

**FIRE COMMISSIONERS WORK SESSION
TOWN OF MADISON
JUNE 24, 2014
MINUTES**

Commissioners Present: John Arruda, Josh Shackford, and Denita Dudley.

Others Present: Town Administrator Melissa Arias; Fire Chief Jeff Eldridge; Fire Warden Richard Clark; Police Chief Jamie Mullen (was in and out of room); Madison TV Videographer Amy Boyd.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on June 16, 2014 as a work session which means the public and Madison TV are welcome but public input is not required and will be at the Commissioners' discretion.

Work Session Called to Order: By Arruda at 6:00 p.m.

FIRE TRUCK SUB-COMMITTEE – Shackford gave a brief update on the progress of the Fire Truck sub-committee. Shackford said they've taken the original lengthy fire truck specification packet from 2 years ago and pared it down to about 17 pages. The sub-committee will vote at their next meeting on July 9th whether the specifications are ready to send to the Fire Commissioners and Selectmen for their review. Shackford said the specification will go out in September and be due prior to Town Meeting. Shackford said the original specification was so over-the-top detailed that the sub-committee felt it could be simplified without compromising the outcome. Shackford said some of the sub-committee members attended the Fire Chief's Convention this past weekend in Massachusetts to look at trucks and talk to vendors. Shackford and Arruda agreed that the sub-committee is doing their due diligence which should help get the Town to approve the purchase of a new fire truck at the March 2015 Town Meeting.

REINSTATEMENT – Dudley asked for an update on where Clark's request for reinstatement to the Fire Department stands. Arruda said the reinstatement request was turned over to the Fire Chief because it isn't a Fire Commissioner or Selectman matter. Eldridge said the request hasn't been discussed yet amongst the Chief Officers of the Fire Department.

AMBULANCE CONTRACT MEETINGS – Shackford said he was ill last Thursday and unable to attend the regional ambulance contract meeting that night. Shackford said the figures provided by North Conway Ambulance (CarePlus) to date have been given with the pretense that each of the towns will see a contractual cost increases in 2015 to help lessen the financial blow when a new contract starting January 1, 2016 is executed. The current four-town contract with Madison, Freedom, Tamworth & Eaton expires on 12/31/15. Shackford said Tamworth and Eaton have recently stated their unwillingness to consider a cost increase for 2015 which apparently changes everything for North Conway Ambulance. Eldridge provided the Commissioners with a set of updated figures handed out last Thursday night. Shackford said North Conway Ambulance representatives are coming to Madison for a non-public meeting with the Selectmen on July 15, 2014 to talk about future contract negotiations and cost figures.

STANDARD OPERATING GUIDELINES – Arruda said copies of the Fire Department's existing Standard Operating Guidelines (SOGs) were circulated after the last Commissioner's meeting. Arruda has read through the entire document and made some notations. He said Sections 100, 200, & 300 are the areas the Commissioners should be concentrating on because the other sections are more technical and ones the Fire Chief should see to. Arruda suggested the Fire Chief sign off on each of the document pages/sections in

place of the former Chief's signature. Arruda asked if the entire document is saved electronically someplace. Arias said it wouldn't be at Town Hall and Eldridge said he knows some of the sheets are saved electronically but he'll have to look for the rest. Arruda asked who creates the SOGs and Eldridge said as Chief he does. Arruda wants to ensure all members sign off receipt and understanding of the SOGs. Dudley said she was asked during the last Commissioners meeting to call legal services at the Local Government Center (now under another name) to inquire about a standardized Volunteer Agreement. Dudley said the attorney she spoke with said no such document exists. In fact, the attorney told Dudley that all firefighters should receive W-2's and be covered by worker's compensation and property-liability insurance. Dudley said she knows Madison firefighters are covered by worker's compensation and property-liability but aren't currently receiving W-2's. The attorney also told Dudley that in towns with a Fire Commission the Fire Chief's only role is to provide incident command on scenes. Dudley pointed out that the current SOGs don't indicate this advice. Police Chief Jamie Mullen said he disagrees and referenced the Attorney General's Office, the Police Chief's Association, and other organizations that provide operational guidelines, standards, and protocols for departments to follow. Mullen said as Police Chief he is able to issue general orders on top of SOGs and department protocols. Mullen said Police Chiefs and Fire Chiefs have to go through hours and hours of training to become qualified to hold their positions. Shackford said the technical and day-to-day operational aspects of the Fire Department belong in the SOGs but the personnel aspects should be included within or as an appendix to the Town's Personnel Policy. Arruda would like the SOGs to more clearly specify that members are receiving, reviewing and understanding the SOG packet. Shackford asked whether members should also be signing off on receipt and understanding of the Town's Personnel Policy. Dudley questioned whether this is applicable because the firefighters aren't being treated as employees; they are considered volunteers. Arruda said he asked Sue Stacey to review the SOGs and see how they compare to the Town's Personnel Policy. Arruda said Stacey made notations but he hasn't had a chance to review them yet. Arruda asked if the requirement that members live within 2 miles of the town line could be overridden, and if so by whom? Eldridge said he's considering increasing the distance to 5 miles or inserting language into the existing section that allows the Chief to make exceptions. Mullen said more in-depth research should be done on all volunteer applicants, in addition to the fingerprinting and criminal background check. Mullen said lists of references, landlords, and previous employers for the past 5 years should be required and followed up on to determine whether individuals are a liability. Mullen has a personal questionnaire form he uses on prospective Police Officer candidates that he'll give to the Commissioners to modify. Arruda said the Personnel section of the SOGs needs to be clarified to make clear that dates of service must be consecutive. Dudley said there are individuals on the current roster who aren't actively participating and therefore violate this section. Eldridge said those members will be receiving a letter from him in the future. Shackford said a policy isn't a policy unless it's enforced. Arruda asked whether members who take a leave of absence have their points pro-rated based upon the language under Inactive Membership. Dudley said the time they put in would factor into their accrued points and their annual stipend would be paid based only on the time they participated. Arruda asked if the point system calculation still runs Nov. 1st to Oct. 31st annually. Eldridge said yes. Dudley asked if it would be easier to pay members twice a year but the consensus was no. Arruda said the Fire Department's annual request for member reimbursements the first week of December can cause a problem if the tax bill due date is later than December 1st. Arruda said last year the reimbursement checks couldn't be released on time because of cash flow problems. The group discussed changing the date range for point calculation to avoid the December timeframe. Arias suggested paying in mid-July since the first issue tax bills are always due July 1st. Eldridge said he'd bring this change up at a future department meeting. Arruda asked Eldridge for clarification on who attends the business meetings versus the officers meetings. Eldridge said the business meetings are open to the entire membership where the officer meetings are geared around just the chief officers. Arruda asked where the amounts for the officer stipends are documented since they receive a flat amount on top of their accrued

points annually. Shackford said this should be placed on the personnel side, not in the SOGs since the amounts change regularly. Arruda asked Eldridge about the member requirements under Education and Training and what happens when a participant doesn't pass a training course. Clark said there was a provision previously that points would be docked in the year-end calculation if a member didn't successfully complete a training course paid for by the department. Eldridge said there is a section under Training and Education that requires members to stay with the department for 2 years after they complete a training course. Eldridge said this is primarily because of the large expense to outfit members with compliant gear. Dudley asked how the department would hold someone to the 2 year requirement. Shackford said that would be tricky and suggested leaving that to the discretion of the Chief because every situation is unique. Arruda said the social networking section should use the word "member" instead of "employee" to be consistent with the rest of the SOGs. Arruda asked that the Emergency Response section be clarified to make clear that the same safe driving standards apply to volunteers responding in their personal operating vehicles. Eldridge said there are driver training courses held routinely for people who drive large apparatus. Eldridge said there is one coming up that he plans to tell the membership about on Thursday. Arruda said he almost hit a volunteer several years ago because he blended into the strobe lights at a roadside scene and Arruda lost sight of him due to the darkness. Arruda would like to ensure the section on Awareness of Other Emergency Vehicles is clear. Dudley said reflective vests have been purchased for responders to use. Arruda said a subsection to the Town's Personnel Policy could be written specific to the fire department membership. Arruda said the Police Department has their own policies to follow yet the officers also have to abide by the Town's Personnel Policy provisions. Arruda said the Town needs to determine whether the members are going to be issued W-2's annually instead of 1099's and be taken on as employees. Arruda has also asked Stacey to reaffirm through the State Statutes that members are covered for all liability.

Shackford said an IRS complaint 3 years ago caused the Town to start gathering information about whether to issue W-2's versus 1099's to fire department volunteers. Shackford said he'd like to resolve the issue in the very near future. Shackford said there are exceptions allowed under the W-2 rule that would allow the Town to pay less than minimum wage for certain positions. Shackford said people in call or volunteer positions can be paid a "nominal" amount which is more of a reimbursement for their volunteer time and personal expenses incurred to serve. Arias said the existing chief officer stipends would likely be considered more than nominal. Arruda brought up the fact that volunteers can be paid an amount not to exceed 20% of what a full-time employee in the same position would be paid. Again, Arias said the Chief and his officers might be over that threshold unless the current stipend amounts are closely scrutinized or adjusted. Arias said there is no administrative issue with producing W-2's versus 1099's but someone would have to determine the frequency of the payments (monthly, quarterly, annually) and would have to be put in charge of calculating and submitting the information to payroll. Arias also stated that W-2's will require all members to adhere to the Personnel Policy which includes physical qualifications/abilities and random drug screening. The Fire Commissioners will do research on this issue independently for a future discussion.

Next Fire Commissioner's meeting will be August 12, 2014 during the regular Selectmen's Meeting.

7:20 PM - Shackford made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

Respectfully submitted,

Melissa Arias, Town Administrator
Recording Secretary