

EAST CLINTON FIRE DISTRICT

April 15, 2020

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:00

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Michael DiGiacomio
Russell Tompkins
Robert Trzcinski

COMMISSIONERS ABSENT:

ALSO IN ATTENDANCE:

Robert Simon, Treasurer

Chairman Forschler called the meeting to order at 7:00 p.m. and explained that this will be a short meeting due to the COVID 19 restrictions in place.

CORRESPONDENCE:

- A thank you note was received for a resident who had called twice for EMS help and included was a check for \$200 – handed to Chief Estes to forward to the Department Treasurer.

MINUTES:

- A motion was made by Commissioner Trzcinski and seconded by Chairman Forschler to accept as amended the minutes from the March 11, 2020 meeting.
 Commissioner DiGiacomio Aye Commissioner Tompkins Aye
 Commissioner Trzcinski Aye Chairman Forschler Aye
 Motion carried 4-0.

FINANCIALS:

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of March 31, 2020 was made by Chairman Forschler and seconded by Commissioner Tompkins with one exception: Check 2974 made out to Air Gas for \$258.17 will be voided and replaced by check 2989 to Air Gas for \$314.17.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio to accept the bank statement for the period ending on March 31, 2020 and in agreement with that noted on the balance sheet as put forward by Mr. Passikoff with no exceptions.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Open House/Inspection Dinner – The open house scheduled for April 25th is cancelled. The secretary will post the notice on the town’s website and the bulletin board outside the FH and the post office and Mr. Simon will post on the website. Under current executive orders, there can be no meetings through May 7th. The dinner is May 9th. They are waiting to see how the restaurant will handle it before cancelling since a deposit has been made. If the ban is extended, the restaurant will have to refund the deposit. If we cancel prior to that, they may not refund.

A motion was made by Commissioner Trzcinski and seconded by Commissioner DiGiacomio giving Chairman Forschler the authority and responsibility to do what is appropriate regarding the district’s inspection dinner.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Abstain

Motion carried 3-0.

Stanford Birthday Run – A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize the department to use a vehicle to participate in the Stanford Birthday Run with the understanding that the vehicle used would still be in service.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Service Award Program – Partial and Permanent Disability – The board members have reviewed the resolution that Mr. MacLeod circulated prior to the meeting. Commissioner Trzcinski said the resolution looks good. Going forward, it enables the board to get involved with partial permanent disability and set time limits. We don’t have that right now. The key phrase is C.2 which states “In the event the medical professional determines and certifies that such firefighter is no longer totally disabled and is therefore able to perform some, or all, of the duties of an active volunteer firefighter, the Board may determine that the benefits available to such firefighter pursuant to the provisions of New York State General Municipal Law Article 217.c.viii and the Plan, as amended, shall cease. Commissioners DiGiacomio and Tompkins had no reservations.

The following resolution was moved by Commissioner Trzcinski and seconded by Chairman Forschler, to-wit:

WHEREAS, the 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 active 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, the provisions of the Program regarding firefighter participation, benefits earned and paid, and Program operation must be formerly stated in a written East Clinton Service Awards Program Plan Document (hereinafter the “Plan”), and

Whereas, the East Clinton Fire District Board of Fire Commissioners duly adopted such a Plan on January 27, 2010, which Plan remains in full force and effect; and

Whereas, Article 11-A of the New York State General Municipal Law provides certain benefits for active volunteer firefighters who, inter alia, become either **totally and temporarily** disabled, or **partially and permanently** disabled, and such disability occurs during the course of such firefighter’s service as an active volunteer firefighter; and

Whereas, the East Clinton Fire District Board of Fire Commissioners (hereinafter the “Board”) has determined that it is in the best interests of the East Clinton Fire District to set forth guidelines where an active volunteer firefighter becomes **totally and temporarily** disabled, or **partially and permanently** disabled;

Now, Therefore, Be It Resolved, that effective as of the date hereof, the East Clinton Fire District hereby amends the Plan as to active volunteer firefighters who become **totally and temporarily** disabled, or **partially and permanently** disabled:

- A. In the event an active volunteer firefighter becomes disabled, such disability shall be certified by the New York State Worker’s Compensation Board or other competent authority as approved by the Board.
- B. The Board will accept certification of an active volunteer firefighter’s disability, in one of the following classes;
 - Total and temporary disability,
 - Partial and temporary disability,
 - Total and permanent disability, or
 - Partial and permanent disability.
- C. 1. In the event an active volunteer firefighter is certified as being **totally and temporarily** disabled, the Board shall have the right, at reasonable times and on reasonable notice, to require such firefighter to submit to a physical examination to determine whether or not such firefighter continues to be totally disabled. Such physical examination

shall be conducted by a medical professional approved by the Board, the cost thereof to be borne by the Board.

- C. 2. In the event the medical professional determines and certifies that such firefighter is no longer totally disabled and is therefore able to perform some, or all, of the duties of an active volunteer firefighter, the Board may determine that the benefits available to such firefighter pursuant to the provisions of New York State General Municipal Law Article 217.c.viii and the Plan, as amended, shall cease.
- C. 3. In the event such firefighter's temporary disability exceeds two (2) years, then such firefighter shall be deemed to be totally and permanently disabled, and shall have all the benefits of such disability as provided for in Article 11-A of the New York State General Municipal Law, and the Plan, as amended.
- D. 1. In the event the active volunteer firefighter is certified as being **partially and permanently** disabled, the Board shall, as soon as practical, and in light of the active volunteer firefighter's certified disability, determine such firefighter's ability to perform all, or some, of the duties of an active volunteer firefighter. Such determination may include, but is not limited to, considerations such as:
- which tasks said firefighter may, or may not, perform;
 - the length of time such tasks may be performed;
 - the conditions (heat, cold, rain) under which such tasks may be performed;
 - the classification of such firefighter; to wit, interior, exterior, support, fire police, etc.
- D. 2. In connection with the foregoing determination, the Board shall have the right, at reasonable times and on reasonable notice, to require such firefighter to submit to a physical examination to determine the continued extent of such firefighter's partial disability and the effect of such disability on such firefighter's ability to perform some, or all, of the duties of an active volunteer firefighter. Such physical examination shall be conducted by a medical professional approved by the Board, the cost thereof to be borne by the Board.

- D. 3. The Board shall provide such firefighter, in writing, the Board's determination as to such firefighter's ability to perform some, or all, of the duties of an active volunteer firefighter. In the event the Board determines that such firefighter's partial disability does not prevent such firefighter from performing some, or all, of the duties of an active volunteer firefighter, the benefits available to such firefighter pursuant to the provisions of New York State General Municipal Law Article 217.c.viii and the Plan, as amended, shall cease.

- E. If the Board determines that any disabled firefighter is unable to perform any of the duties of an active volunteer firefighter, then such firefighter shall be deemed to be totally and permanently disabled, and shall be entitled to the benefits of a totally and permanently disabled firefighter pursuant to Article 11-A of the New York State General Municipal Law, and the Plan, as amended.

- F. Nothing herein shall prejudice any active volunteer firefighter from the benefits as provided pursuant to Article 11-A of the New York State General Municipal Law, and the Plan, as amended.

It Is Further Resolved that the Plan be amended pursuant to this Resolution and this Resolution is hereby incorporated into and become a part of the Plan as paragraph 18. C.

It Is Further Resolved that the provisions of the Plan Document of the East Clinton Fire District Service Award Program, as hereby amended, are hereby ratified and the Program shall continue to be administered by the Board in accordance with the Plan and Article 11-A of the New York State General Municipal Law, as amended.

It Is Further Resolved that, pursuant to Paragraph 26 of the Plan, a copy of this Resolution shall be distributed to all persons who participate or are eligible to participate in the East Clinton Fire District Service Award Program, and that such distribution be satisfied by posting this Resolution in not less than two (2) conspicuous places within the East Clinton Fire District Firehouse.

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

Stephen N. Forschler, Chairman	Aye
Michael DiGiacomio	Aye
Russell Tompkins	Aye
Robert Trzcinski	Aye

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

Membership – Chairman Forschler said there are two EMT’s who have their applications in for membership.

- Ari Meisal lives near the intersection of Clinton Corners and Route 82 which is out of district. He has 7 years as an active EMT and has cleared the background check and his physical.

A motion was made by Commissioner Trzcinski and seconded by Commissioner DiGiacomio to accept Ari Meisal as an EMT. Chairman Forschler said he has met him and he is an outstanding individual and Chief Estes agreed.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- Steven Browne has completed the EMT course and passed the practical test. He can’t take the written test yet due to COVID so can’t function independently as an EMT but can act under the direction of other EMT’s. Chairman Forschler said the department wants to get him active and responding and using his skills working with the current EMT’s. He has cleared the background check and his physical. As far as the written test, the state has started doing computer testing but there is a wait. He lives on Smith Road in Pleasant Valley so is out of district.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to accept Steven Browne as an EMT acting under the direction of the current EMT’s until he passes the written test.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- Commissioner Trzcinski pointed out that new members need to be notified in writing that they are part of Tier 2 in LOSAP. Chairman Forschler said he will handle that.

Remote meeting – Chairman Forschler asked the commissioners if they are interested in trying a remote meeting. There are also applicants for the commissioner’s open seat that need to be interview. The commissioners agreed and it was decided to do a practice run on Wednesday,

May 6th at 7:00 p.m. and schedule the May 13th board meeting as a remote web-ex meeting. All commissioners would have to review the vouchers prior to.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the meeting on Wednesday, May 13, 2020 at 7:00 p.m. will be a web-ex type of meeting and the secretary and treasurer will notify the public by posting a legal notice in the Northern Dutchess News and posting the notice on the district website and to Carol Mackin for posting on the town website, on the bulletin board outside the firehouse and at the post office. The notice must provide the necessary information for the public to join the meeting. All commissioners must review vouchers and bills beforehand and the meeting will need to be recorded.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Ambulance Calls – Commissioner Trzcinski asked what procedures are being followed as far as protection from COVID. Chairman Forschler said we are treating every EMS call with full precautions whether it’s a possible or definite COVID call. We have reduced responders to only those absolutely needed on the scene which means we are doing more with less. We are taking all proper precautions and preparing the appropriate required documentation. Chief Estes said we are currently not doing any training but will make it up when we can.

Town of Washington – There was some discussion about the Town of Washington and how they are handling the additional coverage areas that the ECFD is no longer under contract to cover such as Upton Lake School. Chairman Forschler said this board approached the Town of Washington Board with an offer to provide coverage to Upton Lake School but they said not to worry about it – they have it covered. Commissioner Trzcinski said if Chief Estes takes a call at the Upon Lake School, this board won’t say anything.

Firehouse Cleaning - Commissioner Trzcinki asked Chief Estes if he needs the board to approve to have someone come in and scrub the firehouse down and Chief Estes said not yet, it is still premature.

Public Comment:

Arthur Weiland said he went on the website and could not find the schedule for the meetings for this year or the minutes for this year and offered his help on the website. Mr. Simon said that information is there but is not highlighted. He will take care of that. Mr. Weiland said the next meeting should be prominent on the webiste. Mr. Weiland also offered to help Commissioner Tompkins with setting up his computer for the webex meeting on the 13th.

A motion was made by Commissioner DiGiacomio and seconded by Commissioner Tompkins to adjourn the meeting at 7:25 p.m.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Trzcinski	Aye	Chairman Forschler	Aye

Motion carried 4-0.

The next regular meeting of the Board of Commissioners will be held on Wednesday, May 13, 2020 at 7:00 p.m. and will be a remote meeting.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District