate family members. He read the current policy, stating "*no immediate family member may work in the same department as an employee if the employee relationship is such that the immediate family member is supervised at any time by the employee or where the employment relationship may cause a potential conflict of interest unless the department head requests specific approval from the Board of Selectmen.*" Fire Chief Varney replied he does not directly supervise anyone except the Assistant Deputy Chiefs. He stated it is not usual for Fire Departments to have family members. Chair Bickford stated he is an advocate of it and it's been that way in the past. Ms. Jarvis stated the problem is that now, there is something in the personnel policy regarding it and simply needs Board of

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Selectmen approval. If it is changed for one department, it needs to apply to all departments. It was agreed Fire Chief Varney needs to present rationale for why he wants Board of Selectmen approval for the individual employees.

Selectman Swenson stated he recognizes there is a transition period however Fire Chief Varney also needs to look at the number of hours for some individuals including himself, relative to the budget.

Selectman Anthes stated they have also asked Fire Chief Varney to take on a huge responsibility with overseeing the remodeling project as well with a lot of hours involved.

**Highway Department Truck**

Town Administrator Bourgeois stated another bid was received from another dealership that is cheaper along with a couple of additional features. The bid was reviewed and discussed. Selectman Anthes suggested trying to get it down even lower.

**Selectman Swenson made a motion to authorize purchase order #1902 to Hillsboro Ford for the purchase of a 2015 Dodge Ram truck 5500 4x4 for a price not to exceed \$44,251. Those funds to come out of the CRF 4915.** Discussion: Selectman Anthes confirmed this vehicle meets the criteria of the Highway Department. Town Administrator Bourgeois confirmed this and stated it also has some additional features over the last bid. **Chair Bickford seconded the motion. Motion passed, 3-0.**

**Tax Abatements**

Chair Bickford stated these are Town properties that were taken for tax-deed.

Selectman Anthes confirmed these are for properties that people did not pay their taxes. This information comes from the Tax Collector.

After further discussion, it was agreed to review the documents for action at the July 6 meeting.

**Chair Bickford made a motion to abate ?????**  
**Selectman Anthes seconded the motion. Motion passed, 3-0.**

**Future Meetings**

July 6, 2015 – Board of Selectmen Meeting, Town Hall, 7:00p.m.

**Adjourn**

**Selectman Swenson made a motion to adjourn. Selectman Anthes seconded the motion. Motion passed, 3-0.**

The meeting was adjourned at 9:56p.m.

Respectfully Submitted,



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Jennifer Riel, Recording Secretary