

**Town of Newington, NH  
Board of Selectmen Public Hearing Minutes  
September 10, 2014 Town Hall 6:30pm**

**Chair Jan Stuart called the public hearing to order at 6:32pm followed by the Pledge.**

**Present:** Chair Jan Stuart, Selectman Rick Stern and Selectman Cosmas Iocovozzi. Also present were the Fire Engineers, Ruth Fletcher, John Klanchesser and Darin Sabine, Town Counsel Dan Schwarz, Fire Engineers' Counsel Joseph McKittrick, Fire Chief Andy Head, Martha Roy, Town Administrator and various other members of the public.

J. Stuart explained to all that this was a time for the Board of Selectmen (BOS) to take public comment on the draft, proposed Fire Ordinance adopted at Town Meeting in 1980.

Mike Mazeau asked the Board why they wanted to make these changes.

C. Iocovozzi explained that the BOS was the Public Employer for the Fire Department and because the employees had formed a union it was necessary to stipulate that in the Ordinance. He went on to say that the Fire Department is no longer a volunteer group as the Ordinance discusses throughout. Further that the BOS represents the taxpayers on matters of pay and benefits. The BOFE sets the pay scales and the BOS approves the scales at the budget meeting with the BOFE. The BOS has always decided what the pay and insurance will be for the Fire Department. Therefore they should be the Management negotiator of any union contract.

The Selectmen explained that they have already set a date to meet with the Board of Fire Engineers (BOFE) to mediate their differences of opinion regarding the Ordinance. This is done in hopes of saving attorney costs.

Discussion ensued regarding how the process would work when a contract was agreed upon and how the Budget Committee and Town Meeting's role would change by allowing only a "yes" or "no" vote on the warrant article with all of the Union cost items.

D. Sabine stated that he thought the Board of Fire Engineers was the Public Employer and that the proposed Fire Ordinance excluded the BOFE. The BOS the Fire Chief or Assistant Chief were listed as serving on the Management Negotiating Team as the full time Manager of the Fire Department.

Jack Hoyt expressed concern about a similar situation occurring with Police Department employees. R. Stern stated that the Police Department Commissioners had their authority clearly spelled out in State law.

Justin Richardson notified the Board that in 1993 the State Legislature adopted a new law regarding Fire Department structure. It required all Towns to adopt one of a series of models and that Newington never took action on this. He stated that the BOS have the responsibility of the whole town and that the BOFE are in charge of the Fire Department. He said you need to harmonize these two responsibilities.

Gail Pare asked specific questions about the Budget Committee's role in the approval process. It was discussed that the Budget Committee and Town Meeting would be voting on a bottom line number with no ability to cut any specific amount out of it.

Jack O'Reilly discussed the budget process and a warrant article for town meeting. He supported this matter going before the Town Meeting.

Michael Metzger discussed the likeness to the fox guarding the henhouse by having the BOFE in charge of negotiating the contract. He stated that funding, salaries and benefits were the responsibility of the Selectmen.

G. Pare asked if the parties wanted to wait to bring this to Town Meeting.

M. Metzger stated that we are spending thousands of dollars on this matter and Selectmen should have input into this.

C. Iocovozzi stated that due to the lawsuit brought by the Board of Fire Engineers the BOS need to take action on revising the Ordinance.

D. Schwarz discussed the positive aspects about mediation and specific aspect that both parties are encouraged to give up a little to reach a middle ground and move on without spending more taxpayer dollars.

J. Stuart discussed the importance of checks and balances in the town government.

M. Prefontaine stated that the Attorney General's Office thought there was a lot of fuzziness in the law. She hoped a compromise could be reached. She proposed that both Boards be on the Negotiating team.

J. Stuart stated that intent with having the public hearing was to get input from all. She stated the Board was taking this all into consideration and wanted what was best for the town.

D Sabine agreed that the BOFE wanted what is good, safe and financially feasible for the town.

Michael Marconi talked about the idea of having a representative of the BOS at the regular BOF meetings. C. Iocovozzi recalled that 8-9 years ago this had been the case. This position was a non-voting member that came to meetings and gave input.

Gupp Knox asked if the town should even use the changed Ordinance.

D. Schwarz stated that the BOS will most likely need another public hearing.

R Fletcher asked why the BOS made decisions arbitrarily without consulting the Fire Department as to what would be cut out of last year's budget.

M. Roy stated that she and Anita Treloar, the Finance Director had asked repeatedly for dollar amount breakdowns from the Office Manager and Fire Chief to no avail. She also requested same from Fire Engineer John Klanchesser at a Selectman's meeting. The budget needed to be changed for the union members due to the Status Quo doctrine. All filed union members should receive status quo pay and benefits until a contract is approved and voted on.

Denis Hebert remarked that it was important to have checks and balances. He mentioned the dilemma with having the fox guarding the hen house. He commented that both parties should work this out. The BOS are representing the taxpayers. He supported the BOS and stated that the group needed to sit down and work this out in good faith. It was confusing why the union was voted in as the employees have everything, he observed.

J. Stuart thanked all of the residents for their input. She stated the Board will be taking it all into consideration.

The hearing was closed at 7:52pm.

Respectfully submitted,

Martha S. Roy, Town Administrator