

**Lyman-Dayton Fire Commission (FC)**  
**Minutes of Meeting – July 7, 2011**

Meeting held at Dayton Town Hall was called to order at 6:37 pm.

**Present** – Fire Commissioners: Jim Roberts, Ray Demers, Chris L’Heureux, Wendell Smith, Don Hernon; Goodwin’s Mill Fire Rescue (GMFR): Chief H. Rodney Carpenter; Ben Harris, Carol Dunham; Lyman resident Norman Melancon.

**Handouts-**

1. Draft Minutes of 6-30-11 FC meeting;
2. Lyman Town Attorney Draft Lyman Municipal Employees Personnel Policy with Proposed amendments 6-30-11;
3. FC Secretary email dated 7-7-11, to Lyman Town Attorney, Vacation Accrual for Municipal Fire Chief
4. GMFR Chad Johnston email of 7-4-11, with proposed additions to Lyman Town Attorney Draft Agreement between GMFR and the Towns of Lyman and Dayton, including GMFR seniority list, Exhibit C, Personal Property Description list, and Exhibit D, Other Assets Description list.

**Minutes** - FC members voted to approve minutes of June 30, 2011 FC meeting. FC meeting minutes will be posted on the Lyman/Dayton Town websites.

**Fire Commission Officers** –Per the FC Bylaws approved 3-1-11, FC members voted to elect the following officers:

- Chairman – Jim Roberts
- Vice-Chairman – Wendell Smith
- Secretary – Don Hernon

**Replacement Fire Commissioner for Lyman** – Lyman Selectmen have advertised and posted for a replacement Lyman Fire Commissioner. No replacement has been named as yet. Lyman resident **Norman Melancon** is considering applying to be a Lyman member of the Fire Commission.

**Discussion of Meeting Held at GMFR on 7-7-11 (morning) with Fire Station Modernization General Contractor, Allied Engineering Representatives (architect-engineer for the project hired by GMFR), GMFR Representatives, and GMFR Attorneys** – FC member **Don Hernon** attended this meeting with the following comments:

1. There was discussion of remaining work on various punch lists, cost of remaining work, cost of liquidated damages, and remaining funds in the government FEMA grant.
2. The General Contractor did not agree with many of the items on the punch lists, and stated that his company had been effectively discharged from the project by a letter from the GMFR attorney in May 2011.
3. Allied Engineering will generate a final list of remaining work/cost under the modernization project.

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4. It was noted that one subcontractor has filed a lien and lawsuit against the General Contractor and GMFR for non-payment of work performed.
5. GMFR attorney will contact the GMFR Bonding Company for this project to determine the process to invoke both payment and performance bonds.
6. GMFR will send a letter directly to the General Contractor terminating their contract on this project.

**Physical Agility Test (PAT) for Selected Municipal Fire Chief Candidates** – The PAT will be conducted at **10 am on Saturday, July 16, 2011** at the Goodwin’s Mills Fire Station, 481 Goodwin’s Mills Road Lyman, Maine 04002. GMFR Chad Johnston will be in charge of setting up and running the PAT. FC members will observe and sign off on the PAT results. The candidates must present the FC PAT form signed by a physician stating that (to the physician’s knowledge) no physical illness or condition exists that would render the PAT unsafe or inadvisable for the candidate. Also, the candidate must sign a release in the presence of a FC representative, waiving rights of action against the FC and the Towns of Lyman and Dayton, for any personal injury, death or property damage resulting from their voluntary participation in the PAT.

**Municipal Fire Chief Interviews** – The FC will proceed with interviews of those Municipal Fire Chief Candidates who pass the PAT, after the legal agreement between the GMFR Corporation and the Towns of Lyman and Dayton is signed, and the Municipal Fire Department Personnel Policies are approved.

**Municipal Fire Chief Applications** – **Jim Roberts** has custody of the Fire Chief applications in a locked cabinet in the Dayton Town Hall.

**FC Discussion of draft Lyman Personnel Policy dated 6-30-11** – FC and GMFR representatives reviewed the draft Lyman Personnel policy with Article XII Fire and Rescue Department, with the following comments:

1. Most FC members found it distracting to refer between Article XII –Fire and Rescue Department, and Articles I through XI. The FC voted (4 to 1) to investigate having a separate Personnel Policy for the Municipal Fire Department.
2. There was discussion concerning the use of vacation, sick and personal leave days, including accrual, carryover, and possible use of incentives to buy back unused sick time either at the end of the fiscal year and/or retirement.
3. The FC is waiting to review comments from GMFR members concerning the draft Personnel Policy.
4. The FC noted a possible conflict in Article 9.2B regarding the carryover of vacation days into the next fiscal year, with the statements: “Employees are required to take vacation days in the fiscal year that they are accrued” versus “Vacation days may be be carried over to the next fiscal year” (is there a word missing or extra?)
5. The FC decided to request that the Lyman Town Attorney not continue work on rewording Article XII until the FC reaches agreement on the above issues.

(Note: These comments were sent to the Lyman Town Attorney by email on 7-7-11.)

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**Discussion of Transfer of GMFR Functions and Assets to the Towns of Lyman and Dayton** – FC and GMFR representatives reviewed the revised Draft Purchase and Sales (P&S) Agreement from the Lyman Town Attorney, dated 6-27-11, with the following comments:

1. GMFR wants to reword Section 3.3, GMFR Employees, regarding the use of the word “termination”.
2. GMFR wants to add words to Section 3.3 regarding seniority of both full time and part time employees when they transfer to the Town of Lyman.
3. GMFR is obtaining a separate attorney to review the P&S.
4. GMFR requests that corporate officers be added as signatories including: Normand Bilodeau, President; Nicole Steiner, Secretary, James Johnston Board of Trustees Chair; H. Rodney Carpenter, CEO.
5. There was discussion regarding the completion of the modernized Fire Station and the pending arbitration and/or legal action, with respect to turnover of the Fire Station to the Towns of Lyman and Dayton. The Fire Commission recommends development of wording to accommodate leasing the Fire Station building to the Towns of Lyman and Dayton as an alternative to turnover, until the modernized Fire Station construction contract and FEMA grant completion are completed.
6. The Fire Commission expects GMFR comments in the near future.

(Note: These comments were sent to the Lyman Town Attorney by email on 7-7-11.)

**GMFR Chief Carpenter Request for 7 day Staffing** - The FC noted that a list of calls that show a need for this change in coverage immediately is still needed.

The FC does not have the authority to authorize GMFR to add the additional coverage using existing GMFR fill-in staff until the transfer to a Municipal Fire Department occurs. GMFR is able to make this request directly to the Boards of Selectmen.

**Fire Department Funds** – The FC noted that the Municipal Fire Department Treasurer is an At-Large (non-voting) member of the Fire Commission, and should be represented at the Fire Commission meetings.

(Note: Email sent to the Lyman Town Treasurer on 7-12-11 requesting representation at FC meetings.)

**GMFR Regulations** – The FC did not discuss the GMFR Regulations for initial use by a Municipal Fire Department.

**FC Action List** – The FC Action list was not discussed at the FC meeting.

**Next Meeting** – Thursday, July 14, 2011, 6:30pm at the Dayton Town Hall.

**Adjourned** - Meeting adjourned at 8:50 pm.