



## **Selectmen's Meeting**

**Rindge Town Office**

**Date: Wednesday, July 20, 2011**

**Time: 6:00 P.M.**

**Present: Carlotta Pini, Pat Barry, Jed Brummer, Sam Seppala**

**Meeting Minutes -- APPROVED**

**5:00pm Non-Public minutes**

**Call to Order 6:00pm**

**Pledge of Allegiance**

**Citizen's Forum** – Mr. Coffey asked, “Has anything been done about the fire alarms in the last six months? Pini said the Town spoke with the Fire Chief as to why the alarm’s no longer sounding on Saturday mornings. There’s a mechanical defect with the alarm which would have cost \$1,500 to repair two years ago, and there wasn’t money in the budget then. So, the alarm went out of service. Since that time, portions of it have been removed. There have been discussions about the value of putting it back in place, but since the system always had limited range and didn’t cover the whole town (and we don’t have similar alarms in other parts of the town), we’re looking into other avenues of emergency communication—such as the Franklin Pierce radio station—as well as some options that the state offers.

Rick Donovan, the Fire Chief, said that the Saturday morning test hasn’t happened since 1999 and reiterated that it would cost \$1,500 to make the alarm work---and then it would sound over only a limited range. He said we need to have a town-wide alarm system / way of mass communication in emergencies that doesn’t cover just one area of town. People in East Rindge would not be able to hear that horn, for example, and we don’t have the equipment in the station to make everyone hear it. All the radios came from a grant, and we have to get approval from the state to supplement the system.

**Follow-up**

**Approval of Minutes**

**July 6, 2011** –Brummer made a motion to accept the minutes of July 6th, and the motion was seconded by Seppala. All members were in favor.

**General Business**

**Fire Station electrical service upgrade** – Mike Cloutier, Department of Public Works Director, is in charge of all town buildings. Last week, Cloutier received call from Donovan regarding the shorting out of the fire station’s fuse panel. Cloutier advised that we need to address upgrading that panel to avoid serious issues, and we need to remove the circuit that’s melting. Donovan said the main service panel has been overloaded—the main bus bar that brings all the power into the box is melting and failing from heat to due overload and arcing of the panel. Plus, as of early July, the polyvent exhaust system that takes truck exhaust out of the building is not working.

Donovan advises an upgrade of electrical service to three-phase 200-amp service or a single-phase 400 (“320”) amp (breaking it into two 200-amp panels). Costwise, we might be looking at \$10,000-\$15,000+. Pini said that upgrading the Town’s panel before cost around \$12,000. Donovan said that three-phase is the way to go.

Donovan also found some wires upstairs that had failed due to fires. Getting rid of old Bromex wiring and repairing and replacing the building’s circuitry is too big a project for the guys, who aren’t electricians. So Cloutier will work with Donovan to get pricing proposals if approved to move forward, and they asked whether it’s okay to proceed to get bids to fix this? Seppala said we don’t have a choice. Donovan said the panel is failing and its end could be violent. Pini said one option for paying for this project is through the impact fee collected for public safety facilities. That fund/fee was created with the intention that one day we would build a new safety facility, but that hasn’t happened yet. Currently, \$15,000 is in that budget. Rick added that another \$13,000 was collected recently for the Tractor Supply project. Donovan says he expects this to cost \$15,000, and added that three-phase service is not inexpensive but it is more cost-effective in the long term. Brummer made a motion to approve putting out to bid a replacement/upgrade/repair to the Fire Station electrical service system, and Barry seconded the motion. All were in favor.

Donovan recommends putting the new three-phase in its existing location. PSNH will upgrade the transformers and the road components, but the internal wiring is our responsibility. A citizen asked whether we can get a comparison of costs between the 200 amp three-phase system and the single-phase 400 amp system considering the possibility of the fire station moving to another building in a few years. Barry said that having new facilities would be helpful to the Town.

**Meetinghouse bell tower project** –Cloutier explained that the Meetinghouse bell tower needs to be repaired. So, we have drafted a request for proposal concerning repairs to the steeple itself. The Town also had an asbestos examination done and asbestos was found. It was recommended that we add to the proposal some language referring to the asbestos abatement. Pini said we had \$20,000 in the meetinghouse capital reserve fund from 2007, did no work in 2008-2009, and now have \$45,000 in meetinghouse fund. The award fund was \$42,000. So, we have somewhere around \$87,000 for the work, and that includes a 20% contingency overage for the project which is reflected in the proposal. The proposal does not address the painting we might need to do. Cloutier might suggest painting two sides of the Meetinghouse each year, and doing the steeple first and other areas later. The steeple is in the worst shape right now, and we’re working on the fence, too. Cloutier wants permission to put this proposal out there. Pini discussed whether to put the proposal out to open bid or send it to a select bid list. There are firms that have worked on historic buildings before, so Pini suggested that, prior to putting this out to a general bid, we send it to those who have experience with historic buildings. Seppala agreed that this would be a good idea. Cloutier said when the Town had the steps redone, there were major issues with the steps not looking integrated with the historic structure, so he also suggested reaching out to firms that have experience in restoring historic properties. Plus, the standards of the Dept. of Interior have to be followed since we received a grant for this property years ago. Seppala made a motion to send out an RFP to repair the bell tower. Citizen John Kauer said that the DPW has to put it out for public bid. Pini said there’s no legal requirement to put this out for public bid—though we have a town policy that projects worth over a certain amount are put out to bid, the Selectmen have power to decide. All members were in favor.

**Police detail ordinance** – Chief Mike Sielicki provided a packet of information that Pini had the chance to review before the meeting. Pini said we started reviewing the police detail ordinance primarily because there was talk around town that the rates we charged companies to do the details didn’t cover our costs. We thought that was false but we wanted to look into it to make sure. Second, a review was made of all the police ordinances and policies because these hadn’t been looked at since 2006. Moreover, we also knew that the state retirement system would be changing its rate on July 1<sup>st</sup> so we wanted to make sure our rates would cover that rate increase as well. For the Board of

Selectmen to review the ordinances, we thought it would help to review why we do details and what they're about. The summary was broken down as follows: details done for events, traffic control, grants, and the paving project, and these were further categorized into in-town and out-of-town details. In 2010, \$5,642 was billed for details on Rindge events, and \$2,388 for out-of-town events, (e.g. proms, fireworks in other towns), for a total of \$8,030 in detail fees at \$52/hour. Next, we billed \$64,507 for traffic details in Rindge – to PSNH, Asplundh, etc., and \$37,986 for out-of-town traffic details in Keene, Jaffrey, etc. Other towns get billed directly for event details but not traffic details. \$12,272 was billed for grant-funded details (special speed details, DWI, off-road vehicle details) and \$5,096 for the paving detail (the roads that Cloutier had paved last year, and the contractor rolled the detail costs into their bid). So far in 2011, we've billed \$44,878 for in-town details and \$988 for out-of-town for a total of \$45,866. Keene's projects are mostly done so we aren't doing as much out of town.

Details for the officers: We bill details at \$52/hour and officers receive \$40/hour. In 2010, Officer Blake earned over \$17,000 in details and the report is sorted to the least earner who earned just over a thousand dollars. The officers earned a total of \$98,305.64 from details. Sielecki said in 2006 we established a rotation policy in the force to assign details. A detail opportunity is posted on the board and there's a rotation list: Sergeant Frank Morrill calls an individual on the list and, if they refuse, the detail goes to the next person. Selectman Barry said of the \$127,891 we billed for details in 2010, we paid \$98,305 to the officers and the difference covers the benefits associated with those wages, including Medicare and state retirement (we don't pay Social Security). Medicare is 1.45% and retirement deductions just went up. We do make a small profit which is now made even smaller by the increased retirement, and those monies sit in the police detail revolving fund--all expenses, pay and benefits, are paid out of that fund. The same is true for the costs to purchase, maintain, and repair cruisers. And the small residual amounts accumulate. Last year, \$8,000 was used from the detail fund to repair the cruisers and keep them running, and this way taxpayers didn't pay anything for those repairs.

Pini reviewed the draft police detail ordinance that she and Bob Cleland developed using the 2006 ordinance as a framework while incorporating some new thoughts. The last meeting mentioned that the Roadway Committee was considering this ordinance relative to community safety. The recommendation of the Roadway Committee was that the Board authorize the Chief to make the decision regarding traffic details, as he has, and reference the NH DOT guidelines that suggest when a flagger might be appropriate vs. a uniformed officer. Sielicki voted against this; he created the original policy that he believes is more comprehensive and lets every contractor coming into Rindge know better what to expect (i.e., will they get officers or flaggers). The problem Sielicki has with DOT is that DOT is rewriting their guidelines, and he said we'd be liable to change our ordinances if we parallel their changes. So Sielicki adopted their guidelines to our policy and changed the wording in places – i.e., he replaced DOT's "shall" with "may" so that he retains the ability to decide when flaggers or police officers will be used. The DOT requires flaggers in certain situations and Sielicki would like to be able to override that, so he wants the policy to say "may" use flaggers or uniformed officers in those situations.

Charlie Eicher of the Roadway Committee advised using common sense; guidelines change but the policy remains. Use no one, a flagger, or police detail according to the situation. For example, you wouldn't need a detail for tree work on Eicher's quiet cul-de-sac even though the guidelines advise having one for general roads.

Phil Stenersen cited an instance that worked fine when they worked on a curve but used cones ahead of the curve to warn motorists. DOT language: "Flaggers shall be used at the greatest extent possible; however, uniformed officers may be used...." "The consensus of the Roadway Committee is that the Chief should make the decisions as to whether any detail is required and if a flagger or an officer is required. Referring to the DOT guidelines can show the reasoning involved in those decisions.

Stenersen said there should be an appeal process that puts the burden on the party needing the detail to prove that they are requesting the correct thing.

Sergeant Morrill said that, in the interest of transparency for the public, there is a list of roads where details are suggested instead of flaggers because of curves, poor visibility, and speeding traffic. The need for details is on a case-by-case basis, and the Chief has discretion to decide whether there's a detail or not. Detective Dan Anair said that "shall" requires someone to enforce something, and then whose responsibility is it? Pini says these guidelines are about safety, the roads, and conditions. Sielicki says he has no problem paying the overtime at time and a half, but the money is not there.

When our lights were being changed (which was mandated by a grant), the Chief billed the town \$1,500 for a police detail; Barry said the detail was never approved when the Selectmen approved the grant. The ordinance/2006 policy says there is no detail authorized for Town projects. Pini feels strongly that the Town should not be billed at the \$52 detail rate which an outside company would be charged. Morrill said someone had to direct traffic when these lights were changed. Sielicki said if we'd billed the grant, they would have attached more costs. Barry said it still doesn't answer the question: if the policy says we're not charging for Town events, how are we doing it sometimes and not others? Brummer said it comes down to public safety, and if we need officers for safety we should anticipate the costs. Sielicki said he doesn't have a problem paying his officers time-and-a-half instead of the more expensive detail rate, but if they don't have the money, how are they going to pay them. Pini said that, whenever we as department heads don't have coverage, we just have to do the absent person's work to get things done. Sielicki said if he pays a part-timer, it takes away from the funds. Pini says we have to make do with less because we've been on a default budget for four years, and we have to wear many hats to get the job done with less money.

Sielicki said that Fairpoint and Verizon are here all the time and we leave them alone. Eicher said the issue of overtime vs. \$52.00 hour may be that overtime comes out of the Chief's budget. If it comes out of the Town, where does it come from? Pini said there is no budget. Seppala said whenever we apply for grants, we have to know these hidden costs. Eicher said where is the \$52/hour coming from? Pini said our bookkeeper will cut a check from the general fund and put it into the Police Department's revolving fund. Pini believes the Chief should incur the costs of covering town events in his budget, and the Chief doesn't think his budget has enough in it. Barry said this needs to be addressed during the budget process as well as in the detail policy and grant application policies. Seppala says our responsibility as Board of Selectmen is to not create costs to the taxpayers that wouldn't be there otherwise, e.g., if the \$52/hour is a cost that wouldn't be otherwise incurred.

Kauer said that, according to our \$5.00 extra in the \$52/hour, we should have an overage in the police detail account of over \$12,000 that could pay for the town details. And what are we doing with the \$12,000 – earning any interest in the bank? Phil says it might make sense to hire part-timers at \$17.50 vs. charging \$52/hour. Sielecki says full-timers should have the first shot at the opportunity to make more money over a part-timer.

Pini next addressed special events details. According to state statute, the Chief has discretion over whether a detail is required for affairs in the center of town, on the common, etc. but Selectmen have purview over whether these are paid details or not. The policy makes non-profit events that enhance the community exempt from detail rates (they would engage part-time officers instead). Section 5.2 says that any town event will be completely exempt from payment from the detail rate. Pini says there may be some traffic control required, but do we send ourselves a bill for \$52/hour? She would like to be able to say no. Sielicki says why should a part-timer have this opportunity to get this work? There has never been a non-profit that's been required to have a detail officer—they tell the police what they want to do. The policy gives Sielicki the ability to determine the detail. Pini says non-profits cancel their events because they're afraid of the costs of details. Last year, when our own Rec. Dept. had the 5K road race, Rec. Director Craig Fraley got a proposed bill for police detail showing

the \$52/hour billing rate (vs. time-and-a-half). The concern is that being billed at the higher rate by our own Police Department hurts Town events that are meagerly funded to begin with. Sielicki said they ended up charging time-and-a-half for the details even though the proposal was for \$52/hour. Barry said this creates a perception and goodwill issue if people think: "I'm trying to organize an event for my town but am being soaked by my own Police Department." How do we rewrite this policy so that this isn't the perception? Sielicki said the costs of events should be discussed upfront and the event-holder should have the opportunity to come before the Board.

Continuing the goodwill perception issue, Pini advised that the Chief be removed from the detail rotation. Other towns do not allow their police chief to be on the detail rotation. Simply as a policy matter, if the police chief is the person making the decision as to whether a detail is required and he can financially benefit from that decision, it goes against our policy that no employee of the Town shall make a decision that can benefit him or her financially. Sielicki says there has never been abuse of the policy and, moreover, there is now an appeal process. Sielicki says that to deprive him of this benefit seems unfair to him. Pini says the Board should take up this as a part of the budget process and the salary and benefit policy. Her concern is the perception and fact that the Chief is deciding about the details and that people have questioned this.

As a result of this discussion, Section 5.2 was changed to "Non-profit and civic groups, whose events are deemed to enhance the Town's sense of community as defined by the Board of Selectmen, may pay wages and associated benefits as per the detail policy."

Morrill said removing the Chief from the detail rotation might cause hardship to the Department. Barry said that this discussion should be part of the budget discussion, and that this policy comes down to an ethical question. Anair and Morrill serve as Sielicki's designees in asking officers whether they want a detail. Morrill said that, as long as the criteria meet the draft policy, we can probably get around the ethical question. Sielicki says it's unfair, but Barry says the perception is that Sielicki's assigning his own hours and, if he were not allowed to do details, compensation would be made in other ways.

Eicher said he doesn't think anyone should be put in a position of a potential conflict of interest. The Chief may delegate, but he's still responsible for the decision no matter who makes it. Phil Stenersen said that to single out the Chief as having no detail opportunity is not fair. Seppala said he thinks the less expensive route is to let the Chief do the details. Sielicki said if details are done at the time-and-a-half rate, we don't charge a cruiser fee. Brummer said we should discuss this again to address the perception issue. BOS said we'll take it under advisement and all feedback from the Police Chief has been very helpful. Then all present honored Officer Tom Horne. Barry personally thanked all officers for the work they have done, and acknowledged that they are not compensated as well as they should be.

**Requirements for special events** – Rick referred to the Requirements for Special Events, which comprise 15 pages of statute and fire codes. Enforcing these requirements protects the Town's liability. Special events (other than residential parties) are those with more than 50 people and which use a structure outside its normal function, and they're subject to the state fire code. Applications for a fire permit and police detail are part of the packet.

Pini says this packet could be presented in an informational session to the Women's Club, Library, and other groups who might want to host an event, and it was generally agreed that this would be quite helpful. Kauer then suggested that this packet be given to the Chamber of Commerce, etc. so they know what to tell groups that inquire. Seppala said this packet will discourage events. Pini said this is just informative packet and it lets groups know that these aren't our rules; they're state rules. Rick said 2/3 of this packet deals with tents and canopies so it shouldn't discourage all events.

Stenersen suggested that the packet include samples of filled-out forms. Barry said it might be useful to get this to school administration, etc.

**CARFAX Agreement** – This Agreement will allow law enforcement the ability to access CARFAX data on millions of cars. When you buy a car, CARFAX can tell you if the vehicle has been in an accident and what damage it sustained. Using CARFAX will cost the Town nothing yet will allow us to access all the data on their servers. If we have a hit and run, for example, we can say, “We’re looking for a red car with front end damage...” CARFAX will also process our accident and insurance reports and send us a check for the amount of reports sold. It will save us time: State law allows 15 days to prepare accident reports but CARFAX does it a lot faster, and officers can approve reports from the road. The Police Department gets inundated with requests for accident reports by insurers, citizens, etc. and this way they can just send people a link to the reports. However, citizens can still come to the Police Department to get an individual report. Accident reports are totally secure on this system; the general public can’t see them—they’re protected by a separate firewall. Rindge will be the first town in New Hampshire to have this access to CARFAX. John Kauer asks who owns the data and who changes it? Sielicki says CARFAX does and they must pertain to federal and New Hampshire privacy laws which are stringent. What people see, the operator’s report, shows limited information while the State report is more detailed. Both the State report and operator’s report goes to CARFAX. Brummer made a motion to accept the CARFAX proposal, Barry seconded, and all were in favor.

**Payroll Manifest** – A motion to accept was made by Brummer and seconded by Seppala. All members were in favor.

**Accounts Payable Manifest** – A motion to accept was made by Brummer and seconded by Seppala. All members were in favor.

### **Town Administrator’s Report**

**Ongoing Business** – Our attorney sent correspondence to Argent re: the franchise agreement. We’ll have more information to report when they respond (response requested by Aug. 8<sup>th</sup>). We also received a proposal in the mail from Attorney Ratigan whom we met two weeks ago. To date, we have been using Gary Kenyon, and Barry said it would take a number of months and a variety of situations to see if that’s who we want to go with, so Barry suggests holding off for the remainder of this year on hiring Town counsel and revisit whether Kenyon’s services are satisfactory at year-end. The legal budget is tight.

The Planning Board would like to meet with the Selectmen on August 27<sup>th</sup>. Kirk Stenersen and Kim McCummings have agreed to serve on the Roadway Committee hearing on Atlantic Drive on August 17<sup>th</sup>, so the committee should meet before then. We have received a petition from the developer and we need to hold a public hearing; we should have an advisory opinion from this committee about the condition of the road, and then the BOS can decide whether they would like to hold off until the legal issue is clarified. A Selectman and two citizens will meet onsite at Atlantic Drive at 5:00 on August 3<sup>rd</sup>, and it was suggested that the DPW Director also be invited to this meeting. Then the Roadway Committee should determine whether that road was prepared according to the Board’s approval and suggest whether we should or should not accept this road. Someone suggested revising the ordinance that says that a Selectmen and two citizens should advise the Selectmen.

FYI Craig Fraley, Rec. Dept. Director, is on vacation through end of month. Jen, the Camp Director, is in charge. Mike Cloutier, DPW Director, will be on vacation next week and perhaps the following one.

**June Revenue and Expenditure Reports:** Calculations indicate that the Town of Rindge will pay an additional \$18,000 for the Police Dept. and \$5,000 for the Fire Dept. for a total of \$23,500. The reserve from transfers we made was \$43,000, which leaves us with “surplus” of \$20,000 which should be discussed at a future meeting because there are a couple of departments in trouble. The Elections group has had to undertake a massive purge for elections and the Highway Department had more expenses. Pini said she would like to work with the dept. heads on this.

The Planning Board also discussed the electronic sign, and they agreed it should be used for safety issues, elections, and important town events (but not for the Harvest Fair or fireworks), and discussion ensued as to where to park it and for how long.

**Mid-year budget review** – No discussion at this time.

**Meeting notice policy** – The Town is working on a policy that will govern what meetings are publicized where. Currently, the Town has 18 committees, and we’ve been inconsistent in where we publicize each of them. By law, they must be posted in two places, so we need to decide where to post them so we can tell the public: “If you want to know about this committee, this is where you go to find out.”

Phil Stenersen said the Roadway Committee reprimanded someone on Meetinghouse Road, a Class 6 Road, for filling a pothole. If one of the abutters wants to fill a pothole, it sounds like he can’t without permission according to this policy. Preliminary approval from the Roadway Committee is required before any work can begin.” Charlie Eicher said that’s because the Town owns the road and having abutters fill it their way would be like if a neighbor tried to fill a pothole on your driveway with his own stuff. The Town can’t predict what a citizen will do to try to fix something—it may cost the Town something to undo/redo it down the road. Barry says this policy was created because someone did something to a road that transformed it (not just maintained it), much to the dismay of the abutters. So everyone who grades a Class 6 road has to get prior written permission, and this is a State law. Stenersen suggested that it’s unreasonable to expect an applicant to post a bond and Pini agreed; this may be an old policy. Barry said if you change the essence of that road and move away, that’s where the bond comes in. The bond is there to say whether it was done well. Pini said she and Stenersen would get together before the next meeting.

#### **Informational Items / Communication**

**Town Clerk’s memo re: office coverage** – No discussion at this time.

#### **Adjournment 9:15pm**

Minutes respectfully submitted by Linda Stonehill, Town Administrative Assistant.