

TOWN OF LITCHFIELD BOARD OF SELECTMEN

March 18, 2013

Selectmen's Meeting

Members Present: John R. Brunelle, Chairman
Frank Byron, Vice Chairman
Brent Lemire
M. Patricia Jewett
Kevin Bourque

Also Present: Jason Hoch, Town Administrator

5:00 p.m. Paperwork review
5:45 p.m. Non-Public Session per RSA 91-A:3 II (c)
6:00 p.m. Call to Order

Pledge of Allegiance

Review of Items for Consent:

1. Approval of Accounts Payable and Payroll for week of March 18, 2013
2. Minutes of March 11 and March 14, 2013
3. Veterans Tax Credit Applications

Approval of Consent Items

Selectman B. Lemire **motioned** to the Board of Selectmen to approve items for consent.
Selectman P. Jewett **seconded** the motion. **Vote carries 5-0-0.**

Request for Items - Other Business

Selectman F. Byron would like to discuss the Sewer Warrant Article

Swearing In Of Elected Officials

Town Tax Collector Theresa Briand proceeds to swear in the following Town Members:
Board of Selectmen - John Brunelle and Kevin Bourque
Road Agent - Jack Pinciario
Budget Committee - Daniel Vaillancourt

Reorganization of New Board of Selectmen

Selectman J. Brunelle welcomes Kevin Bourque as a new elected member to the Board of Selectmen. He would also like to take nominations for the Chairman and Vice-Chairman for the new Board. Selectman P. Jewett **motions** to nominate John Brunelle for the appointment of Chairman to the Board of Selectmen. Selectman B. Lemire **seconds** the motion.

Vote carries 4-0-1.

Selectman B. Lemire **motions** to nominate Frank Byron for the appointment of Vice-Chairman to the Board of Selectmen. Selectman P. Jewett **seconds** the motion. **Vote carries 4-1-0.**

Liaison Officials

Selectman J. Brunelle mentions that the new sitting Board now must appoint new Liaison Officials to the other Town Boards.

Planning Board - Frank Byron with Kevin Bourque as alternate

Budget Committee - John Brunelle with Brent Lemire as alternate

Recreation Committee - Kevin Bourque

Conservation Committee - Patricia Jewett

Regional Hazardous Waste - Patricia Jewett

Selectman J. Brunelle makes a **motion** to accept the new appointed positions. Selectman B. Lemire **seconds** the motion. **Vote carries 5-0-0.**

Selectman J. Brunelle states he will forward a letter to all the Boards announcing the new Liaison Positions.

Re-appointment of Sharon Harding-Reed as Treasurer/

Approval of Treasurer's appointment of Debra Hogencamp as Deputy Treasurer

Selectman P. Jewett makes a **motion** to accept the appointment of Sharon Harding-Reed as Treasurer for the Town of Litchfield. Selectman B. Lemire **seconds** the motion.

Selectman F. Byron asks when was the last background check done on Treasurer Harding-Reed, he is wondering if the time frame has expired. Administrator J. Hoch states that it was done last year with the introduction of the Town's new Policy. The Town Treasurer and Deputy Treasurer need to be done every two years according to policy.

Selectman J. Brunelle asks all those in favor of the appointment of Sharon Harding-Reed as Treasurer. **Vote carries 5-0-0.**

Selectman B. Lemire makes a **motion** to accept the Treasurer's appointment of Debra Hogencamp as Deputy Treasurer. Selectman P. Jewett **seconds** the motion.

Selectman F. Byron asks if there is a letter of appointment from Treasurer Sharon Harding-Reed. Administrator J. Hoch states that the Board of Selectmen appoint the Treasurer and the Treasurer appoints the Deputy Treasurer with the Board's approval. Treasurer Harding-Reed's letter of appointment is in the documents he forwarded to the Board of Selectmen. **Vote carries 5-0-0.**

Town Clerk Theresa Briand swears in Debra Hogencamp as Deputy Treasurer.

Public Input: No members of the public were present

Fire Chief - Regarding New Hire Wage Schedule

Fire Chief Frank Fraitzl and Deputy Chief Paul Allard address the Board regarding a review of a proposal that was presented prior in the Budget process. Chief F. Fraitzl states that currently all Call Firefighters are compensated equally, without consideration given to the length of service,

experience or education and certifications that they may have. With the hiring of a few new members the Chief sought to try and even out and create a true incentive program. So that employees are awarded and rewarded as they earn Certifications. He feels this will set them apart ambition and motivates them to excel. (Memo from Chief [attached](#))

Selectman B. Lemire asks the Chief if this is in line with what he presented in the Budget process. Chief Fraitzl states that yes coming into this Budget year there was anticipation of some positions to be filled due to the reorganization within the Department that took place last year. Due to the fact that for liability reasons, the Town requires the Firefighters to earn Level 1 or Firefighter 1 Certifications. This is about 200 hours of training, and to expect them to do that without any incentive or compensation did not seem like the right thing to do. However, to compensate them with the rate that has been in effect since 2006 did not seem to make sense either. It would mean starting new hires with no certifications and no experience at the same rate as current employees with 3 years or 30 years experience. So the Chief would like to start new hires at \$10.00 per hour and as they get Certifications that would be adjusted accordingly within the guidelines in this proposal.

Selectman B. Lemire mentions that the Chief has had the opportunity to study other towns that have implemented similar proposals. Due to the education that the State is requiring of Firefighters, incentives and compensation for education and certification have been implemented all over the State. So Selectman B. Lemire would like the Chief to verify that this is not just something for Litchfield it is something that is being generated throughout the State. Chief Fraitzl states that yes and they used in their research the Local Government Centers 2011 salary survey of all the Communities in the State and focused on the 5,000 to 10,000 range. Also communities that had the same staffing, or did around the same amount of runs as Litchfield, and were call Fire Departments, examples are Mt. Vernon, Kingston, Milford, Goffstown and Amherst are some of the Towns that have implemented or are looking into similar programs. Selectman B. Lemire asks if the Chief has any reports of the success of the programs or is it too early to tell. Chief Fraitzl states it is still new and he does not have a lot of reporting on it as of yet, but his colleagues have been positive.

Selectman J. Brunelle asks how the Chief is hoping to phase this program in. Chief Fraitzl states that this is for new employees only effective March 1, 2013.

Administrator J. Hoch mentions that the Chief's original analysis of this program had a strategy for the Department's existing employees and how to work this going forward. However with the outcome of the elections on Tuesday, that has been put on the backburner for a time. But there are these new people that the Department has already made a commitment to and hired, and this is within the Budget allocations that was expected.

Chief Fraitzl states that there is one impact to the current staff. States that he had set a focus last year on increasing Driver Operators of the apparatus, and brought in a Pump Specialist to do a 16 hour class for potential as well as current drivers. Increasing the number of drivers to include almost everyone within the Department to operate the Rescue. To finish this proposal and to recognize those who have gone and gotten their CDL License and taken time to run and learn the pump and different Apparatus, he proposes that a one time stipend of \$200 be given for any Driver that meets the requirements prior to December 1, 2013. He states that he and Jason

are comfortable that this is available in the Budget for this year. It would encompass about 10 employees.

Selectman F. Byron asks the Chief what is the total cost of the program. Chief states it would depend on who they hire. Or for the 10 already on the Department about \$2,000. Selectman F. Byron asks if this comes out of the Default Budget, but Selectman J. Brunelle states that no it would come out of the Call Firefighters Wages line.

Selectman P. Jewett would like to know what will happen with some who have left the Department but that are coming back on, will they start over or come back at the pay they were at prior. Chief Fraitzl states that no they would be a new hire, but if they have Certifications they will be compensated accordingly.

Selectman J. Brunelle states that if a new hire came in with all Certifications in place they would be hired at \$15.50.

Selectman F. Byron states that the employees that are in the program as of today will not have anything changed with their salary. Chief states that is correct unless they qualify for a driver bonus of the one time stipend payout.

Selectman F. Byron asks the Chief if he has a memo with the breakdown of this proposal. That it should be in the Selectmen's Office for reference. Chief Fraitzl and Jason state that they will have a matrix print out drawn up.

Selectman B. Lemire makes a **motion** for the Board of Selectmen to accept the request from the Fire Chief to move forward with this proposal. Selectman P. Jewett **seconds** the motion.

Vote carries 4-0-1.

Discussion on Re-Count of Article 4

Town Clerk Theresa Briand tells the Board that she has spoken to the Moderator John Regan regarding the recount which is to take place at the Town Hall at 2:30 pm Tuesday March 19. Mr. Regan's previous appointment cancelled and due to the storm expected they are looking to move up the time for the re-count to 1:30pm. If the weather is too bad and cancellation is necessary Theresa Briand will contact the volunteers.

Selectman F. Byron states that there is a public notice that has been posted for the re-count to be at 2:30, so there is not enough time to re-post a notice changing this. Theresa states that she will notify the Moderator.

Selectman J. Brunelle mentions that some of the Board decided to recuse themselves from the re-count because they were part of the Budget process. Teresa Briand states that there is a form for anyone on the Board who wishes to recuse themselves to sign for the Moderator. Also the Moderator printed out an Official Outline of the Process and RSA's that will be followed for the re-count and Theresa will distribute copies to the Board.

Administrator Report

New Business

Employee Position Review

Administrator J. Hoch mentions to the Board that he had a discussion with the Fire Chief after he

was processing a routine step for Firefighter/Paramedic Jim Rea. Chief is passing along a request in recognition of Jim completing his Paramedic Program to move Paramedic Rea up 1 Grade in the pay scale, from 9 to 10. Jason mentions that the background for Firefighter/Paramedic Rea is that Jim graduated from the program in December of 2010, and there was no Grade adjustment made at that point, due to the fact that the Town had made an investment and there was an obligation expected from Jim at that point. However Jim Rea has continued to perform his duties as well as taking on new duties such as EMS Coordinator and has done an outstanding job for the last 2-1/2 years. Therefore, the recommendation for the increase of one grade be given to Firefighter/Paramedic Rea.

Selectman J. Brunelle asks Jason if this salary for Jim Rea was factored into the Budget. Jason tells Selectman J. Brunelle no it was not. This will have to come out of the Fire Department's Budget.

Selectman J. Brunelle would like to know with this increase what would be the hourly wage amount for Firefighter/Paramedic Rea. J. Hoch states that he does not have that figure in front of him, but will get that figure to the Board.

Selectman F. Byron states that he has a problem with being asked to change the Grade of Firefighter/Paramedic Rea. He has no problem with Jim Rea or his accomplishments and that he is deserving of some type of recognition. However, he met with the Town Administrator J. Hoch to go over the grid and to provide him with his comments about the grid months ago and this is one of the positions but this revision to the grid was never completed. This changes the configuration of the Full time Firefighter on the Employee Grid, and he is concerned that if the Board and Administration start making these changes one at a time then the Board will be making it harder for themselves to bring this grid into fruition and effect the implementation of this program for the all employees.

Selectman J. Brunelle asks Jason which of the grids is he going by the one that is already in practice for the Town and the Chief is just looking to move Jim Rea up 1 grade. Or the one that is in progress that there has been discussion on, but that has not been settled on as of yet, which is the one he believes Selectman F. Byron is speaking about.

Selectman F. Byron states yes, this is the one the Board has been working on implementing but have not agreed on all aspects. He just feels if everyone keeps making adjustments to personnel and positions it will become more and more difficult to assemble a new grid proposal that fits appropriately all employees going forward.

Selectman J. Brunelle states that there have been discussions of the new grid being not only a step increase but also on performance and merit as well. This increase for Firefighter/Paramedic Rea is still within those step guide lines with Grade and Salary.

Selectman B. Lemire mentions that many Departments do reward and give incentive for Paramedic and other Certifications due to the work that is involved. Also he does remember discussing this matter, and is it the Board's fault that they did not get this matter brought forward and taken care of prior. It would be unfair for Paramedic Rea's position to be caught in the crossfire of this situation.

Selectman J. Brunelle asks J. Hoch where does the salary fit within the proposed grid and if it falls between the scale then it should be alright.

Administrator J. Hoch states that the current grid has not been shelved, employees are still being

moved within this grid on longevity. So with that Firefighter/Paramedic Rea is within the 8 year block which is one of the highest blocks in terms of years of service with a rate of \$22.92. But with this 1 grade increase would increase the rate to \$25.01. Jason goes on to mention that if you look at the new grid discussed in October it has a start rate of \$21.83 - \$24.56 and high of \$27.29. So this would put his rate in the ballpark if the New Grid is agreed upon.

Selectman F. Byron states that would bring J. Rea into a 9.1% increase.

J.Hoch mentions that he is proposing that the Board move Firefighter/Paramedic Rea up the 1 Grade that he is in line for with the completion of his Paramedic Certification and over 2 years of additional time on the job.

Selectman F. Byron asks Jason again if that is for a 9.1% increase. To which J. Hoch answers yes. He also adds that this is not a raise based on performance, this is a raise based on a completion of an Intensive Training/Certification Program His current rate is based on that of a Firefighter, this new rate/wage is based on that of a Paramedic and 2 years of additional service to the Town.

Selectman F. Byron asks J. Hoch for the salary of Captain D. Nicoll, to which Jason states \$30.61 at Grade 12.

Selectman B. Lemire makes a **motion** to accept this 1 Grade increase for Firefighter/Paramedic Rae. Selectman J. Brunelle **seconds** the motion.

Selectman F. Byron feels that the Board should be looking at this position overall and see that it fits logically into the town's position structure. He does not believe the Board has enough data to make an informed decision.

Selectman B. Lemire states that he agrees with Selectman F. Byron. However, he feels that a couple years ago when the Town approved to fund and send Firefighter/Paramedic Rea for Certification and he put in approximately 2200 hours towards the program there was a certain level of expectation for recognition and compensation of that work. Selectman B. Lemire feels that level of commitment should be recognized.

Selectman J. Brunelle agrees with Selectman B. Lemire's comments and feels that this salary falls within range of the grid and the Board should move forward.

Selectman F. Byron asks to make an **amendment** to the motion that Firefighter/Paramedic Rea have his salary increased to \$24.00 effective immediately, with an additional increase to \$25.01 effective September 1, 2013 for a Grade 10 increase.

Selectman J. Brunelle **seconds** the amendment. **Vote for motion carries 4-0-1.**

Selectman P. Jewett mentions that she would like in the future for the Town's Warrant articles to have show what an increase will be, she would like to make sure that the Departments stay within their Budgets.

Selectman F. Byron asks if there are any wage changes within the Fire Department or any other Departments that Administrator J. Hoch is aware of that are coming forward. J. Hoch states that he is not aware of any other than employees moving thru the grid on step scale.

Vote for amendment carries 4-0-1.

Selectman J. Brunelle asks J. Hoch if he could bring back up the new Salary and Step Grid Plan to be put on the agenda sometime in April and could he forward any information for the Board to review as well.

Discussion with Hage, Hodes regarding Legal Services

Attorney Jamie Hage along with Attorney Jay Hodes introduce themselves to the Board of Selectmen.

Attorney Jay Hodes starts by saying that he is looking to continue holding on to the job that he has had for the past 33 years. He goes on to say that the firm has 7 Lawyers - Attorney Jamie Hage is Senior Partner and is by Attorney Hodes mind one of the best litigator's in the state, he is expert in Employment Law, Business Litigation and Insurance matters. Also there is Attorney Douglas Miller who is another Senior Litigator, and former US Prosecutor he worked for the Federal Government for 6-7 years then went into private practice. Attorney Miller does the firm's high powered litigation, and he would handle any Police/Criminal matters. Attorney Hodes states that he has included the resumes of the attorneys in the packet forwarded to the Town. Attorney Stephen Buckley specializes in Planning and Zoning issues. Attorney J. Hodes states that he covers many other areas including Library Trustee, Town Clerk, Tax Collector, Conservation Commissions and Right to Know issues as well as Real Estate matters and he will continue to handle all of those things. There is also Attorney Kathleen Davidson who has been with the Firm for 4-5 years and she handles Employment Law. So the Town has 4-5 Lawyers to represent them with a variety of expertise, but primarily it would be himself, Attorney Jamie Hage, Attorney Stephen Buckley, or Attorney Kathleen Davidson. In 33 years, he states that the Firm has been very responsive and done pretty much anything the Town has requested of them. There have been very few complaints, and when there have been, they meet and both parties resolved the issue to the Town's satisfaction. Attorney Hodes mentions that the Firm represents a number of Towns as the Board knows so he feels this helps in representing a small Town such as Litchfield. If Zoning or Planning issues arise that affect Litchfield, they keep the Town advised of the matters. He states that the Firm gets back to the client within 24 hours and proceeds as necessary in a timely manner and advising the client of what needs to be done and how long it may take. Attorney J. Hodes states that he feels the Firm has done a great job and he has a fondness for the Town of Litchfield.

Selectman P. Jewett asks if the Town calls, will it be Attorney Hodes who will be the first person to respond to questions, unless it is a specific area for one of the other Attorneys. Attorney J. Hodes states that yes he would be the contact person and will handle it himself unless he needs to delegate it to one of the Attorneys that specializes in that area. Attorney J. Hage states that the Firm normally does this with Towns and Corporations so whoever could best represent the needs of that Client handles the case, for the proper attention. He states that the Firm has a variety of knowledgeable Attorneys and with Jay's 36 years and his 34 years, the Town is well represented. Attorney Hage mentions that most of both their careers have been in connected to the public sector; he worked for the City of Concord doing their Prosecuting and Zoning work. Then went to the City of Manchester worked for them as a City Prosecutor and handled some of their Civil Law. Then in Private Practice he has done variety of Civil Business and Civil Litigation through the years. So he knows both side of the Litigation process, if the Town needs to sue, the Firm has represented Plaintiffs before or if the Town is being sued, he can advise from the Defendant's side as well. Attorney J. Hage goes on to discuss how the Firm was retained as Special Counsel for the City of Nashua to handle some Tax Appeals for the Hospitals, who

wanted to apply for Charitable Tax Exemption Status. The Firm was hired to litigate those matters, and recently retained by the City of Keene and Hudson with similar matters. So the Firm is well equipped regarding the general matters that come up as well as the specialty issues that may arise. But more than anything else they like to communicate with their clients, they want to know if they are responsive and doing a good job. If there is a problem, the Firm would like to know about it and confront them. He adds that has been both their philosophies through the years and is how they both have handled their careers and welcomes the opportunity to continue to serve the Town. Attorney J Hodes adds that the other advantage is as the Board knows that he will appear at the Public Utilities Commission (PUC) and can deal with all the State agencies, the Firm does not have to farm out any work they can delegate all types of work within the Firm. Selectman F. Byron states his question deals with Attorney J. Hodes' comments that the firm deals with a broad array of experience and other Towns, that can be a blessing and a curse. Because the Town next to us is Hudson, who we have the most dealings with and the most chances of having problems with and your Firm also represents Hudson, so how would the Firm deal with a conflict if it arose. Attorney J. Hodes states that is a legitimate question and tells the Board that the Firm would have to recuse themselves. But he adds that the only area where it has been an issue is with the water systems and the wells. It has never come to blows nor does he anticipate it would with Nashua having taken over the water systems. He understands the concern but finds in his experience, it has not been a problem or unusual for a Firm to represent both adjoining Towns. He would not engage in a discussion that involved both Towns. Attorney J. Hage states that the other side of the coin is that lots of times the Towns find if they have to work together in a matter it is nice to have a Firm that has a relationship with both Towns. But as was mentioned they could not represent Hudson against Litchfield, or Litchfield against Hudson. Attorney J. Hage mentions that there is a code of Professional Responsibility the Firm has to its Clients and Attorney J. Hodes has been Litchfield's Counsel for 34 years and representing Hudson for about 20 years with no real conflicts. Attorney J. Hodes states that whenever you take on a client you have to give up someone else. For example, if someone calls and says they have a problem with so and so who is their Landlord, the Firm has to check to see if they ever represented this individual before, if they have, they can not take on the new caller as a Client. Same as if they take on a Town, the Firm can not take on any Developers within that Town. Selectman F. Byron mentions that he has heard the Board of Selectmen on many occasions say that no matter what legal situations the Town seems to be in, that it always loses its court cases. There seems to be a feeling with the Board that the Town has not always received the best advice upfront from Legal Counsel. Regarding if a case should not have been taken or should of settled, or that some other course of action should have been taken, they should inform the Client or in this regard the Town. Selectman F. Byron would like to know how the attorneys respond to that, and looking back through past cases and history with the Town. Attorney J. Hodes states that he does not know the particulars, but that it is rare that the Town is suing someone, usually it is someone suing the Town. An example would be the Planning Board, they are always being attacked by someone who is unhappy with the plan that has been approved. So the Firm is in the position of defending, and sometime there has been a mistake made or we are not on the right side, but feels the Firm has a pretty good track record. The Zoning Board also is never the Plaintiff, it is always the Defendant, it is either the abutter or

applicant who is the disgruntled one bringing suit. Very rarely is it the Town who is suing, but sometimes it happens and if one of the Boards has not dotted all their I's or crossed all their T's there is a chance of losing. He cannot think of an example where the Town was in that position, feels if the Town sued for money damages, he feels they did ok on any case. Selectman F. Byron agrees and states that he does not feel that it was in terms of the Town taking action, that the trouble comes to the Town. But his point was that sometimes the advice to defend against this or that action, or continuing on with a case and then the Town ends up in Superior Court and taking a beating on something. Attorney J. Hodes states that again he does not know specifics and would be happy to talk with Selectman F. Byron anytime regarding any case. But feels he is pretty practical with his advice, and tries to avoid litigation and guide the Town to avoid this as best as he can. He can not speak for everyone only himself because he does not supervise every case, but tries to give a true evaluation on the cases he does take on. Advises for example that if you are only going to win a \$30,000 settlement, but it will cost you that much to litigate it he will advise you not to move forward, that would not be a happy result for any client.

Selectman F. Byron asks now that Attorney David LeFevre has left the firm and he had a close relationship with the Town, who will be replacing David? Attorney J. Hodes states the he will be taking on the primary role in response to the Town of Litchfield, but at some point will probably be bringing on another Attorney. Not sure if they want someone with experience or would like to start training someone, looking for a good fit and will be taking their time. He states that Kathleen could take on some of the personnel issues and Douglas could take on the Police/Criminal; tasks would be dispersed to the best qualified Attorney.

Selectman F. Byron mentioned that he is speaking for himself, but that one of the other primary Attorneys that deal with the Zoning for the Town is Attorney Steven Buckley. Selectman F. Byron feels that from his point of view Attorney Buckley is very frustrating to deal with, that he is not communicating well regarding Legal issues. He hears from various Committees that he creates confusion with his Legal opinions. For example several years ago when the Town started taking on the issue of Impact Fees, the Board of Selectmen and the Planning Board were very confused with the Attorneys advice and direction. So he feels that Attorney Steven Buckley might not be the right Attorney for this Town and has a concern with this Firm and Attorney Buckley.

Attorney J. Hodes responds by stating that it is important that the Boards tell the Firm this, because it would not be known otherwise. That sometimes personalities clash and there are difficulties between Attorney and Clients communicating it happens. If the Firm become aware of this and the Client expresses a concern, than the case would be reassigned. Attorney J. Hodes states that he would of had no idea due to the fact that if Attorney Buckley attends a meeting he does not, so would have no way of finding this out unless the Client notifies him. Attorney J. Hage mentions that because a lot of the Town work was given to Steve and Dave if they had known it would of been addressed and the Firm could of satisfied the Towns concern. Going forward if there is a concern he states that Attorney Hodes and he can certainly handle it.

Selectman J. Brunelle mentions that as far as working with Attorney LeFevre and Attorney Buckley that he felt that his advice was always soft not a decisive decision. He was looking for at times more of a hard decision, a decision that would be defensible as well. He mentions that he has nothing against Attorney Buckley he has a difficult task sometimes in trying to advise the Town.

Attorney J. Hages states that sometimes there is not a clear cut answer, things are not always black and white sometimes there are shades and questions can be difficult.

Selectman F. Byron mentions that he felt and understands why Attorney David LeFevre would sometime say that it is not his job to make a decision for the Town and he understood and fully supported that. So when Attorney LeFevre wrote his opinions to the Town he would state that you can go down this path this is what it means and if you choose this path then this is what it means. He felt this frustrated some members on the Boards and Committees, but he understood that it was ultimately the Board's decision. However, that was not the frustration that he was expressing with Attorney Buckley.

Selectman P. Jewett would like to make sure that Attorney J. Hodes will be the first contact for the Town. Attorney J. Hodes replies that yes he will be.

Selectman F. Byron states that as of about 4 years ago when Administrator J. Hoch joined the Town the way that the Town utilizes Attorneys has changed. He would like to understand from Attorney J. Hodes how will that change the way the Town deals with him on a contract type basis. Attorney J. Hodes feels it has been a big advantage to the Town, the Firm use to be on a retainer and when Jason was hired the Town did not need to utilize the time as much. So it was decided to do away with the retainer and move to an hourly basis and the fees should be significantly reduced. Also because Development is down your Zoning and Planning Boards are not as active. He feels that J. Hoch has solved a lot of the everyday problems in terms of needing his Firm to do things so that he has been a big benefit and savings.

The Board thanks the Attorneys for their time and will let them know of a decision.

Wage Adjustment Per Contract

Administrator J. Hoch states that this is regarding his wage adjustment. He mentions that his contract called for an adjustment in his wage as on April 1st. Since there is some uncertainty with the Budget at this time he is suggesting that this adjustment be deferred until he and the Town can sort out the various budget issues. When that becomes clearer, then the Board can deal with the result and he will draft a Contract Amendment to recognize that resolution.

Selectman J. Brunelle states that Jason is volunteering for his wage increase to be deferred for 60 days. Selectman J. Brunelle makes a **motion** for the Board of Selectman per the Town Administrators request defer his contract wage adjustment for 60 days, from April 1 to June 1, 2013. Selectman B. Lemire **seconds** the motion.

Selectman F. Byron asks Jason by deferring are you taking X amount off of your Contract or just deferring for 60 days for the whole amount, what does defer mean.

Jason Hoch mentions that he wants to be clear that from April 1 to the end of the year based on his contract, there would be an additional dollar amount of \$1,875 to be paid to him. That what he is suggesting is that as he is putting together some of the Default Budget numbers, he is looking at some recommendations to not take all of that amount for the balance of the year. To leave some of that raise on the table for the year. He is happy to do his part, there is no back edge to shorten the Contract by a month or make it up somewhere else. He states that this calendar year the Town and he are looking for ways to save some money and take care of the things that need to be taken care of, and he is willing to do his part. But until the dust has settled he does not know what the numbers will be. **Vote carries 5-0-0.**

Selectman J. Brunelle mentions that he is pretty passionate about the fact that the Town has many Employees who are stuck at the top of their pay scale with 20 years or more of employment. They have not had a cost of living increase, but have had increases over the years in their pay due to Health Benefit costs. Selectman J. Brunelle would like to give up his Selectman salary for this year and have those proceeds deferred to a General Salary Fund to be paid out to those employees as a longevity bonus. He would like it to be divided for a one time only "Thank you for your Service Bonus" given to those employees.

Selectman B. Lemire states that the Board cannot do that because it was a Warrant Article that failed and no means no.

Selectman J. Brunelle states that the Warrant was for a COLA increase, he is speaking of a one time bonus from the money he is donating to be given to the few employees in this position. It does not affect anyone else's money.

Selectman B. Lemire suggests that the Board work on a program rather than just piecemeal something like this together. He mentions the State, as well as he, are working on a program that would reward longevity, where you get a set amount after so many years of employment.

Selectman J. Brunelle states he was not looking to start a program, this was just to be a one time bonus from his pay to say we have not been able to get you a raise but Thank you.

Selectman B. Lemire understands Selectman J. Brunelle's point and thanks him for it. However, he mentions that there are a lot of individuals within and without of the Town who are in this position of not receiving a cost of living increase. The Town was very clear in their votes against any raises and feels that has to be upheld

Selectman J. Brunelle states that what he is struggling with is that he is not asking to increase taxes. He is taking money that was already approved and is given to each Board member and he is forgoing the \$1,200 he receives to have it donated for the employees who have not had any step increases due to the Town's current program. He states maybe he is presenting it wrong to the Board but would like to try and do something for those individuals to say Thank you.

Selectman B. Lemire states he thinks it is a great idea, but feels a plan should be put together and funded so everyone benefits and continue the program.

Selectman J. Brunelle feels that would conflict with the no means no COLA that failed, he is just looking to do a one time thing this year. But if there is no support for it than there is no support, but he was putting it out for discussion.

Selectman P. Jewett asks how many employees are there that this affects.

J. Hoch states that he believes it is 5 or 6 people, there are employees who are stuck at 10 years who have to ride out till they hit 20 years of service. Then they receive one more increase at 20 then plateau from there.

Selectman F. Byron states that he proposed cutting the Board of Selectmen's salaries and was chastised for it, and now it is proposed that we would not take any salary altogether. His other point is instead of talking about making another program the Board should be finishing the programs it has started and come together with improving the Step Program and come out with it. His other point is that once the Board decided to go thru with the salaries for the Board members, he signed up thru the Town of Litchfield for a Health Care Savings Account and has all of his salary put in that, which now goes to help offset his health care costs, saving he and the

Town money. Now he states that the Board is talking about defunding that, which increases his Health Care costs.

Selectman J. Brunelle states that the only reason he has brought this issue up is because Selectman F. Byron has tried to zero out the Board's stipend each year. He has been against that because he feels it puts a zero value on what the Board does. His only intent was to address some of the concerns regarding those Employees without impacting the bottom line of the Default Budget or funding additional programs. If there is no support from the Board to do this than that will be fine he understands.

Selectman B. Lemire states that he has mentioned it before and will mention it again that the Town of Litchfield had an ideal salary schedule years ago. It had 7 Merit Steps and 7 Longevity Steps over a 30 year period. It was a great schedule that combined Merit as well as Longevity into one, with a 20 Grade and 14 Step Program that worked successfully for years. At some point it was compressed down so wages would be paid earlier and up front and now because there has not been a cost of living increase they want to reverse that. Selectman B. Lemire applauds Selectman J. Brunelle's effort but would rather go back to a Salary Program that had longevity in it and that rewarded years of service thru the program. Employee's knew exactly what they would make if they completed their Merits and knew Longevity Steps would come throughout their careers. Rather than piecemeal something together he would rather go back to this type of salary program.

Selectman J. Brunelle states that this discussion puts the Salary Program back on the top of a priority list. If the Board readjust the Grades and Steps hopefully it will address these issues. He was not trying to bypass the COLA issue he was trying to be helpful and Thank people who are caught in a situation with no pay increases with a one time bonus to take your family out to eat or use however they would like.

Selectman B. Lemire states that he does not believe that anyone thinks Selectman J. Brunell's intentions were anything less than honorable.

Discussion is tabled until a future time.

Default Budget Discussion

Administrator J. Hoch mentions that last Wednesday and Thursday he made a first pass at a restructuring of the Budget to accommodate a Default Budget bottom line. He tried to go line by line looking at the Town's actual experience with nearly 3 months behind them (and nearly 6 months since some of these lines were estimated). In some cases Jason states the Town has been trending under estimated figures, so there is some potential to offset there. To be fair, in other cases there are items where estimates were low and he has made those projected adjustments. In addition, Jason had constructive input from Department Heads who have gone through their Budgets and with suggestions he has run his logic on some line item adjustment in their Budgets with them. Jason would like to take another measured look at the potential changes that have been made and check his work and then package up the recommendations the he feels would make it possible to accommodate the lower bottom line. Jason states the short answer is that he thinks he can get there with the Budget. There is less margin for the unexpected and unanticipated than he is normally comfortable with at this point. That being said there are some caveats such as last year we did not have a Winter this year we are having a

heck of a lot of Winter. The salt budget has been spent, so the Road Agent and Jason have been trying to find trade offs for this problem within his Budget, because winter will happen again at the end of this year or still tomorrow for that matter.

Selectman B. Lemire asks Jason if he started with last year's approved Budget and gone through each Department. Jason states no he did not because the Default Budget is derived by a series of mathematical exercises and rules that are applied to each line which may or may not reflect the reality of where the Town is today. He states he could come up with a number but then it would be overbalanced in some areas and then cut to much in other areas, so in his mind the fair thing to do was to look at each Department and say where are we and where do we need to go and how can they balance the numbers to achieve as much as was wanted to achieve within that bottom line.

Selectman B. Lemire asks can you do that with a Default Budget. To which Jason states the Default Budget is just one number bottom line.

Selectman J. Brunelle states that they have to take a look at the priority of items in the Budget and reassess those priorities in the Default Budget. At this point some will change some will not, Jason is still working on the numbers and once the numbers are in order and the re-count is finished there will be further discussion on the Default Budget. But feels the Default is a workable number.

Jason Hoch states that the Town did away with the undefined contingency and did set up a Reserve Fund and one was specifically for winter maintenance. So he feels it appears that the Town can absorb the bulk of the changes without dramatically revising the Towns plans. He does not have to revise the whole Budget, but look at lines and address where the projections were higher and where some were lower. Jason states he will have numbers and note given to the Board by the end of the week.

Selectman F. Byron states that the difference between the Budget and Default is only 1.6% or about \$74,000. It is not a huge difference and feels the Town will be ok.

Administrator J. Hoch mentions that the next Board of Selectmen's meeting is March 25, 2013 at 6:00 pm and the Board will be interviewing the two remaining Legal Firms.

Selectman Reports

Selectman P. Jewett attended a Zoning Board meeting for the first time in quite a while, the Board had two items which both passed.

Selectman F. Byron states that there is a Planning Board meeting at 7:00 pm and they will be discussing the situation where the Town of Hudson borders Litchfield with a development where there are lots for both Towns. So it will be a joint approval with Litchfield Planning Board. This is an area on Old Derry Road.

Items moved from consent - None

Other Business

Selectman F. Byron states that at the polls he was approached by a citizen who wants to remain

nameless and would like to donate the \$10,000 to the Town for the Sewer Study Warrant Article. So he is advising the Board because obviously the Board can not spend that money, and he will get back to the individual and advise them that it is something the Board will look into next year. The Board thanks that individual.

Selectman J. Brunelle states he will open the Public input because there is an individual who would like to speak.

Public Input

Jason Guerrette, 11 Perry Court, addresses the Board and congratulates them on their elections. He asks about the Fire Departments and Jason's conversation regarding Wage Scales, and would like to know if it could be made public. Selectman J. Brunelle and Selectman B. Lemire state that it is public record being televised and in the minutes. Selectman J. Brunelle goes on to mention that the Chief proposed a plan for new hires to be started at a \$10.00 rate of pay and then as Certifications were done there would be increases according to a pay grid.

Next he discusses that it is generally known in a public area such as we are that people like to give money for time and service, and that there are some industries out there who do but they are very few and far between. He has been in about 7 different Industries himself and it does not matter how qualified or how much schooling he gets he does not receive more pay for it. No employer comes up and says here is some additional money. States it may happen in the IT world, he does know someone in it. But feels it is easy to give away someone else's money, he understands why they are doing it, but in these times those are things that are going away in the private sector because they are too expensive.

Selectman J. Brunelle mentions that this is like a rank and position as you move from a Manager to say Director's position, you do get a pay increase for more responsibility. As you move up in the Fire service from I to II or EMT to Paramedic, you have added responsibilities and this should be compensated is all that the discussion is about.

Jason Guerrette states that if it is for a position that would be one thing, he understood it was for Certifications. Which Selectman J. Brunelle state in the Fire Department, Certifications are a position upgrade.

Jason Guerrette also says kudos to Administrator J. Hoch for putting off his contractual increase, but would like to know if that contract is a public document.

Selectman F. Byron tells Jason that the document is with the Town Clerk and any citizen has access to it.

Jason Guerrette would like to know who wrote the Contract. Selectman J. Brunelle states that the Contract was developed between the Board and the Town Administrator at the time, then reviewed by the Town's Legal Counsel.

Jason also states that the conversation Selectman F. Byron had regarding the donation to the Town by an anonymous Citizen, he finds very troubling. Due to this year, the Town said no to that Warrant Article, and to think that this Board may even consider to spend that money he feels is an end around. He feels that for whatever reason that individual wants that study to happen

and there could be some conflict of interest or reasoning why this person would want that to happen in this Town. The citizens said no and it may not be a monetary issue, it may be they do not want sewer running into our Town; it opens up a whole different can of worms regarding motives. So that individual may have a very large Business interest in wanting the Town to fund that study.

Selectman J. Brunelle would like to state so the Public understands that the Proposal was not for the Town to put in a public Sewer System. The Proposal was to study and set guidelines and put plans in place to do it in the future. Any Developer would have to pay for that on his own. Even if the Town does not following thru in doing it, a Developer can still come into the Planning process and to it themselves. Then the Town would have no pre-plans in place to be able to do what the Town might feel is best for the Community as a whole. Selectman J. Brunelle would also like to mention that if you look at most surveys done around Development, a large percentage of the Communities that respond feel they need some style of Industry and some kind of sewer system built to bring those Industries in and it may not mesh well with the Community. Goes on to mention that nothing in the Town Ordinance could stop this and the Town may not have a say. Jason Guerrette states that he understands and says let the Developer do it. But the ultimate survey is at the ballot box, so we can send out as many Surveys as we would like but in the end the ballot box is the Official Survey and the Town should be listening to it.

Lastly, he would like to address Selectman Brunelle as Selectman Lemire said and thank him for wanting to give up his stipend. But as a Citizen and Voter in this Town he feels that is an end around. An end around of what Voters wishes were and finding ways around, or nuances for getting people money, however it comes thru the Budget is, in his opinion, counter to the spirit of what the Town said. He goes on to say that it is impossible for the voter to say no to every possible instance that this Board can come up with to figure out a way around it. In other words the voter was given only one question to say no to, not no to any instances or any instance what so ever. He understands Selectman Brunelle's intention, but quite honestly he finds it dishonest to try and figure a way around what the voters wanted. Selectman J. Brunelle tells Mr. Guerrette that the word dishonest rubs him the wrong way. He was not being dishonest and it was not his intent to run around. He looks at a one time Thank You Bonus as a completely different thing. The money was coming out of his pocket, something he was going to receive anyway because it is in the budget, and he was directing it to someone else who may be having a little bit of a problem. There was no dishonesty, COLA means something different to him then what he proposed. He certainly takes Mr. Guerrette's feedback under consideration, and the Board does not support it which is fine. But the word dishonest is just twisting it because he was not being dishonest. He took an oath and has been on this Board for 3 years now and will be here another 3, and will do it in the best way he can and is always open and not trying to be dishonest in anyway. The word is wrong.

Jason Guerrette states that he understands that Selectman Brunelle does not feel that way. However, as the guy who you are taking his tax money to pay your stipend he sees it as dishonest. So his point is that any Budget item that

Selectman B. Lemire states that he was giving his own money that he was receiving anyway he was not taking yours.

Jason Guerrette asks Selectman Lemire to not interrupt and allow him to finish. He knows he

would like for him to just go home, but he would like to finish. His point is that he feels it is no different than taking the money from any other portion of the Budget that the voters thought it was going to. The voters voted for the Default Budget we all understand what a bottom line is. The voters have an idea where the money is and clearly voted against raises at this time because most of us are not receiving them and are having the same problems at home. So he finds it intellectually dishonest.

Selectman J. Brunelle closes Public Input

Selectman B. Lemire makes a **motion** to adjourn. Selectman P. Jewett **seconds** the motion. **Vote carries 5-0-0.**

The next Board of Selectmen's meeting will be on March 25, 2013 at 6:00pm at Town Hall

Approved March 25, 2013

APPENDIX

TO: Board of Selectman

FROM: Frank Fraitzl, Fire Chief

CC: Jason Hoch, Town Administrator

DATE: March 15, 2013

RE: Call Firefighter Incentive Program

Background:

Currently all call firefighters are compensated at the same rate per hour without any consideration given to length of service, experience, educational or certification levels, or internal qualifications (i.e. driver, etc.). Presently we have 20+ year members who are firefighter 3 and paramedic certified earning the same as a firefighter hired three years ago who is only firefighter 1 certified. I am sure the board can understand that this is not a healthy practice nor does it promote incentive to excel to higher certification levels or internal qualifications such as becoming an apparatus driver/operator. This is further,

compounded when hiring new personnel.

With the addition of several new personnel, a more comprehensive compensation program is needed in order to ensure that we are not paying a new employee with no experience or certifications the same as current employees, or paying the new hire the current rate to attend fire and/or EMS certification programs at payroll burden to the department and community. Based on a review of the NH Local Government Center's 2011 pay survey as well as my own research of other departments of similar types it is readily apparent that the current call firefighter rate of \$16.32 per hour is on the high side of average.

Given this situation I am proposing the following compensation program with an implementation date of April 1, 2013 assuming board concurrence.

New Hires:

Based on the established practice of an hourly rate \$16.32, and using this as a general target point for a firefighter 2 certified person with EMT and qualified as a driver/operator of our apparatus. As proposed in the 2013 budget, all recent new hires have started at \$10 per hour. Additionally, they would be eligible for the following hourly incentives.

Firefighter 1 \$1.50

Firefighter 2 \$.50

EMT \$1.50

AEMT \$.50

Paramedic \$.50

Dept. Approved Driver (all apparatus) \$1.00

At successful completion of the 6 month probationary program the firefighter would be eligible for an end of probation adjustment of \$1.00. Note: At this point, based on the department's probationary training program, they would be able to perform tasks and of benefit to the organization. Anyone hired with current certifications would be eligible for the certification incentive from date of hire. This is based on the fact that we are saving money by not having to pay for their certification or time in class. They would not receive the end of probation adjustment until they completed the program.

Examples:

New FF w/o any certification

Start: \$10

Completion of Probationary program \$1.00

Certification adjustments as completed.

New FF w/ FF 2 & Paramedic

Start \$10 + (FF1=1.5; FF2=.5; EMT=1.5; AEMT=.5; Paramedic=.5) Actual rate \$14.50

Completion of Probationary program \$1.00

Upon completion of additional certifications or qualifications he/she would be eligible for Driver/Operator (\$1.00)

Max starting would be \$15.50.

The second scenario is on the higher end of the spectrum, and would not likely occur often. Currently of the 5 new personnel hired, 2 have no experience or certification, one is a FF1/Paramedic = \$14, one is a FF2=\$12, and one is a FF2/AEMT=\$14. So, the max starting would be \$14.00 given this scenario. Additionally, the five candidates remaining on the eligibility (if hired) would be at \$10 as they do not hold any certifications.

Per-diem personnel & Specialty Staff:

Historically, there has been a group of employees referred to as “Daytime Coverage” most of which did not reside within the community and therefore were not on the department in a call firefighter capacity. They typically only worked when covering for full-time staff. Presently, we have re-defined this position as Per-diem staff with the similar roles and more clearly defined responsibility to the organization. For the purpose of this proposal, those hired after 3/1/13 would be treated in accordance with this proposal with an exception made for those hired for specific functions or with an expertise in a specific area (i.e.; Fire prevention, mechanical, etc.). Specific responsibilities would be addressed on an individual basis based on needs of the department. .

Current Personnel:

This is a more challenging situation due to past practice. All current personnel are certified at the firefighter 1 level. Several are firefighter 2 and we have many that are EMT's or above. We have additionally struggled to increase our driver/operators since my arrival. We have brought a pumps expert in to teach a 16 hour class as well as made it a focus of last year's training. We have added 2 drivers to the list and have 3-4 more that should be approved by the middle of this year. (Pump training is challenging during the winter months)

While this is an item that will need to be addressed, there are potential budget impacts which need further review and analysis. Combined with the impact of a default budget, I believe it is best to defer any action on this until later this year or in conjunction with the

2014 budget proposal.

However, given the identified need for additional drivers and in an effort to succeed in completing the current driver training program, we propose to offer a one-time incentive of \$200 for all current firefighters who are approved to drive and operate all LFD apparatus by 12/1/2013.

Summary:

I realize this is a significant amount of information to analyze; it has been a work in progress for several months but I do believe it is a start to a much more incentive based and equality driven compensation program for the department.

I would ask for your concurrence with establishing the incentive program for the recent and future new firefighters as well as the one time driver operator incentive. With several recent personnel changes within the department, there should be no negative impact to this year's budget.