

**CITY OF NASHUA
BOARD OF FIRE COMMISSION
MEETING MINUTES
WEDNESDAY, MAY 3, 2023**

THE MEETING CAME TO ORDER AT 5:32 PM

MEMBERS PRESENT:

Kevin Burgess
Gary Lambert
Mary Ann Melizzi-Golja
John Steere

MEMBERS NOT PRESENT:

Paul Garant

STAFF PRESENT:

Chief Steve M. Buxton
Assistant Chief William B. Atkinson

STAFF NOT PRESENT:

OTHERS PRESENT:

Deputy Fire Chief Robert Barrows
Deputy Fire Chief James Kirk
Local 789 President Tom Wholey
Lieutenant Julian Reed, Steward at Large
Private Brian Morrissey Jr.
Dispatcher Lisa DiPrima
Other Members of Local 789

All stood as Commissioner Steere lead The Pledge of Allegiance.
A Moment of Silence was held for all those lost in the fire service.

PUBLIC COMMENT (RE: NFR AGENDA ITEMS)

N/A

CONSENT AGENDA

Minutes:

23 52	April 5, 2023	Regular Meeting Minutes
23 53	April 15, 2023	Special Meeting Minutes

Reports:

23 54	Departmental Detail Expenditures Report
23 55	Accidents (1)

Communications:

23 56 **From: City of Nashua Human Resources**
Re: Dispatch Supervisor Promotional Interview Notification

23 52 – 56

Approval of Consent Agenda Items

Motion by Commissioner Lambert to accept and place on file, as presented, the Consent Agenda items as follows: 1.) The previous meeting minutes, 04/05/2023 and the special meeting minutes, 04/15/2023, 2.) The Departmental Detail Expenditures Report and the Accident Report and 3.) The Communication(s),

Seconded by Commissioner Steere

Vote 4-Yes

Motion Carries

REGULAR AGENDA

Staff Reports:

23 57 A **Staff Report: Chief Buxton**

Chief Buxton discussed the following:

-) Dispatch Supervisor Test Results
-) Communication came out regarding cyber-attack on School Department
 - o City will be shutting down some systems regarding remote access
 - Temporary until more secure measures can be put in place
-) Budget tracking tight coming in to the final 10 weeks or so
-) Recruit School Graduation this Friday
 - o They will hit the floor as of Sunday
-) FY24 Budget
 - o Meeting with Mayor
 - Expect an adjustment to bring budget into more of the 4%-5% range
-) Action Items
 - o Dispatch Supervisor Promotion
 - o Supplemental Promotional List for Deputy Fire Chiefs and Lieutenants
 - o Article 4 – Grooming
 - Further adjustments to provide clarity
 - o Resignations
-) Acknowledged the work of Deputy Barrows and the members of the Apparatus Committee through Local 789
 - o The committee was given a pretty tall order to design an Engine and a Ladder and get it done in pretty minimal amount of time to secure legacy motors and avoid technology actually can't put hands on yet and would be very expensive.
 - o The committee was able to get it done.
 - o Late Sunday notified of the assignment of job numbers for both pieces of apparatus
 - Spots are secure.

Motion by Commissioner Lambert to accept Chief Buxton's April report, as presented, and place on file
Seconded by Commissioner Steere
Vote 4-Yes
Motion Carries

23 57 B Staff Report: Assistant Chief Atkinson

Assistant Chief Atkinson discussed the following:

-) Nothing to add to report
-) Welcomes any questions anyone may have

Motion by Commissioner Lambert to accept Assistant Chief Atkinson's April report, as presented, and place on file
Seconded by Commissioner Steere
Vote 4-Yes
Motion Carries

Discussion:

23 58 Local 789

Local 789 President Tom Wholey discussed the following:

-) Working currently on negotiations
-) Thanked the Board for approving the Recruit School MOA and the work with the chief on the MOA
 - o Great class
 - o Phenomenal instruction
 - o Members stepped up.
 - o Hopefully will produce what we are looking for
 - o Thanked the BOFC for the support.
 - o Commissioner Steere Commented:
 - The three members who were instructors were fantastic.
 - Got to observe one day at Daniel Webster College
 - Applauds the union and chief and assistant chief for the three instructors
 - Great at holding high standards but also at same time taking questions and working with the recruits
 - Ladder 2 helping, saw a member getting thrown around and thrown out a window; so fantastic job of the members as well

Motion by Commissioner Steere to accept Item 23 58 as presented, and place on file
Seconded by Commissioner Lambert
Vote 4-yes
Motion Carries

23 59 Grievance

-) Local 789 President Tom Wholey discussed/addressed
 - o Pretty straight forward

- Forwarded a copy of the actual grievance
 - Where it has landed is at this step
 - Appreciate the board's time & consideration of the Local's stance on it
 - Discussed a lot of what transpired to lead to the grievance at the prior 2-hour meeting when it was discussed
 - Hoping the board will continue that thought process
 - Seeing what to do to reconcile it without pursuing the next step
-) Chairman Burgess stated that it went through the deputy level, then the chief level and now to the board.
-) Chairman Burgess and President Wholey discussed the process for grievances.
-) Local 789 President Tom Wholey described the union process.
-) Chairmen Burgess read some of the grievance to discuss and asked questions about points in the grievance.
-) A discussion regarding the grievance and questions about the grievance continued with Chairman Burgess, the board, Chief Buxton and Local 789 President Wholey.
-) Commissioner Lambert said that providing the legal information from the union's lawyer would be helpful for the board to proceed in their discussion and decision.

Motion by Commissioner Melizzi-Golja to table 23 59 for legal opinion, until either the June meeting or a special meeting that is within the 30-day response time period

Seconded by Commissioner Lambert

Vote 4-Yes

Motion Carries

Old Business:

23 49 Deputy and Lieutenant Promotional List

Motion by Commissioner Steere to remove Item 23 49 from being tabled.

Seconded by Commissioner Lambert

Vote 4-Yes

Motion Carries

Motion by Commissioner Steere to accept and place on file as presented the Deputy and Lieutenant Promotional List.

Seconded by Commissioner Lambert

Vote 4-Yes

Motion Carries

New Business:

23 60 Policy 4 Update – Grooming

Chief Buxton discussed the need and changes in the policy.

-) Previous hair grooming policy left some areas of interpretation that resulted in a lot of questions
-) Rather than have questions roll in, decided to bring the policy to the board again

-) Hair grooming policy doesn't divide it up into male and female, at the advice of legal
-) Individuals have the ability to wear their hair in a professional manner and doesn't interfere with their ability to do their job tasks or wear safety equipment.
-) Tattoo policy, different interpretations to the first grooming policy
 - o Covering of tattoo would cause more of an issue/spectacle that just letting it exist
 - o Request to strike 4.06 C a – “Members having existing tattoos that meet the criteria of 4.06c will take measure to appropriately cover imaging while in uniform.”
-) Second or third time the grooming policy has been brought to the board
-) Working with the local, if they have a challenge with it, it may come back at some point in time again.

President Wholey commented on the grooming policy

-) Ruling at the Labor Board 1985 against the City of Nashua – Grooming Bargain with Local
-) Doing due diligence and working with the chief to make sure they're good so don't have any further issues, there's not so much a discrepancy with it, the Local just wants to make sure they're good so don't have another case with the policy
-) Wanted a quick review
-) Info from Union in process wanted to have current info
-) Needs to reach out to the Local's counsel to discuss the grievance and the grooming policy

Chief Buxton feels it is in the best interest to take-action on it and recognize that may have to make adjustments to it moving forward.

Local respects that.

Motion by Commissioner Lambert to amend the date in Item 23 60, Policy 4 – Grooming, section 4.06 c, from April 5, 2023 to May 3, 2023

Seconded by Commissioner Steere

Vote 4-Yes

Motion Carries

Motion by Commissioner Lambert to accept and place on file Item 23 60, Policy 4 – Grooming, as amended

Seconded by Commissioner Steere

Vote 4-Yes

Motion Carries

23 61

Authorization for action: Personnel

Approval of Promotion for Position of Dispatch Supervisor – Individual to be determined – Effective Date to be determined

Motion by Commissioner Steere to recommend Dispatcher Lisa DiPrima be promoted to the position of Dispatch Supervisor in the Fire Alarm Division, with the effective date To Be Determined

Seconded by Commissioner Lambert

Vote 4-Yes

Motion Carries

Resignation Notification: Personnel

Motion by Commissioner Lambert to accept and place on file, as presented, Item 23 62, notice of resignation

Seconded by Commissioner Steere

NON-PUBLIC SESSION

Motion by Commissioner Melizzi-Golja to go in to Non-Public session according to 91-A:3 II (c) MATTERS WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY AFFECT ADVERSELY THE REPUTATION OF ANY PERSON, OTHER THAN A MEMBER OF THIS BOARD, UNLESS SUCH PERSON REQUESTS AN OPEN MEETING. THIS EXEMPTION SHALL EXTEND TO INCLUDE ANY APPLICATION FOR ASSISTANCE OR TAX ABATEMENT OR WAIVER OF A FEE, FINE OR OTHER LEVY; IF BASED ON INABILITY TO PAY OR POVERTY OF THE APPLICANT.

BY ROLL CALL

Seconded by Commissioner Lambert

A viva voce roll call was taken, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	
Commissioner Garant	<u> </u>	<u> </u>	Absent
Commissioner Lambert	<u> X </u>	<u> </u>	
Commissioner Steere	<u> X </u>	<u> </u>	
Commissioner Melizzi-Golja	<u> X </u>	<u> </u>	
Commissioner Burgess	<u> X </u>	<u> </u>	
TOTAL #	<u> 4 </u>	<u> 0 </u>	

MOTION CARRIED

The Board of Fire Commissioners went into non-public session at 6:32 p.m.

Motions made in non-public: NONE

MOTION BY COMMISSIONER Melizzi-Golja TO COME OUT OF THE NON-PUBLIC SESSION AND RETURN TO THE BOARD OF FIRE COMMISSIONERS MEETING BY ROLL CALL

Seconded by Commissioner Lambert

A viva voce roll call was taken, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	
Commissioner Garant	<u> </u>	<u> </u>	Absent
Commissioner Lambert	<u> X </u>	<u> </u>	
Commissioner Steere	<u> X </u>	<u> </u>	
Commissioner Melizzi-Golja	<u> X </u>	<u> </u>	
Commissioner Burgess	<u> X </u>	<u> </u>	
TOTAL #	<u> 4 </u>	<u> 0 </u>	

MOTION CARRIED

The Board of FIRE COMMISSIONERS came out of non-public session at 6:35 p.m.

MOTION BY COMMISSIONER Lambert THAT THE BOARD OF FIRE COMMISSIONERS SEAL THE MINUTES OF THE NON-PUBLIC SESSION BY ROLL CALL UNTIL SUCH TIME AS THE MAJORITY OF THE BOARD VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED, BY ROLL CALL

Seconded by Commissioner Steere

A viva voce roll call was taken, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	
Commissioner Garant	<u> </u>	<u> </u>	Absent
Commissioner Lambert	<u> X </u>	<u> </u>	
Commissioner Steere	<u> X </u>	<u> </u>	
Commissioner Melizzi-Golja	<u> X </u>	<u> </u>	
Commissioner Burgess	<u> X </u>	<u> </u>	
TOTAL #	<u> 4 </u>	<u> 0 </u>	

MOTION CARRIED

Motion on floor for Item 23 62 from above

Vote 4-Yes

Motion Carries

23 63

Resignation Notification: Personnel

Motion by Commissioner Lambert to accept and place on file, as presented, Item 23.63, notice of resignation

Seconded by Commissioner Steere

NON-PUBLIC SESSION

Motion by Commissioner Melizzi-Golja to go in to Non-Public under item 91-A:3 II (c) MATTERS WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY AFFECT ADVERSELY THE REPUTATION OF ANY PERSON, OTHER THAN A MEMBER OF THIS BOARD, UNLESS SUCH PERSON REQUESTS AN OPEN MEETING. THIS EXEMPTION SHALL EXTEND TO INCLUDE ANY APPLICATION FOR ASSISTANCE OR TAX ABATEMENT OR WAIVER OF A FEE, FINE OR OTHER LEVY; IF BASED ON INABILITY TO PAY OR POVERTY OF THE APPLICANT.

BY ROLL CALL

Seconded by Commissioner Lambert

A viva voce roll call was taken, which resulted as follows:

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	<u>Yea</u>	<u>Nay</u>	
Commissioner Garant	<u> </u>	<u> </u>	Absent
Commissioner Lambert	<u> X </u>	<u> </u>	
Commissioner Steere	<u> X </u>	<u> </u>	
Commissioner Melizzi-Golja	<u> X </u>	<u> </u>	
Commissioner Burgess	<u> X </u>	<u> </u>	
TOTAL #	<u> 4 </u>	<u> 0 </u>	

MOTION CARRIED

The Board of Fire Commissioners went into non-public session at 6:37 p.m.

Motions made in non-public: NONE

MOTION BY COMMISSIONER Lambert TO COME OUT OF THE NON-PUBLIC SESSION AND RETURN TO THE BOARD OF FIRE COMMISSIONERS MEETING BY ROLL CALL

Seconded by Commissioner Steere

A viva voce roll call was taken, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	
Commissioner Garant	<u> </u>	<u> </u>	Absent
Commissioner Lambert	<u> X </u>	<u> </u>	
Commissioner Steere	<u> X </u>	<u> </u>	
Commissioner Melizzi-Golja	<u> X </u>	<u> </u>	
Commissioner Burgess	<u> X </u>	<u> </u>	
TOTAL #	<u> 4 </u>	<u> 0 </u>	

MOTION CARRIED

The Board of FIRE COMMISSIONERS came out of non-public session at 6:40 p.m.

MOTION BY COMMISSIONER Melizzi-Golja THAT THE BOARD OF FIRE COMMISSIONERS SEAL THE MINUTES OF THE NON-PUBLIC SESSION BY ROLL CALL UNTIL SUCH TIME AS THE MAJORITY OF THE BOARD VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED, BY ROLL CALL

Seconded by Commissioner Steere

A viva voce roll call was taken, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	
Commissioner Garant	<u> </u>	<u> </u>	Absent
Commissioner Lambert	<u> X </u>	<u> </u>	
Commissioner Steere	<u> X </u>	<u> </u>	
Commissioner Melizzi-Golja	<u> X </u>	<u> </u>	
Commissioner Burgess	<u> X </u>	<u> </u>	
TOTAL #	<u> 4 </u>	<u> 0 </u>	

MOTION CARRIED

Motion on floor for Item 23 63 from above

Vote 4-Yes

Motion Carries

Remarks by Fire Commissioners

Commissioner Burgess

-) Informed that unfortunately doesn't think he will make the Recruit School Ceremony on Friday.
-) There is a slight chance he can make it but in the event he doesn't he wanted to congratulate the recruits, the training staff and the department as a whole on a successful program.

Public Comment

Chief Buxton

-) Wanted to thank President Wholey, the Executive Board, the Deputy Chiefs and Assistant Chief Atkinson
-) Quite a few personnel issues have been popping up and some are pretty heavy hitters this past month and the team really pulled together and did their due diligence to not only protect the organization but some of the work done ahead of time and putting in place the member assistance program. All of those tools were utilized. Members did their due diligence. It is not pretty work sometimes but it is necessary and wanted to thank all those involved.

Date, Time and Location of Next BFC Meeting:

Wednesday, June 7, 2023, 5:30 PM at 177 Lake St Training Classroom

Date, Time and Location of other Events

**2023 Recruit School Graduation, 70 East Hollis Street
Friday, May 5, 2023 at 2:30 PM**

**Nashua VFW Loyalty Day Ceremony, Nashua Senior Center
Saturday, May 6, 2023 at 10:00 AM**

**Farewell to Superintendent Jeremy H. Audette, 38 Lake Street
Thursday, May 18, 2023, 1:00 PM-4:00 PM**

**Budget Hearing, Aldermanic Chambers
Wednesday, May 31, 2023 at 7:00 P.M.**

Adjourn

Motion by Commissioner Lambert to adjourn the meeting at 6:43 PM
Seconded by Commissioner Steere
Vote 4-Yes
Motion Carries

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