

TOWN OF TEMPLE, NEW HAMPSHIRE
BOARD OF SELECTMEN
May 14, 2014
FINAL MINUTES OF PUBLIC MEETING

Board members present: Gail Cromwell, John Kieley, George Willard

Also present: George Clark, Fire Chief; Mark Salisbury, Will Wildes, Luke Peterson, Fire Engineers; Matt Bruneau, Deputy Fire Chief; Jeanne Whitcomb, Connie Kieley, Richard Beringer, Ron O'Keefe from PLT.

Call to order by Mark Salisbury at 6:36 p.m.

Special Meeting with Ron O'Keefe from Property-Liability Trust: Clark spoke about the current issue with the SOG on the use of private vehicles (POVs) responding to scenes. Clark said he thought everyone was in agreement with changing the response for "Charlie, delta and echo" calls once certain things are in place (driver records, insurance authentication, vehicle inspections, etc.). Clark want to be sure he and the town are covered as best possible by doing "due diligence".

O'Keefe explained that PLT has model policies that have been compiled by a company for PLT. Clark has been using these policies to write the SOGs. O'Keefe stated that for everyone's "peace of mind" the Fire Department (FD) and Board of Selectmen (BOS) are covered by liability insurance. The State of NH RSAs limits amounts that may be awarded in a lawsuit. If a driver is arrested for DWI, etc., they can face a prison sentence, but PLT would cover and defend them for liability. The FD has certain privileges under the law unless gross negligence, DWI, DUI or other issues are proved. Kieley clarified that state protections don't cover if the driver is proved DWI, etc. O'Keefe confirmed.

O'Keefe explained that POVs are not considered "true" emergency vehicles. The driver of a POV must use due regard when responding, whether it is to the station or the scene. PLT offers many types of training programs. The federal government will be requiring a CDL license in the future to drive fire trucks. In NH a CDL is recommended by not required at this time.

Kieley asked about policies and stated that the Police Department had updated their policies a few years ago using "best practices". Kieley suggested that the FD use the information from the PLT CD and update their policies. O'Keefe cautioned everyone to be careful as the town could probably not afford to adopt all the policies recommended. O'Keefe suggested that the FD review the CD and adopt the policies that may pertain to a small town.

Cromwell said that Clark has requested motor vehicle (MV) records for the EMTs. O'Keefe was questioned on how these records should be handled considering they are confidential records. O'Keefe suggested that the Chief and Fire Engineers review the records, specifically looking at the last 4 to 5 years. O'Keefe also suggested looking at each on an individual basis.

Cromwell asked about the level of private insurance that should be on POVs. O'Keefe said that \$100,000 is the minimum. Umbrella policies are recommended at \$1,000,000, but most are \$500,000. O'Keefe also stated that responders need to be authorized by the Chief to have emergency lights and sirens. Inspection stations are supposed to inspect this equipment if it is on a vehicle and they are also supposed to look at the authorization.

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Peterson asked about response to the station. O'Keefe stated that if there are no lights and sirens the responder must follow the "rules of the road". The responder is considered "on duty" for PLT purposes when the tone goes off. As far as collision coverage goes the POV personal insurance is the primary insurance. PLT will cover up to \$500.00 of a deductible. If the responder has a \$250.00 deductible that is the amount PLT will cover.

Kieley asked about POVs going directly to a scene, focusing on Charlie, delta and echo calls as needing quicker responses. O'Keefe asked who owns the equipment carried by the EMTs. O'Keefe cautioned that the equipment needs to be checked to ensure it is being maintained. O'Keefe recommended checking with the Bureau of EMS on this and also recommended that the town own the emergency equipment. The question was asked about what equipment is carried. All 3 EMTs carry everything that's on the rescue truck except EPI pins. Peterson stated that equipment is carried up to the level of training. Kieley suggested a policy on equipment.

Kieley asked if an alpha level call could really be a delta level call and be toned improperly. Clark stated that he had met with the E911 Chief and has been informed that calls are usually toned one level up from the determination. Kieley asked if it would be cheaper for the town for POVs to respond rather than a town vehicle. Cromwell asked why responders wouldn't respond directly to a scene. O'Keefe explained that a POV is not a true emergency vehicle so direct response could increase the liability. There is greater risk/mile with POVs on the road. There is better protection for individuals if they are in a true emergency vehicle. Standard practice for most departments is to allow POVs to go to the scene if they are close by or would be going past the scene.

Beringer stated that he feels safer in his own vehicle rather than being in a town vehicle with someone who is not comfortable driving the town vehicle. Berginer also stated that he considers a Charlie level or higher call as critical, so even if he has to go by the station he thinks it adds more time to stop and that would increase liability if care is delayed. O'Keefe stated that stopping at the station does not increase liability, there is nothing in NH law that says response has to be in a certain number of minutes. O'Keefe explained that a lot of things need to be considered in allowing POVs to go direct to the scene and that too many vehicles can crowd the scene and cause more problems. O'Keefe suggested that the Chief, Fire Engineers and responders get together and work out the issues on how to respond to calls, O'Keefe emphasized that this would be a local decision

Move by Kieley to enter non-public session at 7:55 pm under RSA 91-A:3II(a) Personnel, second by Willard and voted Cromwell, Kieley and Willard in the affirmative. Out of non-public session at 8:40 pm. Move by Kieley to seal the minutes of the non-public session, second by Willard and voted Cromwell, Kieley and Willard in the affirmative.

Move by Kieley to adjourn, second by Cromwell, and so voted at 8:41 p.m.

Minutes submitted by Debra Harling