

EAST CLINTON FIRE DISTRICT

March 14, 2018

COMMISSIONERS MEETING - FINAL

Regular Meeting 7:30 PM

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Byron Calame
Kevin Russell
Robert Trzcinski
Arthur Weiland

ALSO IN ATTENDANCE:

Rod MacLeod, District Attorney
Robert Simon, Treasurer
James Passikoff, Accountant (Left at 8:05 p.m.)
Karen Buechele, Secretary

Chairman Forschler called the meeting to order at 7:30 p.m. and explained to the public the process of reviewing the Vouchers and Financials.

CORRESPONDENCE:

- Utica National Insurance Group – Conditional Renewal Notice – New York – to Commissioner Trzcinski
- PERMA dated March 2, 2018 re: Annual Election of Perma Board of Directors – to Commissioner Trzcinski
- A-1 Communications Systems Inc. dated March 2, 2018 – records update – to Mr. Simon
- Department of Labor – Notice of Unemployment Insurance Rate – dated February 16, 2018 – to Commissioner Trzcinski
- Penflex – dated February 28, 2018 – re: commence monthly service award as of March 1st - to Commissioner Calame and Ms. Buechele
- Workers Compensation Board – Notice of Decision – to Ms. Buechele for file
- John P. Reinder dated March 27, 017 – 819 Pumpkin Lane – requesting confirmation from district that his residence is within 1,000 feet of a stream that is a viable water source. Chief McCormack said a stream is not a viable year round water source as it freezes in the winter. Mr. MacLeod suggested responded that the district will not certify a water source. To Commissioner Trzcinski to respond per Mr. MacLeod’s suggestion.
- RBC February 1 through February 28 – Statement – Board members were copies - to Mr. Simon

MINUTES:

Motion to accept the February 14, 2018 regular meeting minutes as corrected by Commissioner Trzcinski and seconded by Chairman Forschler.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Russell	Aye		

Motion carried 5-0

FINANCIALS:

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of March 14, 2018 made by Commissioner Russell and seconded by Commissioner Weiland with addition of check #2091 to Camper’s World in the amount of \$469.62.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner Russell	Aye	Commissioner Trzcinski	Aye
Chairman Forschler	Aye		

Motion carried 5-0.

Motion to accept the bank statement for the period ending on February 28, 2018 made by Commissioner Russell and seconded by Commissioner Calame in agreement with the balance sheet as put forward by Mr. Passikoff with no exceptions.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Russell	Aye		

Motion carried 5-0.

Chairman Forschler said we received the tax check from the town early in February and we need to accomplish the three transfers that were budgeted for. Mr. Passikoff explained the process. The transfers will be made from the tax monies to the capital fund, the building fund and the equipment fund. Chairman Forschler will provide the amounts to Mr. Simon so he can make the transfers with Mr. Passikoff’s advice. The transfers will require a second signature. Commissioner Trzcinski asked if the amounts can be changed since the intention to transfer a certain amount was published. Mr. MacLeod said you can’t put in less but you can put in more. You have to put in at least the amount you put in the budget. Chairman Forschler will provide the work sheet and will send the transfer amounts to Mr. Simon, Mr. Passikoff, and all the commissioners.

Chairman Forschler said there were questions at the last meeting from a former commissioner about funds inappropriately transferred. Mr. Passikoff said we made some reclassifications as

some checks went to the wrong accounts. The year end document, which was submitted at tonight's meeting, will reflect those changes.

Mr. Passikoff said the AUD is done and the secretary will file with the town clerk. Mr. Simon can put on the District's website.

On the balance sheet, page 1 of 8, under fixed assets, there is a line item called construction in progress with an amount of \$52,000. This needs to be cleaned up. There is some confusion as to what we have in deposit with the architect. Commissioner Calame will contact the architects, Lyscum and McCormack, and figure out exactly what we have on deposit, what we owe them, what they owe us. Chairman Forschler said the Board will need to make a resolution to declare this is not an asset. Those plans for that specific building are not being used so should not be considered an asset.

As far as insurance in the AUD, Commissioner Trzcinski said we are paying substantially more – he will meet with Mr. Passikoff to figure that out. Mr. Passikoff explained the interfund transfers on page 5 of the AUD which include a transfer to the building fund for the generator and to the repair fund for the boiler. On page 6, Fire, Pers Services is up from 2016 and Mr. Passikoff said it is probably a classification issue.

Last month, the District received the tax exempt letter for 2018. Commissioner Trzcinski asked if the District should have a tax exempt number. Mr. Passikoff said the Company has a number, the District has this letter. That is all the District needs.

DEPARTMENT: Monthly calls: 7 Year to Date:

- Driver training is going well.
- OSHA - We are making sure we cover OSHA for the year. Each month, Mr. Estes records what is covered. Also, Rich comes in once a year to do an OSHA training. MES sells DVDs which covers OSHA training which may be worth purchasing. That would give us a three prong approach to covering OSHA – monthly meetings, yearly training, and the DVDs. Mr. Estes will provide the cost of the DVDs at the April meeting. He also suggested doing an assessment in the third quarter of the year so everyone knows where they are as far as training. The Department will supply the District with that report.
- We need to order accountability tags for the firefighters – Chairman Forschler said those are a necessity so go ahead and order.
- Steve's truck needs an iPad. For \$700 per unit, Spotted Dog puts the unit in the truck and gives you directions to exactly where you are going. Chairman Forschler has no objection to that but said we have one telephone line we are paying for with no iPad.

We can't locate the broken iPad to return it. Mr. Estes will come back at the April meeting with the outcome of the missing iPad and the total bill.

- Chief McCormack would like to look into random drug testing for all firefighters. Commissioner Weiland will review the policy relative to random drug testing. This will be discussed at the April meeting.
- Chief McCormack suggested adding cameras to all vehicles in case of accidents for accountability. Chairman Forschler told him to come back with a price. Mr. MacLeod said there should be a policy as to how the video is handled, i.e. who gets it.
- Car 3 – The cold water rescue drill was a success. We are now looking to include mutual aid to our drills. This month's drill is March 29th at 1800 hours and we will be doing vehicle extrication utilizing rescue jacks and airbags. We will be inviting the mutual aid companies to participate. During this training we make sure OSHA is covered.
- Driver training annual recertification continues. Every driver of every district vehicle must be recertified every year. Commissioner Trzcinski said it is documented so that needs to be sent to the insurance company.
- The inspection date for the site and vehicles is April 7th at 1:00 p.m. The Company members are working to prepare the vehicles and are going through cabinets.
- Mr. Estes is picking up the rehab vehicle tomorrow. Mr. Simon handed him the check.
- Brush truck – Chairman Forschler has been given the fleet bid on the cab and chassis and will be provided the cost for the insert unit. Chairman Forschler asked Mr. MacLeod if the four fleet program falls within the parameters of a state program – he will provide Mr. MacLeod with information on the program.
- Commissioner Trzcinski asked Mr. Estes to provide the names of the new drivers to him so he can get them to the insurance company.

FIRE POLICE: Edward Thompsett n/a

SUPPORT: n/a

MEMBERSHIP: n/a

RESCUE: Monthly Calls: 9 Year To Date: 25

Chairman Forschler said in January there were 18 EMS dispatches with 15 ambulance responses with an EMT present for 14. In February there were 10 EMS dispatches with 9 ambulance responses. This information is posted on the website.

- Every year, preventative maintenance is done on the stair chair and suction unit and this was accomplished this week. Every three years, the NYS DOH inspection is done on an

ambulance and the first thing requested is preventative maintenance records. Chairman Forschler will file.

- On February 22nd Chairman Forschler attended a meeting with other attendees including Ray Oberly, Town Supervisor, West Clinton EMS, and Kathy Tegtmeier. Dana Smith from the county was supposed to attend but could not make it. EMS response times for East and West Clinton were distributed for 2017. East Clinton's inability to respond to EMS only calls was 28%. For West Clinton it was 36%. West Clinton is trying a program to staff their ambulance with paid people and their inability to respond was higher with this program. There was some effort from the county to have East Clinton join with West Clinton to help pay the bill but Chairman Forschler said he can't see a justification for spending that money. A proposal was made to go back to the normal mutual aid situation that was set up for a long time and then went by the wayside - if by 3rd dispatch the ambulance doesn't get off the floor, they would put out to other agencies for mutual aid. It is the District Chief's decision if we want to head that way or not. The District Chiefs would have to call dispatch and make that happen. Chairman Forschler said in 2017 East Clinton had a 28% inability to respond compared to 60 % in the previous five years. This is a function of additional volunteers. It is good progress and a reflection of the help the Fire Department is giving with helping out with driving. Chairman Forschler suggested taking the next step with a minimal partnership with West Clinton to try to make it better. Mr. Estes said we are already doing that for Stanford. At least once a month we've been there on EMS calls

Chairman Forschler said the Town Highway Department was extremely helpful in clearing both driveways at the height of the recent big storm where we had two EMS calls with unplowed driveways – another cooperative venture.

OLD BUSINESS:

- LOSAP records keeper - There was discussion about reviewing the rate of pay for the LOSAP records keeper as a three month trial period was established at the January meeting – should this be reviewed now or at the April meeting. As of this meeting, Ms. Buechele has 18.5 hours in for 2018. Those hours should be turned in to Mr. Simon and Commissioner Calame to process for payment.

A motion to extend the trial period for another three months and review the rate of pay at that time was made by Commissioner Weiland and seconded by Commissioner Trzcinski. Commissioner Calame would like to change the rate of pay to \$25.00 per hour and extend this to the end of 2018. After discussion, Commissioner Weiland and Commissioner Trzcinski agreed to amend the motion to change the rate of pay to \$25.00 per hour for the remainder of 2018.

Commissioner Weiland	Aye	Commissioner Russell	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Calame	Aye		

Motion carried 5-0.

- LOSAP – Awarding of officer and civil points – Commissioner Calame said he thinks it is appropriate to continue to award points for calendar 2017 even though the extended terms of officers won’t be completed until April. He based this suggestion on comptroller regulations which state that if a department has spring elections and the terms will not be completed until after the close of the LOSAP/calendar year, points should be credited for 2017. Mr. MacLeod agreed.
- Generator – Commissioner Russell said the trucking company delivered the generator. It is in Red Hook. The installation has been pushed to next week to organize and avoid Tuesday’s predicted storm.
- Surety bonding – Commissioner Trzcinski said the bonding is in process – all paperwork has been dropped off this afternoon.
- The following was offered by Commissioner Calame, who moved its adoption, seconded by Chairman Forschler,

WHEREAS, eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Service Award Program for volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the “Program”); and

WHEREAS, Section 4 of the Program provides, inter alia, in pertinent part, that: “The monthly payment accrued Service Award shall be equal to \$20 for each year of Service Award Program service credit earned.”, and

WHEREAS, Section 5 of the Program provides, inter alia, in pertinent part, that: “The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Service Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments”, and

WHEREAS, the Internal Revenue Code has been amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments, and

WHEREAS, the Board desires to amend the Program such that the monthly payment accrued Service Award shall continue to be equal to \$20 for each year the Program’s service credit earned by deleting the following sentence from Section 5 of the Program:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments”, which amendment to the Program would have no increase in the estimated annual cost per covered participant;

WHEREAS; New York State Service Award Programs are governed by Article 11-A of the General Municipal Law which provides that any amendment to a Service Awards Program shall be subject to a mandatory referendum of the eligible voters residing within the East Clinton Fire District to determine if such amendment shall be adopted.

NOW, THEREFORE, BE IT RESOLVED, that Section 5 of the Program be amended to delete the following sentence: “The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.” Such that Section 5 shall read, in full, as follows: “All service award payments are subject to any adjustment that may be required by application of the Internal Revenue Code for Participants in the East Clinton Fire District Service Award Program to be liable for payment of federal income tax only after that have begun to be paid their Accrued Service Award; and

BE IT FURTHER RESOLVED that all other provisions of the East Clinton Fire District Service Award Program shall not change and the Program shall continue to be administered by the Board in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time; and

BE IT FURTHER RESOLVED that this resolution is adopted subject to approval of the eligible voters residing within the East Clinton Fire District at a special election to be held on May 8, 2018, and the Fire District Secretary is hereby authorized and directed to prepare ballots in substantially the following form:

SHALL THE RESOLUTION, ADOPTED BY THE EAST CLINTON FIRE DISTRICT BOARD OF FIRE COMMISSIONERS ON MARCH 14, 2018, AMENDING SECTION 5 OF THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM BY DELETING THE FOLLOWING SENTENCE: “THE \$20 MONTHLY LIFETIME PAYMENT SERVICE AWARD SHALL BE INCREASED TO \$30 AFTER AND ONLY IF THE INTERNAL REVENUE CODE IS AMENDED TO PROVIDE CONSISTENT FEDERAL INCOME TAX TREATMENT FOR BOTH \$20 AND \$30 SERVICE AWARD PAYMENTS.” SUCH THAT SAID SECTION 5 SHALL READ, IN FULL, AS FOLLOWS: “ALL SERVICE AWARD PAYMENTS ARE SUBJECT TO ANY ADJUSTMENT THAT MAY BE REQUIRED BY APPLICATION OF THE INTERNAL REVENUE CODE FOR PARTICIPANTS IN THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM TO BE LIABLE FOR

PAYMENT OF FEDERAL INCOME TAX ONLY AFTER THAT HAVE BEGUN TO BE PAID THEIR ACCRUED SERVICE AWARD." BE ADOPTED?

This resolution would maintain the current \$20 monthly award program and not increase to \$30 as was written in the original in referendum passed in 2008. The Board in 2008 could not obligate this Board to increase LOSAP to \$30 a month. Mr. MacLeod said this resolution amends Section 5 of the LOSAP to eliminate the \$30 benefit which is the best way to accomplish the goal of keeping the benefit at \$20. If the language remains, the question of \$20 or \$30 could come up every year. If in the future the Board wants to go to the \$30 benefit, it would do so by resolution and the public would have to vote. Since the \$20 is maintaining, no actuarial statement of cost would be necessary. Commissioner Calame said this is a good explanation and fits the need of the situation. Mr. MacLeod said he and other attorneys dealing with this issue expect the comptroller's office to issue an opinion to that effect. Many other districts are faced with this question.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye
Commissioner Weiland	Nay		

Motion carried 4-1-0; the resolution was thereupon declared duly adopted.

- The following resolution was offered by Commissioner Trzcinski, who moved its adoption, seconded by Commissioner Calame, to wit:

WHEREAS, eligible votes residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Service Award Program for volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the "Program"); and

WHEREAS, Section 6 of the Program provides, in full, that "A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain nonforfeitable right to his or her accrued Service Award) after he or she earns and does not permanently forfeit Service Award Program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 55 while an Active Member; or is awarded a Service Award Program total and permanent disability benefit payment or dies." And

WHEREAS, the Board desires to amend the Program such that Section 6 of the Program provides, in full, that: "A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain nonforfeitable right to his or her accrued Service Award) after he or she earns and does not permanently forfeit Service Award program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 62 while an Active Member; or is awarded a Service Award Program total and permanent disability benefit payment; or dies; and entitlement age is hereby 62 years of age, which amendment to the Program would have no increase in the estimated annual cost per covered participant; and

WHEREAS, New York State Service Award Programs are governed by Article 11-A of the General Municipal Law which provides that any amendment to a Service Awards Program shall be subject to a mandatory referendum of the eligible voters residing within the East Clinton Fire District to determine if such amendment shall be adopted.

NOW, THEREFORE, BE IT RESOLVED, that Section 6 of the Program be amended to read, in full, as follows: A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain nonforfeitable right to his or her accrued Service Award) after he or she earns and does not permanently forfeit Service Award program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 62 while an Active Member; or is awarded a Service Award Program total and permanent disability benefit payment; or dies; and entitlement age is hereby 62 years of age", and

BE IT FURTHER RESOLVED that all other provisions of the East Clinton Fire District Service Award Program shall not change and the Program shall continue to be administered by the Board in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time; and

BE IT FURTHER RESOLVED that this resolution is adopted subject to approval of the eligible voters residing within the East Clinton Fire District at a special election to be held on May 8, 2018, and the Fire District Secretary is hereby authorized and directed to prepare ballots in substantially the following form:

SHALL THE RESOLUTION, ADOPTED BY THE EAST CLINTON FIRE DISTRICT BOARD OF FIRE COMMISSIONERS ON MARCH 14, 2018, AMENDING SECTION 6 OF THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM SUCH THAT SAID SECTION 6 SHALL READ, IN FULL, AS FOLLOWS: "A PARTICIPANT'S ACCRUED SERVICE AWARD SHALL BECOME FULLY VESTED (I.E. A PARTICIPANT SHALL OBTAIN NONFORFEITABLE RIGHT TO HIS OR HER ACCRUED SERVICE AWARD) AFTER HE OR SHE EARNS AND DOES NOT PERMANENTLY FORFEIT SERVICE AWARD PROGRAM SERVICE CREDIT FOR AT LEAST FIVE (5) YEARS OF ACTIVE VOLUNTEER FIREFIGHTER SERVICE; OR, ATTAINS AGE 62 WHILE AN

ACTIVE MEMBER; OR IS AWARDED A SERVICE AWARD PROGRAM TOTAL AND PERMANENT DISABILITY BENEFIT PAYMENT; OR DIES, AND ENTITLEMENT AGE IS HEREBY 62 YEARS OF AGE.”
BE ADOPTED?

Commissioner Weiland asked what about entitlement – the age of entitlement still stands at 55. If we are not changing that, we have a much higher out year cost than if we changed the age of entitlement to 60 or 65. This language is just changing vesting. Penflex is using entitlement. Commissioner Calame said changing the age you can collect from age 55 to 65 is Mr. MacLeod’s understanding of the intent - no actuarial evaluation is necessary as the program cost will not increase. People currently age 55 and currently getting paid will not be impacted. Anybody who is getting points now will not be affected. Only people not vested would be affected. Commissioner Weiland said entitlement age is a term but is not defined. Language needs to be added to the motion. After additional discussion and consideration, Mr. MacLeod suggested adding to the resolution “Entitlement age is herein defined as being 65 years of age.” And again, it will not affect people who have made their 50 points at least once in the program. The annual actuary report is important as it tells you how much you are funded. It should be at a 90 to 95% level. Chairman Forschler said there is a proposal to add additional language to the resolution stating “Entitlement age is herein defined as 65 years of age”. That change is acceptable to Commissioners Trzcinski and Calame. The vesting is clear in the current plan, five years or 55 with however many years of service or total permanent disability from line or duty or death. Whether you are vested or not, you won’t get payments until 65 in the change you are proposing. Commissioner Russell said Pleasant Valley uses 60 years of age. He does not like 65 as he thinks it will hinder getting people to join; he is more in favor of 60. Chairman Forschler agrees with Commissioner Russell and that 62 is probably more palatable and will give more incentive to people to join. Mr. MacLeod said 60 or 62 is more common number. Commissioners Trzcinski, Calame and Weiland all agree with 62. Commissioners Trzcinski and Calame are in agreement to change the motion from 65 to 62. Chairman Forschler stated that the vote is to change the age to 62 and to add the verbiage “Entitlement age is herein defined as 62 years of age.”

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Commissioner Calame	Aye	Commissioner Trzcinski	Aye
Commissioner Russell	Nay	Chairman Forschler	Aye
Commissioner Weiland	Aye		

Motion carried 4-1-0. The resolution was thereupon declared duly adopted.

The following resolution was offered by Commissioner Weiland, who moved its adoption, seconded by Commissioner Trzcinski, to-wit:

BE IT RESOLVED, by the Board, as follows:

Section 1. A special election of the qualified voters of the East Clinton Fire District, Town of Clinton, Dutchess County, New York, is hereby authorized to be held on May 8, 2018, at the East Clinton Fire District Firehouse, 9 Firehouse Lane, Clinton Corners, New York, between the hours of 5:00 P.M. and 9:00 P.M. for the purpose of voting by ballot on the adoption or rejection of the following two resolutions adopted by the Board on March 14, 2018:

EAST CLINTON FIRE DISTRICT
RESOLUTION TO AMEND SECTION 5
OF THE
EAST CLINTON FIRE DISTRICT SERVICE AWARDS PROGRAM

WHEREAS, eligible votes residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Service Award Program for volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the "Program"); and

WHEREAS, Section 4 of the Program provides, inter alia, in pertinent part, that: "The monthly payment accrued Service Award shall be equal to \$20 for each year of Service Award Program service credit earned.", and

WHEREAS, Section 5 of the Program provides, inter alia, in pertinent part, that: "The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Service Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments", and

WHEREAS, the Internal Revenue Code has been amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments, and

WHEREAS, the Board desires to amend the Program such that the monthly payment accrued Service Award shall continue to be equal to \$20 for each year the Program's service credit earned by deleting the following sentence from Section 5 of the Program: "The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments", which amendment to the Program would have no increase in the estimated annual cost per covered participant;

WHEREAS; New York State Service Award Programs are governed by Article 11-A of the General Municipal Law which provides that any amendment to a Service Awards Program shall be subject to a mandatory referendum of the eligible voters residing within the East Clinton Fire District to determine if such amendment shall be adopted. NOW, THEREFORE, BE IT RESOLVED, that Section 5 of the Program be amended to delete the following sentence: "The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments." Such that Section 5 shall read, in full, as follows: "All service award payments are subject to any adjustment that may be required by application of the Internal Revenue Code for Participants in the East Clinton Fire District Service Award Program to be liable for payment of federal income tax only after that have begun to be paid their Accrued Service Award; and

BE IT FURTHER RESOLVED that all other provisions of the East Clinton Fire District Service Award Program shall not change and the Program shall continue to be administered by the Board in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time; and

BE IT FURTHER RESOLVED that this resolution is adopted subject to approval of the eligible voters residing within the East Clinton Fire District at a special election to be held on May 8, 2018.

And

EAST CLINTON FIRE DISTRICT
RESOLUTION TO AMEND SECTION 6
OF THE
EAST CLINTON FIRE DISTRICT SERVICE AWARDS PROGRAM

WHEREAS, eligible votes residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Service Award Program for volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the "Program"); and WHEREAS, Section 6 of the Program provides, in full, that "A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain nonforfeitable right to his or her accrued Service Award) after he or she earns and does not permanently forfeit Service Award Program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 55 while an Active Member; or is

awarded a Service Award Program total and permanent disability benefit payment or dies.” And

WHEREAS, the Board desires to amend the Program such that Section 6 of the Program provides, in full, that: “A Participant’s accrued Service Award shall become fully vested (i.e. a Participant shall obtain nonforfeitable right to his or her accrued Service Award) after he or she earns and does not permanently forfeit Service Award program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 62 while an Active Member; or is awarded a Service Award Program total and permanent disability benefit payment; or dies; and entitlement age is herein defined as 62 years of age, which amendment to the Program would have no increase in the estimated annual cost per covered participant; and

WHEREAS, New York State Service Award Programs are governed by Article 11-A of the General Municipal Law which provides that any amendment to a Service Awards Program shall be subject to a mandatory referendum of the eligible voters residing within the East Clinton Fire District to determine if such amendment shall be adopted.

NOW, THEREFORE, BE IT RESOLVED, that Section 6 of the Program be amended to read, in full, as follows: A Participant’s accrued Service Award shall become fully vested (i.e. a Participant shall obtain nonforfeitable right to his or her accrued Service Award) after he or she earns and does not permanently forfeit Service Award program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 62 while an Active Member; or is awarded a Service Award Program total and permanent disability benefit payment; or dies; and entitlement age is herein defined as 62 years of age”, and

BE IT FURTHER RESOLVED that all other provisions of the East Clinton Fire District Service Award Program shall not change and the Program shall continue to be administered by the Board in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time; and

BE IT FURTHER RESOLVED that this resolution is adopted subject to approval of the eligible voters residing within the East Clinton Fire District at a special election to be held on May 8, 2018.

Section 2. The notice of such special election shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL ELECTION
EAST CLINTON FIRE DISTRICT
TOWN OF CLINTON
DUTCHESS COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that, pursuant to Article 11 of the New York State Town Law, a special election of the qualified voters of the East Clinton Fire District will be held on May 8, 2018, at the East Clinton Fire District Firehouse, 9 Firehouse Lane, Clinton Corners, New York, between the hours of 5:00 P.M. and 9:00 P.M. for the purpose of voting by ballot on the adoption or rejection of the hereinafter two (2) Propositions pursuant to resolutions adopted by the Board on March 14, 2018:

PROPOSITION ONE

SHALL THE RESOLUTION, ADOPTED BY THE EAST CLINTON FIRE DISTRICT BOARD OF FIRE COMMISSIONERS ON MARCH 14, 2018 AMENDING SECTION 5 OF THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM BY DELETING THE FOLLOWING SENTENCE:

“THE \$20 MONTHLY LIFETIME PAYMENT SERVICE AWARD SHALL BE INCREASED TO \$30 AFTER AND ONLY IF THE INTERNAL REVENUE CODE IS AMENDED TO PROVIDE CONSISTENT FEDERAL INCOME TAX TREATMENT FOR BOTH \$20 AND \$30 SERVICE AWARD PAYMENTS”

SUCH THAT SAID SECTION 5 SHALL READ, IN FULL, AS FOLLOWS:

“ALL SERVICE AWARD PAYMENTS ARE SUBJECT TO ANY ADJUSTMENT THAT MAY BE REQUIRED BY APPLICATION OF THE INTERNAL REVENUE CODE JFOR PARTICIPATNS IN THE EAST CLINTON FIRE DISTRICT SERCICE AWARD PROGRAM TO BE LIABLE FOR PAYMENT OF FEDEAL INCOME TAX ONLY AFTER THAT HAVE BEGUN TO BE PAID THEIR ACCRUED SERVICE AWARD.”

BE ADOPTED?

PROPOSITION TWO

SHALL THE RESOLUTION, ADOPTED BY THE EAST CLINTON FIRE DISTRICT BOARD OF FIRE COMMISSINOERS ON MARCH 14, 2018 AMENDING SECTION 6 OF THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM SUCH THAT SAID SECTION 6 SHALL READ, IN FULL, AS FOLLOWS:

“A PARTICIPANT’S ACCRUED SERVICE AWARD SHALL BECOME FULLY VESTED (I.E. A PARTICIPANT SHALL OBTAIN NONFORFEITABLE RIGHT TO HIS OR HER ACCRUED SERVICE AWARD) AFTER HE OR SHE EARNS AND DOES NOT PERMANENTLY FORFEIT SERVICE AWARD PROGRAM SERVICE CREDIT FOR AT LEAST FIVE (5) YEARS OF ACTIVE VOLUNTEER FIREFIGHTER SERVICE; OR, ATTAINS AGE 62 WHILE AN ACTIVE MEMBER; OR IS AWARDED A SERVICE AWARD PROGRAM TOTAL AND PERMANENT DISABILITY

BENEFIT PAYMENT; OR DIES, AND ENTITLEMENT AGE IS HEREIN DEFINED AS 62 YEARS OF AGE.”

BE ADOPTED?

Section 3. Upon this resolution taking effect, the Fire District Secretary is hereby authorized and directed to give notice of such special election by publication of the notice described herein once in the Northern Dutchess News, a newspaper having a general circulation in said Fire district, the first publication to be not less than twenty-seven (27) nor more than thirty-four (34) days prior to the date of such election.

Section 4. The polls will be kept open for the purpose of voting during the aforesaid hours. Only residents registered to vote with the Dutchess County Board of Elections on or before April 9, 2018, shall be eligible to vote.

Section 5. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Russell	Aye		

Motion carried 5-0. The resolution was thereupon declared duly adopted.

The legal notice will be posted on the website. There was some discussion regarding the time of the vote which is required to be 6:00 to 9:00 p.m. but can start earlier. Commissioner Calame would like it earlier to accommodate all the voters so the Board agreed to a time of 5:00 to 9:00 p.m.

The secretary was instructed to order the list of registered voters from the Board of Elections. The Board of Commissioners will need to review it. As far as election inspectors, Tony, who was in the audience, agreed to be the Chairman, and the secretary will contact Pat Mastri and Janet Habershtock to act as election inspectors. Nancy Cunningham has also been an election inspector in the past if needed. Mr. MacLeod will draft the legal notice and the ballot and provide a summary of what this vote is about which is two items: whether or not to eliminate the \$30 per month and to change the entitlement age from 55 to 62. Voters must be registered voters and the Board will provide absentee ballots and affidavits.

NEW BUSINESS:

- Inspection dinner on April 21st – Oscar Edward Olson Jr. has achieved 50 years of active participation in the Fire Department. It is appropriate for the District to provide some type of gift in recognition of this service.

A motion to authorize funds up to \$300 for the Company’s inspection dinner in addition to that which is in the budget was made by Chairman Forschler and seconded by Commissioner Weiland.

Commissioner Weiland	Aye	Commissioner Calame	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye
Commissioner Russell	Aye		

Motion carried 5-0.

Chairman Forschler will contact the Department. This amount will be reimbursed to a Department member by voucher.

- Audit – Commissioner Weiland opened the bids received in response to the RFP for an accountant for the 2017 audit. A cost proposal and detailed technical proposal was received from Theodore Eglit, CPA who did the audit last year and from O’Connor Davies. The Eglit bid was \$3,800 and the O’Connor Davies bid was \$16,000. There was some discussion about the issues with the Eglit audit of 2016 but Commissioner Weiland thought they could be worked out. Mr. Passikoff will have to work closely with him. Hiring Mr. Eglit for the audit will allow a smooth transition from 2016 to 2017.

A motion to accept the offer from Theodore Eglit to perform an audit for five consecutive years at \$3,800 a year was made by Chairman Forschler and seconded by Commissioner Weiland. Commissioner Weiland said the commissioners should share their concerns with Mr. Eglit. Commissioner Calame said the language in the LOSAP plan regarding contingent liability should not have gone unnoticed and Mr. Eglit did not pursue this.

Commissioner Weiland	Aye	Commissioner Russell	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Nay
Commissioner Calame	Nay		

Motion carried 4-1-0. Commissioner Weiland will liaise with Mr. Eglit.

- Safety Committee – Commissioner Trzcinski said this Board needs to think about who should be the lead person on the Safety Committee. It is an edict from Perma that we shall have one and Commissioner Trzcinski is leaning towards Commissioner Russell. To be effective, the committee should include people from rank and file and officer staff and provide quarterly communication. This will be further discussed at the April meeting.

Public Comment: None

ADJOURN

A motion to adjourn the meeting at 10:10 p.m. was made by Commissioner Calame and seconded by Commissioner Weiland.

Commissioner Calame	Aye	Commissioner Weiland	Aye
Commissioner Russell	Aye	Chairman Forschler	Aye
Commissioner Trzcinski	Aye		

Motion carried 5-0

The next meeting of the Board of Commissioners will be held on Wednesday, April 11, 2018.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District