

EAST CLINTON FIRE DISTRICT

September 16, 2020

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:00

COMMISSIONERS IN ATTENDANCE:

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

COMMISSIONERS ABSENT:

ALSO IN ATTENDANCE:

Robert Simon, Treasurer
Jim Passikoff, signed off at 7:40 p.m.
Roderick MacLeod, Attorney for the Board, arrived at 8:15 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.

CORRESPONDENCE:

- Check to the East Clinton Fire Co. for \$75 from the Salt Point Volunteer Fire Company in memory of Clarence Bathrick – To department
- Handwritten letter – Unsigned.
- Postcard to East Clinton Fire District – re: Legal Notice – Door Latch Settlement
- Ford Service Flyer – to Mr. Russell
- New York Wildfire and Incident Management Academy Oct. 15-26, 2020 – to Chief Estes
- From Ready Refresh dated 8/12/2020 – Price increase – to Mr. Simon
- From Pinsky Law Group – Human Resource Law 101 – October 14, 2020 9 – 5
- From Hudson Valley Volunteer Firemen’s Association – Past President Dinner honoring Jack Delaney – Saturday, January 23, 2021
- Wilmington Trust Statement of Account for June 1, 2018 through August 31, 2020 – Commissioners copied
- RBC Account Statement from August 1, 2020 through August 31, 2020 – Commissioners copied
- Check to the department from Jean McAvoy with a thank you letter – to Chief Estes

MINUTES:

A motion was made by Commissioner Fierro and seconded by Commissioner Trzcinski to accept the August 12, 2020 regular meeting minutes as presented.

Commissioner Trzcinski	Aye	Commissioner Fierro	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Commissioner DiGiacomio Aye
Motion carried 5-0.

FINANCIALS:

A motion was made by Commissioner Trzcinski and seconded by Commissioner DiGiacomio to pay the bills per the abstract dated August 31, 2020. Chairman Forschler said a bill has been received from A-1 Communications for \$65.00 for an adjustment to the siren and a bill from the NYS Association for Fire Chiefs for three fire members. Both of these will be paid next month.

Commissioner Trzcinski	Aye	Commissioner Fierro	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye
Commissioner Tompkins	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 August 31, 2020 and in agreement with that noted on the balance sheet as put forward by Mr. Passikoff with no exceptions.

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

Motion carried 5-0.

Independent audit – The representation letter was signed and Mr. Simon received a soft copy of the audit, no hard copy. Mr. Passikoff will call the auditor tomorrow for hard copies. Mr. Passikoff explained what the auditors considered significant deficiencies. Number 1 was the bank reconciliations involving the handling of one check. They objected to the way we recorded a pre-paid expense. The December checks were out of sequence, one was recorded in 2020 which made the balance incorrect. It was a 2020 expense but the check was written in 2019 so we should have just waited until 2020. Mr. Simon will be more careful with the way he handles the checks. The solution is Mr. Simon will make sure the vendors submit the invoices on time but if any come in late, we will make sure it is handled correctly. Number 2 involved fixed assets. Mr. Passikoff said what they are objecting to is that last year, you got rid of a vehicle and it was in two pieces on the fixed asset schedule. Mr. Passikoff did not know the other piece was still there – he only knew about one piece. Technically, we had three trucks rather than two so we sold a vehicle but did not take it off the fixed asset schedule. The fixed asset schedule is used to do the audit and he adjusts the financial statement to agree with that. Chairman Forschler said so we as a board should review the fixed asset schedule as part of the financials sometime in January/February prior to the audit. The fixed assets are on paper. The third item was a control deficiency involving interfund transfers. Mr. Simon said the board overspent the permissive referendum and had to correct that. It has been corrected. The fourth item is the annual financial reporting, the AUD. Mr. Passikoff did not know what was wrong with the debt, he thought the debt agreed with our schedule. Mr. Passikoff has always put the bank balances on and never worried about outstanding checks. The collateral was fine. The district has savings accounts and checking accounts and anything above \$250,000 has to be

collateralized. Also, there is an energy schedule in the audit asking for how much you paid for different energy sources and there were no units reported. It wasn't readily available so they submitted without it. Mr. Passikoff said the ECFD is so low, it's nothing to worry about. Mr. Tompkins asked how serious are the discrepancies the auditors found? Mr. Forschler said the check inappropriately recorded just needs to be avoided in the future. We need to review the fixed asset schedule as a board. The board should review the audit before it is submitted. Mr. Passikoff said you can get an extension on the audit, review it at the March meeting, then submit. Commissioner Trzcinski asked if we can get the energy audit data sets just to quiet that. Mr. Simon will work on that with Mr. Passikoff. Commissioner DiGiacomio asked why the auditors have not presented this report in person so we can ask them questions. Mr. Passikoff said this is an odd year due to Covid. They normally come to the firehouse and give the report. This year they didn't go to anyone. You could set something up over Zoom. Commissioner DiGiacomio said in the future, they should be here to present the audit. Chairman Forschler said we can write a communication when the audit is complete stating we want a representative to appear in person to discuss the findings. The commissioners agreed this is a good idea. Chairman Forschler will send a letter to Jennifer George, the partner in charge of this project. We have an obligation to file the audit with the state comptroller and get a copy to the town hall. Mr. Passikoff said we can send a PDF copy which is the state's preference. He will work with Mr. Simon on that. Mr. Passikoff and Mr. Simon will send the copy to the comptroller's office and the secretary will send the audit to the town hall. The board agreed a response letter should be sent. Chairman Forschler will write up a letter stating the treasurer will be more careful with dating checks, the board will review the fixed asset schedule in February and the audit in March. Mr. Passikoff said the state gets the audit, not the management letter. The management letter goes to the district.

Wilmington Trust – Mr. Passikoff said the letter that came today was the collateral statement with Wilmington. Wilmington is the Trust Department of M and T Bank; it is a big investment house. The Bank of Millbrook has over collateralized what the bank balances are for the ECFD. What was on that schedule showed over a million dollars for cash. Right now, at the end of August, we have \$978,000 in the Bank of Millbrook, total cash, so the collateral would be less. Commissioner Trzcinski asked if the increase in collateral costs the district more per year and Mr. Passikoff said it is a cost to the bank, it doesn't cost the district anything. It probably means the interest rate is a little lower than what it could be. We are fully collateralized and more. They strive to have 110% of what the balance is.

Preliminary Budget – Chairman Forschler said we came up with a good budget as a result of the two workshops. The full amount to be collected from taxes is \$539,875 which represents a decrease of almost 1.51%.

A motion was made by Commissioner Trzcinski and seconded by Commissioner DiGiacomio that the board accept the preliminary budget of \$540,025 in expenses of which \$539,875 will be raised by real estate taxes which is a 1.5% decrease with a total decrease of \$8,160 and authorizes the secretary to file it with the town.

Commissioner DiGiacomio	Aye	Commissioner Fierro	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Commissioner Trzcinski Aye

Motion carried 5-0. Commissioner Trzcinski would like to see verification that the town has received the budget. Mr. Passikoff will email the secretary the preliminary budget to file with the town. The budget must be filed by September 24, 2020.

FIRE POLICE: Tim Odell – Not present.

DEPARTMENT:

Car 1 – Chief Don Estes – Monthly Calls: 11 Year to Date: 72

- We are looking for Mr. MacLeod to draw up a disclaimer for us to release the surplus extrication equipment. Chairman Forschler said in excess of a year ago, we declared the first set of jaws from the 80s surplus and looked for a buyer and found no interest. Chief Estes has found a department south of Buffalo and they would like the equipment. Chairman Forschler asked Mr. MacLeod to draw up a letter releasing the district from all liability and asking them to accept all liability.
- The workplace violence and sexual harassment modules were well attended.
- All drills, OSHA, and mandatory training have been completed by 80 to 85% of members. We will continue to have two drills a month. We will offer a one-time make up class to members who are missing modules. If someone gets the same training at their place of employment, as long as they turn in a certificate, they receive the credit for the training, just no LOSAP points.
- Surplus equipment – we have had the water rescue boat for 10 years and have never had to use it in an emergency situation. It is taking up valuable, much needed space. We also have the original fire prevention trailer that is empty and sitting in the parking lot as well as the air hammer tool that we had to take off the rig which we have never used in an extrication. This is three items we can surplus and put out for bid with the money going back into the district coffers. We would have to put these items up for posting, remove them from inventory, and take bids.
- The physicals are October 6 and 22nd. Most members have signed up. Those who have not will be informed they have to go to TEK themselves. The list is posted with sign up sheets specifying who is on the active member list and therefore eligible for a physical.
- We are meeting the standards very well and are where we need to be. We have the first two months into the next year if someone absolutely can't make the OSHA training.

Car 2 – Jim Bathrick – Not present.

Car 3 – Assistant Chief Kevin Russell

- There are two people left to complete the driver training re-certification.
- He will let the ABS plate on 38 ride for a bit.
- Premier knows about the gate valve on 38.

- They had the dumpster here, cleaned out, and it was filled to the gills. It's gone now.
- Commissioner Trzcinski asked how the new certification is going with the rehab unit per the new policy. Mr. Russell said fine, it is occurring. Commissioner Trzcinski reiterated that it is policy that by the end of the year, support members have to be certified on the operations of the rehab vehicle and sometime next year, they need EVOC and have to be certified in driving.

Commissioner Trzcinski asked if the district requires 100% completion for all members of the sexual harassment/workplace violence modules. Chairman Forschler said at this point, it is just active members. Commissioner Trzcinski said according to Mr. MacLeod, if you are a member of the company, the district has responsibility for 100% attendance. Chairman Forschler will address with Mr. Olson.

Commissioner Trzcinski asked if all active members will have a physical in October. Chairman Forschler said that is correct. At this point, everyone needs to be on the October schedule. People who got their initial physical a couple of months ago will have to get one again in October.

SUPPORT: Not present.

EMS - Susan deHaan (Bob Simon for Susan) Monthly Calls: 15 Year to Date: 79

- They will be giving a CPR class and a Narcan class and are switching from Heart Saver to BLS.
- The computer in the back of the ambulance is not working correctly as far as the control mechanism for the lights, AC and suction device. We can control the lights and AC from the front computer and will just be using the portable suction device if we need it. It was sent for repairs. If it can't be repaired, we will need a replacement which is between \$2,000 and \$5,000. Chairman Forschler said last month we passed an addendum to the procurement policy specific to repairs on vehicles so this would apply. Use the dollar limits set last month.

SAFETY – Chairman Forschler

- There was a brief safety meeting in August. He is owed two zone reports.
- The first eight months of the year we had one recordable injury, none in the last quarter and no close calls of which he is aware.

Surplus Equipment – Chief Estes has asked to have the boat, trailer and air hammer surplused. Commissioner Tompkins said while the boat has never been used for a water rescue, what if you have the need for a boat and don't have one? What if there is a flood or a problem in Upton Lake? Is there a benefit to keeping the boat? Chief Estes said we still have the immersion suits, personal flotation devices, rescue rope and all that is needed for a potential

water rescue. We still drill on ice and cold water rescues. We don't have any large bodies of water. The equipment we maintain is sufficient to provide adequate safety for members and the rescue of victims. Chairman Forschler said we have no large lakes, just a bunch of small ponds. Upton Lake is not under our jurisdiction. He said he remembers three water incidents in the last 30 years. Chief Estes recalls four water incidents but none required a boat. Mr. MacLeod has provided us with a guideline on what the requirements are to surplus the equipment. Under \$10K requires a board resolution, greater than \$10K and less than \$50K requires a board resolution and a permissive referendum, greater than \$50K requires a board resolution and a mandatory referendum. Chairman Forschler does not think any of this equipment is worth more than \$10K and Chief Estes agreed.

A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio that the board surplus the boat, utility trailer, and air chisel for the purpose of selling them as unused equipment. Commissioner Trzcinski said we will need the harmless documents for these items and Chairman Forschler said we can re-purpose the one for the jaws.

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

Motion carried 5-0. Chairman Forschler will work with Chief Estes to get these items posted, set the bid due dates for the next meeting where they will be opened publicly at the meeting.

Fire Prevention Demonstrations – The home school place has requested some fire prevention demonstrations. Fire Prevention Week is the week of October 4th. Do we need to grant permission if the demonstrations are within the district? Chief Estes said it is smarter and better off if we have the fire prevention demonstrations done on the premises rather than going out. The home school was in our former protection district so he said it's not in our district. He will do demonstrations in the district during Fire Prevention week.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to authorize the department to supply fire prevention demonstrations and activities in accordance with Fire Prevention Week for the month of October.

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

Motion carried 5-0.

Facilities Committee Update – Chairman Forschler said he forwarded the names of a couple of architects to Commissioner Fierro who said he has the names but has not had the opportunity to pursue contacting them yet. Chairman Forschler asked him to try to make contact and ask how they would approach this and provide a procedure. We are looking for an evaluation of our facility and someone to guide us in the process. They would be motivated with the idea of designing a facility. We want an evaluation of the deficiencies of the current facility and what kind of services they provide. Commissioner Trzcinski said our expectation is that they know all

of the PESH, OSHA and NFPA rules for a firehouse so we don't miss something important. Chief Estes and Assistant Chief Russell will work with Commissioner Fierro on this. Commissioner Fierro will get in touch with the architects and do the preliminary discussions with himself and/or Chief Estes. Commissioner Tompkins is part of the Facilities Committee and said Commissioner Fierro, Mr. Russell, Chief Estes and himself would be enough to include for initial conversations. Mr. Simon has given Commissioner Fierro a key fob for the firehouse which has been activated.

West Clinton Agreement – Chairman Forschler said West Clinton has declined any kind of an idea of a contract. He forwarded to them the sample language we used for the Town of Washington contract that was in place. They still declined. Chairman Forschler is seeking advice as to how to continue to pursue this. Residents' ISO ratings are headed in the wrong direction. We want to do what we can to keep their ISO ratings down at a reasonable level and do what we can as a district to provide the most optimal fire protection coverage as possible. Commissioner Trzcinski suggested going into executive session at the next meeting and discussion. Chairman Forschler suggested schedule a special meeting for the executive session only on Thursday, October 1st at 7:00 p.m. This date was good with Mr. MacLeod. The meeting will be posted as a special meeting and will be opened and the board will adjourn to executive session immediately for contractual negotiations and confidential personnel issues which will be the only items on the agenda.

TEK Contract – Chairman Forschler said Lisa from TEK made a couple of changes in cost of services provided but no substantial changes.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski authorizing Chairman Forschler to sign on behalf of the district this contract with TEK Medical Services noting the changes for the new costs for services provided. Commissioner Trzcinski asked if Chief Estes has seen this. Chief Estes has seen the contract and is okay with what we are asking them to look for.

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

Motion carried 5-0.

District Policies – Chairman Forschler asked what policies the board would like to tackle next or should Mr. MacLeod just start ticking them off. The board would like Mr. MacLeod to look at the book and determine what the next burning issue is. If an issue pops up with a board member, he can let Mr. MacLeod know. Commissioner Trzcinski said there is some conflicting verbiage such as with physicals where it states members can go to their own physician and a few other items like that in conflict with what we have updated recently so asked that he keep that in mind going through the book.

Active Member Roster – The secretary sent an updated roster to all board members yesterday. Chairman Forschler said we should have one master document with all the information on it. Three columns need to be added to the AMR for cancer status for interior firefighters, date of departure for interiors maintaining on the list in an inactive status for five years, and the LOSAP status. Chairman Forschler and Commissioner Trzcinski will take a stab at it.

Membership Process – Chairman Forschler stated the current process which is the company submits to the district the application and permission to do a background check. At that point, the secretary processes the background check. When we receive a clean background check, he asked Mr. MacLeod what should happen. Mr. MacLeod said many district approve the firefighter contingent on his/her passing the physical and the background check. The 40 days start at the board meeting when you receive the application, when it is handed from a company representative to the district secretary. It has to be at a board meeting. The application is the company document and the two applications for a background check. Whatever the district requirements are for a company application, that's what needs to be included. Chief Estes said he has no problem with that. It shows the diligence of the individual applying. Chairman Forschler reiterated - the clock starts at a board meeting or zoom meeting when we take receipt of the application with the documents that allow us to do a background check. At the next board meeting, we vote to accept that person contingent on them passing a physical or reject that person. The person will not receive a physical until the board votes or until the 40 days pass. Commissioner Trzcinski said sometimes a problem will show up on a driver's license – should we know that? Chairman Forschler said the LENS program does not give previous history. He is notified only when an event occurs. He asked Mr. MacLeod if the board needs to know about previous DWI's or excessive speeding. Mr. MacLeod said you do want to know what kind of a driver you are getting and the LENS program does not provide a history. That search is not normally done. Commissioner DiGiacomio asked if the insurance company does a DMV check before someone is allowed to drive. Commissioner Trzcinski said they do not. Chairman Forschler said we don't allow people to come right in and start driving equipment so we will establish a history. Commissioner Trzcinski said then we won't reinvent the wheel if it's not normally done. Mr. MacLeod said there should be a time limit for the physical such as a member is approved pending a physical within the next 21 days. If the member does not get a physical within 21 days, his application is denied. Commissioner Trzcinski asked should this be a policy change. Mr. MacLeod will make the changes to the policy for board review at the September meeting.

Commissioner Trzcinski said the County Fire District meeting at the West Clinton Fire Station is still open for attendance. All commissioners can still sign up and attend in person or via zoom.

Chief Estes said there are three interior firefighters who expressed an interest to attend training for fire behavior on the inside. The cost would be 3 x \$200. The training is in East Skodack. Mr. MacLeod said the training needs to be reported to the state fire administrator because it is out

of the county – the fire chief does that. Mr. MacLeod will send Chief Estes an email on how to do that. Chief Estes said they have not been cleared for the class yet – it might be full.

A motion was made by Chairman Forschler and seconded by Commissioner Trzcinski to approve 3 x \$200 for the three firefighters to attend this training. Commissioner Trzcinski asked if we want to open it up for up to 5 and Chief Estes said it will only be the three.

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

Motion carried 5-0.

There was no additional new business.

Public Comment:

Eliot Werner said the person who does the website work for the town is paid \$300 per month. He said the ECFD website may be less as it is smaller and possibly less work. Chairman Forschler said our budget amount was in that ballpark. Mr. Werner said he sent Chairman Forschler an email with the details.

Kevin Russell, speaking as a taxpayer, asked why are we spending money on an engineering report on the firehouse when we already did that. We know what’s wrong. Chairman Forschler said the engineering study we got is biased and we cannot present a biased document to the public. The study we got did not include any reference to PESH, OSHA or any other requirements. We need to do a thorough job of documenting the need for a firehouse to the public. It is an important part of the process. Commissioner Trzcinski said it is part of getting the taxpayers trust which is very important in this effort. We know intuitively that the firehouse is not adequate but the public doesn’t know that.

A motion was made by Commissioner DiGiacomio and seconded by Chairman Forschler to adjourn the meeting at 9:20 p.m.

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

Motion carried 5-0.

The next regular meeting of the Board of Commissioners will be held on Wednesday, October 14, 2020 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District