

EAST CLINTON FIRE DISTRICT

June 10, 2020

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:00

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Michael DiGiacomio
Kevin Ferrio
Russell Tompkins
Robert Trzcinski

COMMISSIONERS ABSENT:

ALSO IN ATTENDANCE:

Robert Simon, Treasurer
Jim Passikoff, signed off at 7:15 p.m.

Chairman Forschler called the zoom meeting to order at 7:00 p.m. and explained to the public the process of reviewing the Vouchers and Financials and welcomed the new commissioner, Kevin Ferrio. Commissioner Ferrio has taken the oath so is ready to participate in tonight’s meeting.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to appoint Kevin Ferrio as the commissioner to fill the third year of Barney Calame’s term through the end of 2020.

Commissioner Trzcinski Aye
Commissioner Tompkins Aye
Commissioner DiGiacomio Aye
Chairman Forschler Aye
Motion carried 4-0.

CORRESPONDENCE:

- Notice for First Responder Newspaper – does the district wish to continue receiving a department bundle (6 copies) for \$85 per year. Chief Estes said one bundle is plenty. Mr. Passikoff noted that the \$85 was paid on March 11, 2020.
- RBC Statement – Commissioners copied.

MINUTES:

A motion was made by Commissioner Trzcinski and seconded by Commissioner Tompkins to accept the May 13, 2020 regular meeting minutes as amended.

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

Motion carried 4-0-1.

FINANCIALS:

Having reviewed the vouchers, a motion to pay the bills per the abstract dated as of May 31, 2020 was made by Chairman Trzcinski and seconded by Commissioner Tompkins.

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

Motion carried 5-0.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to accept the bank statement for the period ending on May 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 Trzcinski	Aye
Commissioner Ferrio	Aye	Chairman Forschler	Aye
Commissioner Tompkins	Aye		

Motion carried 5-0.

AUD Status - Mr. Simon sent the sent a copy of the AUD to the auditors and he copied Chairman Forschler who said his telephone number is incorrect. The AUD was filed a month ago. Mr. Simon can copy anyone else who wants a copy.

Independent audit – Mr. Simon said the auditors submitted a request for 17 items. Thus far, he has sent in 5 of those items. He has to scan several invoices and hopes to have that done by the end of the week. Mr. Passikoff said the auditors are working remotely so whatever they need, we scan and send. Mr. Passikoff said there is a chance to make the June 30th date. Chairman Forschler said he will call a special meeting if necessary to get the audit filed by June 30th.

FIRE POLICE: Tim Odell – Not present.

DEPARTMENT:

Car 1 – Don Estes – Monthly Calls: 10 Year to Date: 40

- We have performed a number of drive-bys for children’s birthdays, Memorial Day, graduations, etc. and the feedback from the public has been very positive. Everyone is very appreciative. Another positive is that it’s good to run the equipment and get in some driver training.
- The drill is on June 16th and will include a hazmat module, SCBA, and decon. We will break up into small groups as we have been doing. We are doing quick calls on the first Monday of the month and splitting everything up as we still have to do rig checks and SCBA checks. We have one Monday night that is meeting night. That leaves us two Mondays a month to do additional training in addition to the drills so we are up and

running with training. We are generally a small group but if we get a large group, we do the training outside. This has worked out very well.

- This Saturday we will be re-certifying on the bail out which is mandatory annually.
- The Cascade system will be serviced this Friday afternoon.
- The grant form to the DEC for the forestry gear has been filled out. The gear must be delivered before he can get the grant. The application is due June 30th and Chief Estes said he was guaranteed the gear would be delivered before the end of June.
- Driver recertification has started up again. We are about 75% done.
- The hose test had to be rescheduled to July 30th.
- Chairman Forschler added that he has participated in a few drive-bys including on Memorial Day where they covered a vast majority of the town. He said people were encouraging, waving flags, holding their hand over their hearts – it was very moving.

Car 2 – Jim Bathrick – Chief Estes covered it all.

Car 3 – Kevin Russell – Not present.

SUPPORT: Not present.

EMS - Susan deHaan Monthly Calls: 7 Year to Date: 48

- We have had no COVID calls.
- The EMS drill topic for Tuesday is TBD but will include a review of overdoses and Narcan.
- Calls are still at 100%.
- Ari Meisel has jumped in with both feet.
- Stephen Browne is scheduled to take his written test next Tuesday.
- Both Ms. deHaan and Mr. Simon have completed the first two levels of administrative training for getting the ESL system configured and will then be doing the user training on Monday morning which is another three hours and then a little practice before we go live.
- Commissioner Trzcinski asked how many EMT's will be on line within the next 30 days. Chairman Forschler thought six or seven and Ms. deHaan agreed.

SAFETY – Chairman Forschler

- A meeting was not held in May. We are hoping to be able to schedule a meeting the end of June and get some zone inspections done and go over any accidents or close calls that may have occurred.

Defined Contribution Plan filing update – Commissioner Trzcinski said this is pretty much finished up. Mr. MacLeod sent a letter to Penflex who accepted it. There is a letter in the mail to the district secretary that the Defined Contribution Plan is certified and we are good to go for

new members or any other members that were not in the old Defined Benefit Plan as of January 1, 2020.

Cancer Insurance – Commissioner Trzcinski said a number of years ago, the New York State legislature passed a law that requires all fire districts in NYS to provide cancer insurance but it's not medical cancer insurance, it is gap cancer insurance. There is a death benefit involved for all interior firefighters that did not have cancer when they joined up and have five years of FIT tests. If the firefighter is an exterior but was an interior that met that qualification, they are also covered. If either of these classifications of firefighters leaves a district, the district is required to cover them for five years after they leave. After that time, they can purchase the insurance on their own. The law was created predominantly by insurance companies and there are significant problems with it. Mr. MacLeod has recommended that we do not engage. Commissioners Trzcinski and Tompkins met with the district's new insurance provider and read through the contracts and found there are some clauses included that are problematic. As a result, the district has not engaged up to this point. However, most districts have engaged and according to Linda Flanagan, the insurance representative, the insurance company has paid out to various people. According to her, the district provides the insurance company with the number of people that they want covered, no names, and when a claim comes in, the insurance company will let the district know if they will cover the claim. East Clinton, along with other districts, is self-insuring. Also, the basic coverage does not cover lung or liver cancers which are the two most common cancers that firemen experience. The full coverage, including lung and liver, is about \$188 per member for the year. The basic coverage is about \$147 per member per year. Chairman Forschler asked Chief Estes how many interior firefighters do we have right now that are active. Chief Estes said we have eight active interior firefighters and two previous interior firefighters. Commissioner Tompkins said he thought we had discussed this and opted to go with the basic. Commissioner Trzcinski thinks it is a waste of money not to have lung and liver. Commissioner Tompkins said the firefighters need five years to get this insurance. Commissioner Trzcinski said the law can override that. He thinks it is the right thing to do whether or not they have five years if they are or were interiors. It's not that much money. The money the firefighters save the taxpayers just by doing this is significant. Testing for cancer when firefighters joined districts didn't happen years ago. Commissioner Tompkins is in favor of sticking with the five year requirement.

A motion was made by Commissioner Trzcinski that the district purchases 10 insurance slots for the cancer insurance with the enhanced coverage for the currently active interior firefighters and previous interior firefighters who have been interiors for five years. Chairman Forschler seconded for the purpose of discussion. He asked Chief Estes of the eight firefighters who are currently interior, are there any who have not been active interiors for five years? Chief Estes replied no. Chairman Forschler said his concern is being self-insured might be posing a liability to the district and he does not think for this amount of money we should risk that.

Commissioner Trzcinski said he thinks a judge would lean towards paying the firefighter and the district would lose in court. Chairman Forschler reiterated we currently have eight active interiors and two active exteriors who are former interiors, all who have met the five year

requirement and Chief Estes said that is correct. Commissioner Tompkins said as long as they have all met the five year requirement, I am in favor of it but if they have not met the five year requirement, I am not. Chairman Forschler asked Commissioner DiGiacomio if he had any questions or concerns and he did not, Commissioner Ferrio said he is catching up here but it makes sense to him. There was no further discussion.

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

Motion carried 5-0. Commissioner Trzcinski will call Linda Flanagan and asked that Chief Estes submit a list of the eight currently active interiors and two former interiors to the district secretary to be attached to the minutes. We will go with the number of 10 and Ms. Flanagan will submit an invoice.

ISO Rating – Chairman Forschler and Commissioner Trzcinski went through the list of addresses. Chairman Forschler modified the list because Schultzs Road is not passable 12 months out of the year. He contacted Todd Martin from West Clinton and he thinks they are meeting this evening as well which is why he has not heard back from him. Chairman Forschler’s intent was to set up a meeting where we could discuss a contractual relationship whereby West Clinton would be responding to all addresses at the northern end of the district for anything that could be a potential structure fire. Chairman Forschler said according to the numbers Chief Estes has accumulated, it looks like West Clinton responded to 39 situations from 2018 to the present under mutual aid on first alarm on first dispatch. It looks like 33 of the 39 were automatic fire alarms. Commissioner Trzcinski said the insurance company is going to want the AFA in the contract. Chairman Forschler agreed and said the hope of this whole exercise is to be able to get the lowest ISO rating for the houses at the northern end of the district that are outside the five miles from the East Clinton firehouse down to a more reasonable eight and a half or so as opposed to ten. The concern is next summer when Fiddler’s Bridge Road is out of commissioner for several months. Many residents will be in excess of the five miles even from the West Clinton Station including Maple Lane, Tobin Drive, Pumpkin Lane, Grissom Place, and Spruce Lane. Chairman Forschler suggested in anticipation of hearing back from Todd Martin, the district should appoint two commissioners to discuss the issue. He suggested himself and Commissioner Trzcinski with help from Chief Estes and asked if there was any opposition to that. Commissioners Tompkins, DiGiacomio and Ferrio all agreed as they have been working on this all along and have more knowledge than anyone else. Chairman Forschler will approach Todd Martin again if he does not hear back from him shortly to get a meeting lined up. Commissioner Trzcinski said this is going to take some time anyway and involve a few go arounds.

Facilities Committee – Chairman Forschler suggested appointing Eliot Werner as a community member to the Facilities Committee. This committee needs to re-start and develop a project plan and an approach, i.e. is there a need, what is the need, and how to present this need to the public. Chairman Forschler hereby appoints Eliot Werner as a member of the community to

the Facilities Committee. He asked Mr. Werner if he was in agreement and he was. The members of the committee are community representatives Eliot Werner, Bill Baldwin and Arthur Weiland and department representatives Don Estes, and Kevin Russell. Now we need two commissioners. The commissioners were DiGiacomio and Calame. Commissioner DiGiacomio stepped away and Commissioner Calame resigned as a commissioner. When asked, Commissioners Tompkins and Ferrio agreed to serve on the committee. Chairman Forschler appointed Commissioner Ferrio as the chairman of the committee. All committee members need to get their contact information to Commissioner Ferrio. Chairman Forschler will provide Bill Baldwin's information. The goal is to have by the July board meeting some kind of project plan in place, meaning the sequence of events that the committee will go through in order to establish the need and present the need to the public. We do not expect answers in July, just what steps do we have to take. What we have is a 65 year old facility which is, in many people's opinion, deficient in many aspects. For an expansion to be considered, there are many new safety requirements that have come into play since this facility was built. It is almost frightening to pull a truck out of the bays because there is about two inches of clearance for the tanker. Chairman Forschler said one of the steps should be finding out what the safety requirements are, finding out how we are potentially deficient relative to those requirements, and how that can be mitigated. We have to go through this exercise in order to give the public a reasonable perspective as to what the requirements are and show them how we are deficient in meeting those requirements. Why would I, as a member of the public, vote to borrow two, three, or four million dollars to build a new facility if these questions are not answered. The district has an obligation to go through this exercise correctly and to develop a reasonable approach. Again, we are not looking for any answers in July but rather, the approach. Mr. Werner asked how he could arrange for a walk through of the firehouse. People are always there Monday nights or Chief Estes said he would do a walk through with Mr. Werner.

SPT/Firehouse Lane Intersection – Chairman Forschler said all commissioners have received a copy of the letter he wrote to Mr. Balkind at the Department of Public Works and asked if anyone had any questions. Commissioner Tompkins asked if they typically would respond. Chairman Forschler said Mr. Balkind has in the past responded to our letters and suggested this be put on the July agenda.

Active Member Roster – Ed Olson and Kim Klemenko were not present. Ms. Buechele said she had emailed Ms. Klemenko the changes to the AMR and just received the updated roster and will forward to all commissioners.

District Policies – Physical Requirements/Drug Testing – Commissioner Ferrio received a copy of the draft of both policies. Chairman Forschler suggested the discussion around these policies be put off until the July meeting when Mr. MacLeod will be present. He asked if everyone had a chance to review the draft policies and if anyone had any questions or comments. Commissioner Trzcinski said he had a number of comments but wants to circulate them to the commissioners and Chief Estes. Chief Estes did not receive a copy of the draft policies so

Commissioner Trzcinski forwarded them to him. Chairman Forschler suggested everyone review these drafts and communicate any comments or questions to Mr. MacLeod prior to the July meeting.

Active Member Policy – Chairman Forschler explained that last year, the board passed an active member policy which laid out certain minimum requirements to allow members to continue to participate which include a physical, six drills with an OSHA component to each for safety, the NYS required modules relative to topics such as sexual harassment in the workplace, workplace violence, HIPPA, and a requirement to make 5% of the calls, either fire or EMS. Subsequently, the board made some remedies for people who were deficient relative to active member requirements which include if you miss two drills or modules, you have two months to make them up in the following year; if you miss making 5% of calls and you've met the other requirements, you have two months to make 10% of the calls. If you are more than two drills short, you have to re-apply. If you can't be an active member because you didn't pass the physical, you need to get into the situation where you can pass the fire department physical and if you don't get a physical within two months of the end of October, then you are terminated, not a member anymore. If there are extenuating circumstances, take it up with the chief. These were recommendations and are not part of the policy. As soon as the district secretary receives notification that a member has not passed their physical, that information must be conveyed to the chief and the member must be notified that he or she can no longer be active until he or she gets a return to duty physical by TEK. Commissioner Trzcinski said from the moment that person fails the physical, they are no longer active and they have the responsibility of taking themselves off of the active list. It's not when the chief tells them, it's when the TEK person says they have not passed. There have been instances when there has been a gap. Chairman Forschler said that is correct, you don't typically hear whether you passed or failed at the time of the physical. That communication goes from TEK to the district secretary to the chief. Commissioner Trzcinski said that needs to be reviewed by Mr. MacLeod because it looks like there is a gap in communicating the physical results and that is a liability. Chairman Forschler said the remedy for failing your physical is the person gets that taken care of and gets a return to duty physical from TEK. He said we don't have a remedy for when you are having a life happens year and cannot maintain the 5% call level. Commissioner Tompkins said he thought the board agreed that if a member did not meet the 5%, they would go to the chief and be able to make up 10% of the calls within the first two months of the year. Chairman Forschler said we talked about it but didn't put it in a resolution and get it in the policy manual.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that the active member policy be amended so that a person who has not in the previous calendar year made the minimum 5% of calls be counseled by the chief in the early part of the new calendar year and monitored with the intention of achieving a 10% participation rate in either EMS or fire calls for a minimum of three months at which point it comes to the board for a review with the chief staff as to whether the active membership should be continued. Commissioner Trzcinski said he remembered this had been discussed before and thought it was for a shorter

period of time but it was the chief who was going to monitor this and set up the regulation and see that they were complied with and if they were achieved. Chairman Forschler said yes, but it never became policy.

Commissioner Trzcinski	Aye	Commissioner DiGiacomo	Aye
Commissioner Ferrio	Aye	Chairman Forschler	Aye
Commissioner Tompkins	Aye		

Motion carried 5-0.

LOSAP NYS Bill in light of COVID 19 situation – Commissioner Trzcinski does not think this has been voted on yet but it is getting closer. Commissioner Trzcinski explained the bill which would allow some leniency in granting LOSAP points because of people’s perceived inability to participate due to COVID. Mr. MacLeod recommended that we wait to make this decision until January. Chairman Forschler is in favor of waiting and asked if anyone had any reservations about waiting until January. No one had any reservations.

Emergency One/TEK – Chairman Forschler said nothing has been received from Mr. MacLeod so we will move this to July.

ZOOM Meeting Requirements – Chairman Forschler said NYS allows these kinds of meetings during the pandemic but there are certain requirements. The video and the transcription are to be made available within two weeks of the meeting. We fell down a bit on this one but there is a link on the website with the video and the transcription of the last meeting. With the goal of meeting the letter of the law, Chairman Forschler asked Mr. Simon to make sure the video and transcription of tonight’s meeting be posted on the website by June 24th. Commissioner Trzcinski suggested that the facilities committee may want to use the Zoom account to hold their meeting rather than meeting in person.

Annual Inspection Dinner – Chairman Forschler said last month we discussed utilizing a different venue given the pandemic such as holding an outdoor picnic which would involve a different set of expenses such as a caterer. He thinks the dinner will hold less meaning for people who should have been recognized in April if we wait much past July.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski that given the same rules as the annual dinner, we authorize the department dinner committee to plan a picnic or some other kind of outside venue in order to meet the current restrictions and recognize the people that we would normally do at the annual dinner in April or May. Commissioner Trzcinski said we have budgeted a certain amount for the annual dinner. The company can decide what they want to do, one big dinner or multiple smaller dinners, up to the budgeted level. Chairman Forschler said he is good with that. Commissioner DiGiacomo said there is no problem with coming in under budget either. Commissioner Trzcinski said once a year, the fire district pays for an inspection dinner and we budget for a certain amount. It is a big thank you to all the firemen. In the recent past, we pulled back on the expenditures we

have allowed so, especially in a COVID year, they should be able to handle it the way they want to. Commissioner Tompkins said he would like to see it as one event with the required social distancing. He thinks multiple events would take away from the idea. Chief Estes said he doesn't know the numbers that would be able to attend in July. Chairman Forschler said he thinks one event would be able to be accomplished even maintaining the six feet.

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

Motion carried 5-0.

Dumpster Expense – Commissioner Trzcinski said he saw the charge from Welsh this month for \$145 so he called them. You can get a smaller sized dumpster that should still meet our needs for half that price. Welsh said the other fire districts in this area have a dumpster half the size of ours for \$80 a month. It's worth trying it and if the smaller one doesn't work out, we can always go back to the larger one.

A motion was made by Commissioner Trzcinski and seconded by Chairman Forschler that the district exchange the large dumpster for a smaller one for the price of \$80 a month. Commissioner Tompkins asked if anyone is monitoring if the dumpster is full or half empty every month? Someone in the company should be the one commenting on this. Does Chief Estes know what it is being used for? Commissioner DiGiacomio said we should know what it is used for and to what capacity before it goes out. Chief Estes said the dumpster is not his circus and not his monkey and he doesn't know what goes in it or what the capacity it is at each week.

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

Mr. Simon will contact Welsh Sanitation. Chairman Forschler asked Chief Estes, even though this is not his circus or his monkey, but if he finds that there is not enough capacity with the smaller dumpster, to please let the board know. And while the big dumpster is there for the remainder of this month, we should fill it up.

Commissioner's Class – Chairman Forschler asked Commissioner Trzcinski to work with Commissioner Ferrio in finding a new commissioner's class. Commissioner Tompkins said he took his on line. Its one segment one day and another segment another day. The fee was \$125. Commissioner Trzcinski said some information just came in on a class which he will forward to Commissioner Ferrio.

Public Comment:

Arthur Weiland asked if the letter to the DPW suggested installing a light at that intersection. Chairman Forschler said yes, he asked for a light that could be triggered from inside the vehicle so that when we pull out, the light will turn green for us and red for oncoming traffic.

Commissioner Trzcinski commented to Mr. Werner that part of the Facilities Committee will be looking at activating the road in the rail bed as an exit.

A motion was made by Commissioner Tompkins and seconded by Commissioner Trzcinski to adjourn the meeting at 8:30 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, July 15, 2020 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District