

EAST CLINTON FIRE DISTRICT

May 11, 2022

COMMISSIONERS MEETING – FINAL

Regular Meeting 7:00

COMMISSIONERS IN ATTENDANCE:

Stephen Forschler, Chairman
Michael DiGiacomio
Howard Shapiro
Russell Tompkins

COMMISSIONERS ABSENT:

Kevin Fierro

ALSO IN ATTENDANCE:

Robert Simon, Treasurer
Roderick MacLeod, Attorney for the Board, arrived at 8:00 p.m.

Chairman Forschler called the meeting to order at 7:00 p.m. and the board recited the Pledge of Allegiance.

CORRESPONDENCE:

- Various insurance policy amendments and a credit in the amount of \$981.00 - Chairman Forschler will look into this.
- From Crown Energy – Heating System Cleaning – Summer Discount – to Mr. Simon
- RBC 1st Quarter report for 2022 (commissioners copied) and the April 2022 issue of Global Insight – to Commissioner Shapiro
- Penflex Annual Report for the Defined Contribution Plan and the invoice for \$1,400 - Commissioners Copied
- Month-End Collateral Statement from M&T Bank – to Mr. Simon
- 2022 State of the County
- 2022 Assessment Notification – Net change +\$16,800 – to Ms. Buechele
- From FASNY – 2nd Annual 5K Running Toward the Flame event, June 25, 2022, Hudson Jr./Sr. High School Registration Information – to Ms. Thompsett
- From FASNY – 150th Annual Convention of the Firefighters Assoc. of the State of NY, Tarrytown, August 10-13th Registration Packet – is available for anyone who is interested.
- Donation in memory of Kevin Russell in the amount of \$50.00 – to Ms. Thompsett
- From SiriusXM for the new Ford
- Insurance Credit for VFIS – due to the truck being paid off. The 2016 Ford was removed and the 2017 Ford was added.

MINUTES:

A motion was made by Commissioner Tompkins and seconded by Commissioner Shapiro to approve the regular meeting minutes of April 13, 2022 as presented.

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

FINANCIALS:

A motion was made by Commissioner DiGiacomio and seconded by Commissioner Tompkins to pay the bills per the abstract dated April 30, 2022 with no discussion.

Commissioner Shapiro Aye Commissioner DiGiacomio Aye
Commissioner Tompkins 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 April 30, 2022 and in agreement with that noted on the balance sheet as put forward by Mr. Passikoff.

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

Independent Audit – Mr. Simon said all the paperwork is in except we are waiting to hear from Mr. MacLeod on the public health emergency policy pursuant to NYS Labor Law 27-c. Mr. Simon will contact the auditor tomorrow to see what the timing for completion is.

Bank Statements - Chairman Forschler noted that Mr. Simon made the transfers for the reserve fund allocations and surplus allocation as per the discussion at the April meeting.

Defined Contribution LOSAP – Chairman Forschler noted that we made the defined contribution payment of \$1,400 for points earned for two individuals at \$700 each for 2021. If those same individuals earn the 50 points this year, the contribution will be \$1,200 per person. The Glen Falls National Bank and Trust Co. maintains those funds as opposed to RBC who maintains the funds for the defined benefit plan.

FIRE POLICE: No representative present.

DEPARTMENT:

Cars 1 – Don Estes Monthly Calls: 18 Year to Date: 41

- A-1 picked up all the pagers and portable radios. They tossed what was outdated or not fixable and provided batteries for those that need them. We now have a full contingency of operating chargers, portables and pagers. We do not need to purchase any.
- We are looking to replace 14 sections of various size hose for \$4, 498, the ripper windshield glass cutter for \$875; 6 carbon monoxide meters for \$958.50; three fire pro

thermal cameras with cases for \$2,501.97 for chief officers arriving on scene first so they can do a quick evaluation for a total of \$8,833.47 which is down \$1,684.48 from last year.

- Chief vehicle is in service. An excellent job was done setting up the command post on the back. We are waiting for lettering – the company is backlogged.
- ISO information will be discussed later.
- No date is set for the drill. We are looking at doing a scene preservation class with one of the county fire investigators.
- West Clinton has their own frequency and it was the last frequency available. They have a license. We can piggyback on the West Clinton frequency. It is \$400 to \$600 to do the programming. It's a repeater. The frequencies are more utilized in a non-emergency. It is informal and not monitored by the county. You would not use it on a fire ground frequency. The repeater will cover the entire district. Chief Estes will find out what tower they will use.
- Community day will be discussed later.
- The SCBA flow test is scheduled for the end of May.
- Boy Scout Eagle Project – The Boy Scouts would like to clear an area on the adjacent property where the proposed new firehouse would go and put a bench there in memory of Ed Olson. They have not provided the scope of the project yet and they will need to provide the appropriate insurances. There were no concerns from the commissioners.
- Pump training is Monday nights.
- Chris Gammone will now be the member taking the vehicles to be serviced. 38-12 will be going in Friday for one day.
- The Upton Lake Christian School will be doing a road race on May 21st at 8:30. Chief Estes would like to take 38-71 and will do a little traffic control.

A motion was made by Chairman Forschler and seconded by Commissioner Shapiro to authorize the department to be on standby at the Upton Lake Christian School on Saturday, May 21, 2022 from 8 a.m. until the race ends.

Commissioner Tompkins	Aye	Commissioner DiGiacomio	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- Millbrook Memorial Day Parade – Chief Estes would like to bring 61 to have representation there.

A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to authorize the department to participate in the Millbrook Memorial Day Parade on Monday, May 30, 2022 and to take one vehicle over for the parade services.

Commissioner Tompkins	Aye	Commissioner DiGiacomio	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- Millbrook Carnival Parade – Chief Estes would like to take the hose cart and possibly another vehicle to the carnival on July 9, 2022.

A motion was made by Chairman Forschler and seconded by Commissioner Shapiro to authorize the department to participate in the Millbrook Carnival Parade on July 9, 2022 and to take the hose cart and possibly one vehicle for the parade services.

Commissioner Shapiro	Aye	Commissioner DiGiacomio	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to authorize the purchase of hoses to replace the hoses that have failed the test and that have been used in a structure fire in the amount of \$4,498.00.

Commissioner DiGiacomio	Aye	Commissioner Shapiro	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to purchase a glass cutter for windshields in the amount of \$875.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio to purchase six portable CO detectors in the amount of \$959.00.

Commissioner DiGiacomio	Aye	Commissioner Tompkins	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

- A motion was made by Chairman Forschler and seconded by Commissioner Tompkins to purchase three thermal memory cameras, one for each district officer to carry in their personal vehicle for scene assessment in the amount of \$2,502.00.

Commissioner Shapiro	Aye	Commissioner Tompkins	Aye
Commissioner DiGiacomio	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Car 2 – Jim Bathrick – Not present.

Car 3 – Chris Gammone – Not present.

Support: Not present.

EMS - Susan deHaan Monthly Calls: 12 Year To Date: 49

- We have received our re-certification from the state which is good for two years.
- The drill will be on Tuesday, May 17th at 6:00 and will be on Narcan training. Commissioners are welcome to attend.

- AED's - We have become aware that the Phillips FR2 model is becoming obsolete and we cannot get pads anymore. We have 10 AED's in service in the district with one on each vehicle plus two spares. The Medical Warehouse has suggested we go with the Lifepack 1000. News ones are \$2,500 to \$3,000 apiece but they do come refurbished. Medical Warehouse recommended Master Medical for refurbished units which are \$1,500. We are looking into this to phase in new units. We currently need three. Chairman Forschler said as per the purchasing policy, the quote has to say that any new units are at state bid which means we don't need competing quotes. Ms. deHaan said the refurbished unit is the same as a new unit and will have a warranty. Commissioner Shapiro said we should know the difference between the warranty for the new unit and the refurbished unit. Chairman Forschler confirmed that all the defibrillators are in working condition and we have pads for them and they are on the vehicles so we are not deficient at all. Ms. deHaan said the pads are still viable - we test them. Ms. deHaan will follow through on the warranties.
- 38-7 will be going into the shop for brakes and the annual inspection.

Membership – Maryann Thompsett, Company President

- All offices were sworn in at the annual dinner.
- She handed an application for a new member to the secretary for a background check. If the applicant passes the background check, she will be sent for a physical. We have 40 days to vote on accepting this person into membership. This person is a weekend and summer resident who is a trained EMT which will be very helpful.
- Jim Ruffell, Sr. wants to come back. He was authorized to go to TEK for his physical and he put in his letter to go from life retired to fire police. The AMR will need to be changed to reflect the addition.

Generator PM Quote – ElectricAce has provided a quote for annual preventative maintenance for the propane generator in the amount of \$689. There is an option for a silver upgrade with a second visit for an additional \$229 and an option for a gold upgrade with a third visit for an additional \$229. Chairman Forschler said this is something that needs to be done annually. Mr. Simon said it was \$329 last year. The generator comes on automatically if the power goes out and everything runs. Commissioner Tompkins thinks the basic is good and the commissioners agreed.

A motion was made by Commissioner DiGiacomo and seconded by Commissioner Tompkins to approve the quote from ElectricAce dated April 21, 2022 for the base preventative maintenance on the on the external auto start generator and to authorize Chairman Forschler to sign the agreement and to authorize Mr. Simon to send a check for \$689 to ElectricAce along with the signed contract.

Commissioner Tompkins	Aye	Commissioner DiGiacomo	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Recovered Funds – We have received the two checks from the recovered funds from Utica National: \$122 and \$3,153.18.

Unrecovered Funds – Commissioner Shapiro did a thorough search to investigate the potential for other unclaimed funds through the NYS Comptroller’s office which yielded nothing.

Insurance Status 38-1 - We received the insurance reimbursement for the installation of the radio on 38-1.

Explorer extended warranty – We received extended warranty quotes from Northeast for 38-1. There was no paperwork attached to the quotes on what is covered. The commissioners all agreed there is no need for an extended warranty

Equipment Recovered – The equipment was recovered from Brandon Maisonet.

Cancer Insurance Roster – The cancer insurance invoice was paid in March but the roster needs to be updated. The secretary will update the roster and send to the insurance company.

Community day – Town of Clinton Community Day will be held on Saturday of Labor Day weekend, September 3rd. Chief Estes said this will provide great exposure to the fire district, company and membership, and the town highway department will be doing a lot of clearing and improving on the adjacent parcel that we would have had to do anyway. We will have that area to utilize during the day and after the parade. It’s a great opportunity for exposure and for fire and EMS to do demonstrations. Chief Estes did a walk-through of the property with Todd and Melissa to identify any hazards that need fixing. We are considering doing an extrication and a fire extinguisher simulator and EMS will be doing CPR. There will be a parade. The company will have to get a liquor license to sell beer for the day and the insurance rider. None of the commissioners objected to the work the town will be doing; Chairman Forschler will check with the insurance company on the work and if a temporary rider is needed for the amount of public that may be here. There were no objections from any of the commissioners on the activities planned and all agreed this is a great opportunity. There were no objections to the company getting the liquor license and serving beer. This has been done in the past so is not precedent setting. The parade is at 4:00, there will be fireworks later on and different events throughout the day. The beer will be controlled and served in a fenced off area which has been done in the past.

A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio to authorize the department to sell beer at the Clinton Community Day on September 3, 2022 contingent upon the company getting the temporary liquor license and the insurance rider at the expense of the department. Commissioners Shapiro and Tompkins voiced concerns about

selling beer to the public and questioned who will monitor the situation if someone has had too much to drink but did not disapprove of it.

Commissioner DiGiacomo	Aye	Commissioner Shapiro	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Motion carried 4-0.

The next community day meeting is on May 26th at 6:30 and will be at the historical society building. All are welcome to attend.

Emergency Preparedness Law – Mr. MacLeod said there were two new laws put into place due to Covid – one was the emergency preparedness law and the other was the heroes act. The heroes act does not apply to public entities. The emergency preparedness law applies to fire districts if they have employees. An employee is someone who works for hire. Volunteer fire departments do not work for hire. This district has three employees that work for hire. However, some courts have held that because there is some benefit, ie. LOSAP, it could be considered working for hire. It is not a clear line. Mr. MacLeod thinks that it would be best to have an operations plan in the event of certain declared public health emergencies pursuant to NYS Labor Law 27-c. He distributed the draft law and the board reviewed it.

Commissioner DiGiacomo suggested instead of addressing communicable disease, just keep it public health emergencies. Mr. MacLeod said the title says certain declared public health emergencies which would be a communicable disease. This policy would not be used for every health emergency, only ones involving a communicable disease.

Operations Plan in the Event of Certain Declared Public Health Emergencies

Pursuant to New York State Labor Law 27-c

POLICY STATEMENT

It is the policy of the East Clinton Fire District ("Fire District") to provide an Operations Plan in the event of a declared public health emergency pursuant to New York State Labor Law 27-c. This Policy and Plan shall guide Fire District personnel for the continuation of operations in the event that the Governor of New York State declares a public health emergency involving a communicable disease. In order to comply with the requirements of Labor Law 27-c the Fire District hereby adopts this Policy and Plan.

DEFINITIONS

- a. "Personal protective equipment" shall mean all equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gowns and aprons.
- b. "Essential" shall refer to a designation made that a Fire District employee or voluntary member of the fire department operating under the authority of the Fire

District is required to be physically present at an emergency, non-emergency or other Fire District response, on-duty event or other work site to perform his or her job.

- c. "Non-essential" shall refer to a designation made that a Fire District employee or voluntary member of the fire department operating under the authority of the Fire District is not required to be physically present at an emergency, non-emergency or other Fire District response, on-duty event or other work site to perform his or her job.
- d. "Communicable disease" shall have the same meaning as set forth in Labor Law 27-c.
- e. "Retaliatory action" shall have the same meaning as set forth in Labor Law 27-c. For the purposes of this Policy and Plan, voluntary members of the fire department under the authority of the Fire District shall be considered employees.

POLICY AND PLAN

1. Given the nature of the purpose and functions of the Fire District and its personnel as an emergency response agency charged with protection of life and property, all Fire District positions and titles are deemed and considered essential in the event of a state-ordered reduction of in-person workforce.

2. Nevertheless, in the event that any employee shall be determined to be "non-essential" personnel by the Board of Fire Commissioners such non-essential employees may telecommute to the extent practicable considering the nature of the Fire District's mission, function and purpose and the duties of the non-essential employee. The Board of Fire Commissioners shall determine any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable and dependent upon the nature of the work and duties of the designated non-essential employees and the Fire District shall provide such to the employee.

3. The Fire Chief or the Fire Chiefs designee shall establish a written duty or other schedule to stagger duty shifts of essential employees in order to reduce overcrowding at Fire District facilities during emergency and non-emergency responses by Fire District personnel.

4. Based on the nature of the public health emergency involving a communicable disease, the Board of Fire Commissioners shall identify the necessary personal protective equipment ("PPE") appropriate for emergency, non-emergency and other on-duty responses of Fire District personnel. Based on such recommendations, the Fire District shall seek to procure the appropriate PPE.

5. The Board of Fire Commissioners shall identify the specific processes to be taken in the event an employee is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for

such disease, in order to prevent the spread or contraction of such disease in the workplace. Such specific processes shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched. Based on the nature of the communicable disease that is the subject of the public health emergency the affected employee shall be advised to receive testing, treatment, isolation, or quarantine.

6. This Policy shall be reviewed annually by the Board of Fire Commissioners.

7. The Board of Fire Commissioners may amend this Policy, in the Board of Fire Commissioner's sole discretion, at any time and from time to time.

A motion was made by Commissioner DiGiacomio and seconded by Chairman Forschler that the board adopt as written the Operations Plan in the Event of Certain Declared Public Health Emergencies pursuant to NYS Labor Law 27-c. Commissioner Shapiro said he normally would not vote same night but since the law was prepared by counsel and needed for the audit, he agrees in this case. Chairman Forschler agreed.

Commissioner Shapiro	Aye	Commissioner DiGiacomio	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Motion carried 4-0.

A motion was made by Chairman Forschler and seconded by Commissioner DiGiacomio to adjourn to executive session at 8:20 p.m. to discuss employee issues with Mr. MacLeod.

Commissioner DiGiacomio	Aye	Commissioner Shapiro	Aye
Commissioner Tompkins	Aye	Chairman Forschler	Aye

Motion carried 4-0.

A motion was made by Chairman Forschler and seconded by Commissioner Shapiro to return to public session at 8:29 p.m.

Commissioner Tompkins	Aye	Commissioner DiGiacomio	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

Vehicle replacement - Chairman Forschler said the target is to save 1/20th of the vehicle cost each year which equates to \$104,500 every year going into the equipment purchase fund. The 1,09,733 represents the life of the vehicles that has been used. There is \$571,000 in the equipment purchase fund right now. Commissioner DiGiacomcio said we should continue to put money away but also keep the vehicles as long as possible. Many are pre-emission and the emissions are so complicated. Keep the simpler vehicles. Also, the cost of vehicles is skyrocketing. All commissioners agreed. There is no mandate that states you can't operate a vehicle after so many years. This replacement schedule is not a requirement, just a

recommendation. If a vehicle is operating properly, you can't be forced to replace it. Chief Estes said the next vehicle up would be the mini-pumper which would need to be replaced with something but possibly not another mini-pumper.

New business:

Ms. Tompsett said she needs a copy of the Burns application; the secretary will email her a copy. Jim Ruffell was approved to move forward in the process.

Commissioner Tompkins voiced concerns with the cost of building going out of sight and wondered if the timing was right to move forward with a building project. Will the cost of building supplies go down and would it be better to wait? If we get an estimate and costs go down, will they re-evaluate the estimate. Commissioner Shapiro said when the school district went to bid on a project and the costs doubled, they scrapped the project and went with another firm to re-do it. By the time we are ready to move ahead in another year, we will see what the cost of materials are and re-evaluate

Chairman Forschler asked if we go through SEQRA, go to referendum, and get approval for a bond, is there a statute of limitations as to when we spend that money? If the bids are too high, can we wait? Mr. MacLeod said if you get the referendum passed and the bids are too high, don't take any of them. Generally, the bond referendum is good until the last member of the board that got the referendum passed is gone. Commissioner DiGiacomo said we are not at a point where there is no turning back. Chairman Forschler suggested to continue to develop public good will and we can discuss the next steps at the June meeting.

Chief Estes said we are holding this fire department together with spit, a prayer and a promise and the hope for a new firehouse is fueling morale. We did everything the board has asked for including better response. Everything needed to get to this level was done by the membership. Turning back now on the firehouse would blow this membership apart. Chairman Forschler said no one wants to hold back but the escalating costs need to be considered.

Commissioner Shapiro said we should do rough drafts of a basic structure and basic interior and sell the initial design. If we don't move forward and have to go to paid firefighters, the state will come in and force us to re-build and the taxes will go through the roof. Concerns expressed about the costs are 100% right but it's a pendulum. Chief Estes also pointed out that it is a fact that membership tends to increase with a new firehouse. Chairman Forschler said we will move forward at the June meeting.

Public Comment: None

A motion was made by Commissioner DiGiacomo and seconded by Chairman Forschler to adjourn the meeting at 8:40 p.m.

Commissioner Tompkins	Aye	Commissioner DiGiacomo	Aye
Commissioner Shapiro	Aye	Chairman Forschler	Aye

Motion carried 4-0.

The next regular meeting of the Board of Commissioners will be held on Wednesday, June 15, 2022 at 7:00 p.m. at the firehouse.

Respectfully submitted,

Karen Buechele, Secretary
East Clinton Fire District